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

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**SSB 6416**

**Brief Description:** Concerning relatives in dependency proceedings.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senators Roach, Hargrove and Stevens).

**Brief Summary of Substitute Bill**

- Establishes a legal presumption that a parent-requested relative placement in a child dependency action is in the child's best interests.
- Grants relative caregivers meeting certain requirements the right to be heard in court on the issue of a dependent child's removal from the relative's home.

**Hearing Date:** 2/23/10

**Staff:** Sydney Forrester (786-7120).

**Background:**

Placement Preferences.

Throughout the child dependency process, the preferred placement for a child needing out-of-home care is with a relative of the child, with a suitable person who has an existing relationship with the child or the child's family, or with a foster family the child was placed with previously, if the child is reentering foster care. Absent good cause, the Department of Social and Health Services (DSHS) is required to follow a parent's wishes regarding placement of a child for whom an out-of-home placement is needed.

The required shelter care hearing notice to parents encourages parents to notify the court and their attorneys regarding placement preferences, including placements with relatives and other suitable persons with whom the child or the child's family has a relationship. At the shelter care hearing and after fact-finding, during the disposition hearing, the court must inquire regarding

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the efforts made to place the child with a relative. During the dependency the court may order visitation between the child and his or her relatives, and in certain circumstances, relatives of a dependent child have the right to petition for visitation with the child.

#### Notice Regarding Change in Placement.

Prior to changing the placement of a child who has resided with a foster parent for 90 days or longer, the DSHS must provide the foster parent with at least five days notice unless:

- the court has ordered an immediate change in placement;
- the child is being returned home;
- the child's safety is in jeopardy; or
- the child is residing in a receiving or group home.

The policy of the DSHS is to also follow this statute with regard to relatives.

#### Recommendations from the Office of the Family and Children's Ombudsman.

In 2008 the Office of the Family and Children's Ombudsman (OFCO) was asked to examine child welfare practice in Colville through a regionally focused systemic investigation. In its May 2009 report of the regional review, the OFCO provided recommendations addressing a variety of issues identified in its investigation, including several recommendations relating to notice, due process, and fairness in working with foster parents and relative caregivers. Specifically, the OFCO report recommended that:

- all caregivers, including foster parents and relatives, be provided with at least five days notice prior to a child being removed from the placement, unless there is an imminent risk of harm; and
- relative caregivers be granted the right to a review of a decision to remove a child who has been in the relative's care for six month or longer.

#### **Summary of Bill:**

At the shelter care hearing and the disposition hearing in child dependency proceedings, a parent's request for a relative placement is presumed to be in the child's best interest so long as the placement does not impede reasonable efforts to reunify the child with his or her parents. The DSHS has the burden of overcoming this presumption by a preponderance of the evidence.

A relative caregiver may petition the court to be heard regarding a decision to remove the child from the relative's care if:

- the child has been found to be a dependent child;
- the parents of the child have consented to the relative filing a petition to be heard on the placement decision;
- the child is in the custody of the DSHS or a supervising agency at the time the petition is filed;
- the DSHS or a supervising agency has decided to remove or has already removed the child from the relative's care; and
- the child had been in the relative's care for 12 months or more prior to the decision to remove or the removal of the child.

The relative may file such a petition within 10 days of learning of the removal decision, or the actual removal of the child from the relative's care, whichever is later.

If the requirements to file a petition to be heard are met, the court must grant the petition to be heard on the sole issue of the placement decision and shall schedule an expedited hearing on the matter. The relative has the right to be represented by counsel, at his or her own expense, and may call and cross-examine witnesses at the hearing.

The granting of a petition to be heard regarding placement does not serve to confer party status on the relative in the underlying dependency.

**Appropriation:** None.

**Fiscal Note:** Available on original bill. A new fiscal note on the Substitute bill was requested on February 17, 2010.

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