

SB 5452-S.E - DIGEST

(AS OF SENATE 2ND READING 3/13/2007)

Provides that a child may petition the juvenile court to reinstate the previously terminated parental rights of his or her parent under the following circumstances: (1) The child was previously found to be a dependent child under chapter 13.34 RCW;

(2) The child's parent's rights were terminated in a proceeding under this act; and

(3) The child has not achieved his or her permanency plan within three years of a final order of termination, or if the final order was appealed, within three years of exhaustion of any right to appeal the order terminating parental rights.

Declares that a child seeking to petition under this act shall be provided counsel at no cost to the child.

Provides that, if, after a threshold hearing to consider the parent's apparent fitness and interest in reinstatement of parental rights, it appears that the best interests of the child may be served by reinstatement of parental rights, the juvenile court shall order that a hearing be held.

Authorizes the juvenile court to grant the petition if it finds by clear and convincing evidence that the child has not achieved his or her permanency plan and is not likely to imminently achieve his or her permanency plan and that reinstatement of parental rights is in the child's best interest. In determining whether reinstatement is in the child's best interest the court shall consider, but is not limited to, the following: (1) Whether the parent whose rights are to be reinstated is a fit parent and has remedied his or her deficits as provided in the record of the prior termination proceedings and prior termination order;

(2) The age and maturity of the child, and the ability of the child to express his or her preference;

(3) Whether the reinstatement of parental rights will present a risk to the child's health, welfare, or safety; and

(4) Other material changes in circumstances, if any, that may have occurred which warrant the granting of the petition.