

SENATE BILL REPORT

SB 6306

As Reported By Senate Committee On:
Human Services & Corrections, February 01, 2008

Title: An act relating to visitation rights for relatives of dependent children.

Brief Description: Authorizing visitation rights for relatives of dependent children.

Sponsors: Senators Rockefeller, Fairley, Kline and Shin.

Brief History:

Committee Activity: Human Services & Corrections: 1/18/08, 2/1/08 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6306 be substituted therefor, and the substitute bill do pass.

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

Staff: Jennifer Strus (786-7316)

Background: The juvenile court in a dependency matter has the authority to order visitation between the parent and the child, the child and siblings, and the child and step-siblings. Visitation is the right of the family, including the child and the parent, when visitation is in the best interests of the child.

Summary of Bill (Recommended Substitute): A dependent child's relative may petition the juvenile court for reasonable visitation with the child if the following exists:

- The child has been found dependent under RCW 13.34 or through voluntary relinquishment under the adoption statutes;
- The parental rights of both of the child's parents have been terminated;
- The child is in the custody of DSHS or another public or private agency; and
- The child has not been adopted and is not in a pre-adoptive home or other permanent placement at the time the petition is filed.

The term relative does not include the child's parent.

The court may grant the petition if it finds the above factors have been met, that unsupervised visits between the child and the relative do not present a risk to the child's safety or well-being, and the visitation is in the best interest of the child. In determining the best interest of the child, the court must consider at least the following:

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- The love, affection, and strength of the relationship between the child and the relative;
- The length and quality of the prior relationship between the child and the relative;
- Any criminal convictions for or founded abuse history by the relative of a child;
- Whether the visitation will present a risk to the child's health, welfare, or safety;
- The child's reasonable preference; and
- Any other factor relevant to the child's best interest.

The court may modify the visitation order at any time upon a showing that the visitation poses a risk to the child's safety or well-being. The visitation order must state that it will terminate upon the child's placement in a pre-adoptive home or if a subsequent abuse or neglect allegation is found against the relative.

This petition process is not intended to impair or alter any authority a court currently has to order visitation in a dependency matter.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute): Language added to clarify that petition for visitation process is not intended to impair or alter current authority a court has to order visitation in a dependency matter.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: It is important to many children to have relatives with whom they have a relationship remain in their lives. This bill would allow relatives to petition the court to remain involved in a child's life. It is not intended to be the only method by which a relative can be involved and is not intended to impede the ability of the court to order visitation in other situations.

OTHER: Often extended families are interwoven into the child's life and those relationships should be preserved for the well-being of the child. The real reason relatives are not more involved is because the social workers have unbridled discretion to keep relatives out of the case. Stranger placements are better than relative placements, according to DSHS, because DSHS receives federal money for those placements. It might not always be a good idea to require that the parental rights of both parents be terminated before a visitation petition is appropriate because this requirement could impede the ability of a relative to remain involved in a child's life.

Persons Testifying: PRO: Senator Rockefeller, prime sponsor; Laurie Lippold, Children's Home Society.

OTHER: Mary Meinig, Office of Family and Children's Ombudsman; Dave Wood, Washington Families United; Pat Arrea, Washington Families United; Deone Arrera, parent; Jan Smith, Washington State Extended Family.