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

HB 2075

Brief Description: Concerning termination of parental rights petitions.

Sponsors: Representatives Hinkle and Walsh.

Brief Summary of Bill

- Creates an additional aggravating circumstance when the court orders a petition for termination of parental rights to be filed.

Hearing Date: 2/22/07

Staff: Sonja Hallum (786-7092).

Background:

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.

In order to have the child returned to the parent's care and the dependency dismissed, the parent must comply with the orders of the court to address the parental deficiencies which led to the dependency. If the parent fails to make progress in curing the parental deficiencies a termination petition may be filed by the Department of Social and Health Services (Department). The Department must demonstrate that they have made reasonable efforts to unify the family.

The Department does not need to demonstrate that reasonable efforts were made to provide the parents with services to unify the family if aggravating factors exist. The court may order the termination petition to be filed if the following requirements are met:

- The court has removed the child from his or her home;
- Termination is recommended by the supervising agency;

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- Termination is in the best interests of the child; and
- Because of the existence of aggravated circumstances, reasonable efforts to unify the family are not required.

Aggravating circumstances include:

- Conviction of the parent of a serious crime against children, murder of the other parent, or an offense where the child was born of the offense;
- Failure of the parent to previously complete treatment which resulted in the termination of parental rights to another child and there has not been a significant change; and
- An infant under three years has been abandoned.

Once a petition has been filed, the court must then hold a hearing to determine whether to terminate parental rights. The court may order the Department to provide services to the parent even if an aggravating factor exists, if it is in the best interest of the child.

If the court finds the 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.

Summary of Bill:

An additional aggravating circumstance is created allowing a termination of parental rights petition to be filed when eighteen months have passed since the child was removed from the home and the parent has indicated that he or she is unwilling to care for the child or has failed to have contact with the child, even though reasonable efforts have not been made to reunify the family.

Appropriation: None.

Fiscal Note: Requested on February 7, 2007.

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