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

HB 3205

Brief Description: Promoting the long-term well-being of children.

Sponsors: Representatives Jarrett, Walsh, Kagi, Roberts, Hunter, Sullivan, Green, Kelley, Morrell, Chase, McIntire, Seaquist and Kenney.

Brief Summary of Bill

- Provides a set of criteria for assessing whether a child's right to conditions of basic nurture are being met in dependency and termination matters.
- Requires the court to direct the filing of a petition to terminate parental rights when a child has been in foster care for 15 of the past 22 months, unless the court determines there is good cause why a petition should not be filed.
- Adds the concept of a child's long-term well-being as a paramount concern when making reasonable efforts in dependency and termination matters.

Hearing Date: 2/5/08

Staff: Sydney Forrester (786-7120).

Background:

The Federal Adoption and Safe Families Act

The Adoption and Safe Families Act (Act) requires states to have a plan for operating a coordinated system of programs of community-based family support services, family preservation services, time-limited family reunification services, and adoption promotion and support services. A state's system of programs and services are intended to demonstrate reasonable efforts to prevent the need for out-of-home placement, and in cases where out-of-home placement is necessary, to make reasonable efforts to reunify the family, and in cases where reunification is not in the child's best interests, to place the child with a permanent family through adoption.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In cases where children have been removed from home, most cases require the offering of time-limited services designed to facilitate the reunification of the child safely and appropriately. Examples of time-limited family reunification services include individual, group, and family counseling; inpatient, residential, or outpatient substance abuse treatment; mental health treatment; assistance to address domestic violence; temporary child care and therapeutic services, including crisis nurseries; and transportation to or from any of these services or activities. The concept of services being time-limited conveys the need to balance the goal of reunification with the child's needs for safety and permanency, with the child's interests being paramount.

The Act also requires that when a child has been in out-of-home care for 15 of the past 22 months, a petition for termination of parental rights be filed, unless one of three exceptions applies:

- (1) At the state's option, the child is being cared for by relatives.
- (2) The child's case plan documents a compelling reasons why a termination petition would not be in the child's best interests.
- (3) The state has not provided the necessary family reunification services in the time period set out in the case plan.

Meeting the Needs of Children

The Legislature has declared that in making reasonable attempts in dependency and termination matters, the child's health and safety must be of paramount concern. The child's right to basic nurturing includes the right to a safe, stable, and permanent home and speedy resolution of case proceedings.

When children are removed from home in dependency cases, rules adopted by the Department of Social and Health Services (DSHS) specify that foster parents must be able to meet a child's basic needs and have the knowledge and skills necessary to protect and nurture children in a safe, healthy environment with unconditional positive support; support relationships among children and their parents, siblings, and kin; and meet the developmental needs of the child by:

- (1) helping the child cope with separation and loss;
- (2) helping the child build positive attachments to appropriate adults;
- (3) building self-esteem;
- (4) giving positive guidance;
- (5) supporting cultural identity;
- (6) using discipline appropriate to the child's age and stage of development;
- (7) supporting intellectual and educational growth;
- (8) encouraging and modeling positive social relationships and responsibilities; and
- (9) helping the child gain age-appropriate skills for independence.

Timeliness of Dependency Case Processing

While Washington law requires permanency planning and review hearings, and declares a preference for achieving the permanency planning goals before the child has been in out-of-home care for 15 months, there is no requirement for a specific judicial finding on the issue of whether a termination petition should be filed when a dependency case reaches the 15-month threshold and the permanency goal has not been achieved.

A recent review by the Administrative Office of the Courts regarding the timeliness of dependency case processing in Washington examined 82 percent of dependency cases for which

adequate data was available. Of those cases in which a petition for termination of parental rights was filed during 2004, 2005, and 2006 calendar years, 50 percent of cases met this timeliness standard.

Summary of Bill:

When assessing whether a child's right to basic nurture is being adequately protected in dependency and termination matters, consideration must be given to the developmental needs of the child. Responsibilities essential to meeting a child's developmental needs are defined as follows:

- (1) providing the child with positive guidance and support;
- (2) using discipline appropriate to the child's age and stage of development;
- (3) supporting intellectual and educational growth;
- (4) encouraging and modeling positive social relationships and responsibilities
- (5) helping the child build positive attachments to appropriate adults;
- (6) helping the child gain age-appropriate skills for independence; and
- (7) promoting the building of self-esteem.

When a child has been in out-of-home care for 15 of the most recent 22 months, the court must require the filing of a petition to terminate parental rights, unless the court makes a written finding that filing the petition is not appropriate. If the court makes such a finding, it must be reviewed at all subsequent motion and review hearings pertaining to the child.

The concept of the child's long-term well-being is added as a paramount concern when making reasonable efforts in dependency and termination matters.

Appropriation: None.

Fiscal Note: Requested on January 29, 2008.

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