

HOUSE BILL REPORT

HB 2085

As Reported by House Committee On:
Early Learning & Children's Services

Title: An act relating to promoting more efficient and prompt relative searches for children requiring out-of-home placement in dependency proceedings.

Brief Description: Concerning searching for relatives of children in out-of-home placements.

Sponsors: Representatives Walsh, Kagi and Kenney.

Brief History:

Committee Activity:

Early Learning & Children's Services: 2/17/09, 2/20/09 [DPS].

Brief Summary of Substitute Bill

- Directs the Department of Social and Health Services to contract with a relative search service provider in one demonstration region to identify appropriate and stable placement options for children in dependency cases being removed from home.
- Requires a report back to the Legislature and the Governor by September 1, 2010.

HOUSE COMMITTEE ON EARLY LEARNING & CHILDREN'S SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel, Goodman and Seaquist.

Staff: Sydney Forrester (786-7120)

Background:

Child Dependency Cases and Placement with Relatives and Suitable Persons.

The child dependency statute includes a number of preferences and requirements relating to placing a child who is removed from home with an appropriate relative or suitable person.

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.

An appropriate relative is one who is willing and available to care for and meet any special needs of the child, including facilitating visitation with siblings, if ordered, and who is qualified based on a background check. A suitable person is a non-relative with whom the child or child's family has a pre-existing relationship, who has completed the required background check and appears to be suitable and competent to care for the child, and is willing to cooperate with the requirements of the child's case plan.

During the shelter care hearing for a child who already has been removed from home under an emergency order, the court must inquire as to what efforts have been made to place the child with a relative. If the court determines the child should remain in out-of-home care, the preferred placement is with an appropriate relative. If an appropriate relative is not readily available, the Department of Social and Health Services (DSHS) must, within available resources, try to locate a relative with whom the child can be placed and must document its efforts to locate these relatives. Later in the dependency process, when the court enters the disposition order for a child who is dependent, as a result of a contested fact-finding hearing or based on an agreed order of dependency, the court may order the child placed with a relative or suitable person, but must give preference to placing the child with an appropriate relative. If at the time of the disposition hearing there is not sufficient information to determine the suitability of a proposed relative placement, the DSHS must investigate and conduct a background check and report back to the court within 30 days.

Relative and Suitable Person Search Policy and Practice.

The DSHS policy for the initial relative search includes the following elements:

1. interviews with the parent, child, relatives, and others with whom the child or the family has a relationship;
2. a review of the case files to locate names and contact information regarding relatives or other possible support persons;
3. contacts with friends, school and church personnel, and medical providers who might have information about relatives or other suitable persons;
4. a search of the Department of Health's website for birth certificates, death certificates, and marriage licenses relating to the child's family;
5. a search of other DSHS client databases and collaboration with other DSHS information systems to identify familial relationship history;
6. a request to the court to order parents to disclose contact information for relatives and other suitable persons who might be a placement resource for the child; and
7. for a child who is or may be a member of a tribe, an inquiry to the tribe about relatives of suitable individuals potentially available as a placement resource.

If the initial search is not successful in identifying or locating relative or suitable persons who may be a placement option for the child, the social worker documents the efforts already made and requests a secondary search, which includes reviewing information from other databases, the Department of Licensing, and the client registry. The extended relative search is considered only when the initial and secondary searches have not identified a relative or suitable person and when the child is not already in a permanent placement.

Recent Federal Mandate.

The federal Fostering Connections to Success and Increasing Adoptions Act of 2008 requires states to exercise due diligence and provide notice to all grandparents and other adult

relatives of a child within 30 days of the child being removed from home. An exception is allowed in cases of family or domestic violence. Relatives must be provided with information about:

1. how to participate in the child's care and placement;
 2. how to become a licensed foster parent for the child; and
 3. how to enter into a guardianship agreement (if available in the state).
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Summary of Substitute Bill:

The DSHS must contract with a service provider in one demonstration region to conduct searches for relatives and other suitable persons who may be placement options for children needing out-of-home care during dependency matters. The region selected must be the region with the lowest rate of relative placements.

The contract must:

1. describe the methods to be used for gathering preliminary information about the child, family, and significant relationships and must include gathering information from the parents and the child, where appropriate;
2. include processes and timelines for the contractor to provide the DSHS with names of all persons identified as possible placement options for a child;
3. describe how the contractor will make the initial contact with a placement resource, and how the information from the initial contact will be transmitted to the DSHS for further review and a final determination of whether the potential placement resource meets minimum criteria to serve as the child's out-of-home placement;
4. include necessary elements to comply with confidentiality rules and to assure the search process is aligned with child welfare policies; and
5. specify the performance outcomes to be measured under the contract, the majority of which must directly relate to earlier identification of appropriate and stable placement options for children needing out-of-home care.

Substitute Bill Compared to Original Bill:

The substitute bill replaces the directive for a single statewide contract for relative searches with a requirement for a contract in one demonstration region. The substitute bill requires the DSHS to brief the Governor and the Legislature by September 1, 2010, and recommend whether the same or similar approach should be expanded to other regions.

Appropriation: None.

Fiscal Note: Requested on February 10, 2009. New fiscal note requested on February 20, 2009.

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

Staff Summary of Public Testimony:

(In support) In order to do a better job of placing children with relatives we need to improve our search process. Children should not be raised in out-of-home care by strangers when relatives are available to care for them. The focus should be placement stability overall, striving for a first placement with a relative. The number one challenge is the time needed to conduct effective searches. We could consider adding a requirement for a court hearing to review the efforts made to find relatives for permanent placements.

(Opposed) None.

Persons Testifying: Cindy Hofer, Relatives as Parents Partners; Don Koenig; Edith Owen, Pierce County Relatives Raising Children; and Sharonda Amamilo.

Persons Signed In To Testify But Not Testifying: None.