

FINAL BILL REPORT

HB 2735

C 180 L 10
Synopsis as Enacted

Brief Description: Encouraging the need for representation of children in dependency matters.

Sponsors: Representatives Goodman, Appleton, Rolfes, Seaquist, Finn, Rodne, Williams, Haigh, Pettigrew, Nelson, Darneille, Hasegawa and Ormsby.

House Committee on Judiciary
Senate Committee on Human Services & Corrections

Background:

Children in Dependency.

The Department of Social and Health Services (DSHS) or any person may file a petition in court to determine if a child should be a dependent of the state due to abuse, neglect, abandonment, or because there is no parent or custodian capable of caring for the child. If the court determines the child is dependent, the court conducts periodic reviews and makes determinations about the child's placement and the parent's progress in correcting parental deficiencies.

The court must appoint a guardian ad litem (GAL) for the child unless the court finds the appointment unnecessary. If the child is age 12 or older and requests an attorney, or if the GAL or the court determines that the child needs one, the court may, appoint an attorney to represent the child. The county is responsible for the cost of the attorney.

Reinstatement of Parental Rights.

If the parent fails to take the corrective measures needed for the child to return home safely, the court may eventually terminate the parent's parental rights. A dependent child may petition the court to reinstate the previously terminated parental rights of his or her parent if, among other things, the child is age 12 or older and has not achieved a permanency plan within three years of the final order terminating parental rights. A court may hear a petition filed by a child under the age of 12 upon a showing of good cause. A permanency plan identifies a particular outcome as a primary goal for the child, such as adoption or long-term relative care. A child seeking to petition for reinstatement must be provided an attorney at no cost to the child.

Summary:

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.

The DSHS and the child's GAL must notify a child who is age 12 or older in a dependency proceeding of the child's right to request an attorney and must ask the child whether he or she wants an attorney. The DSHS and the GAL must notify the child every year and upon the filing of any motion affecting the child's placement, services, or familial relationships.

The DSHS must note in the child's service and safety plan, and the GAL must note in his or her report to the court, the child's position regarding appointment of an attorney. The GAL must provide the court with the GAL's recommendation regarding whether appointment of an attorney is in the child's best interests.

The court must also ask a child who is age 12 or older in a dependency proceeding whether he or she has been informed by the DSHS and the GAL regarding the child's right to request an attorney. The court must make an additional inquiry at the first regularly scheduled hearing after the child's fifteenth birthday.

If a child is eligible to petition the court to reinstate previously terminated parental rights and a parent has contacted the DSHS or the child's GAL regarding reinstatement, the DSHS or the GAL must notify the child about his or her right to petition for reinstatement.

Within available resources, the Administrative Office of the Courts (AOC) must develop recommendations for voluntary training and caseload standards for attorneys representing children in dependency proceedings. The AOC must work with the Washington Supreme Court Commission on Children in Foster Care and report its recommendations to the Legislature by December 31, 2010.

Votes on Final Passage:

House	95	0
Senate	47	0

Effective: June 10, 2010