

FINAL BILL REPORT

ESSB 5811

C 491 L 09
Synopsis as Enacted

Brief Description: Concerning foster child placements.

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

Senate Committee on Human Services & Corrections
House Committee on Early Learning & Children's Services
House Committee on Health & Human Services Appropriations

Background: Currently, when a child is placed in out-of-home care, the priority placement for the child is with a relative unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that the efforts to reunify the parent and child would be hindered. Before the child is placed with a relative, the court must find that the person is willing and available to care for the child and be able to meet the child's special needs. The court must also find that the placement with a relative is in the child's best interests. The Department of Social and Health Services (DSHS) or a child placing agency (CPA) must document its effort to place the child with a relative or other suitable person requested by the parent.

The Administrative Office of the Courts (AOC) is currently statutorily required to develop and revise standard court forms and format rules for the use of litigants in dissolution, non-parental custody, and uniform parentage actions. The forms are available on AOC's website to be downloaded and are also available for purchase from the county court clerk's office.

AOC has on its website numerous forms in addition to the mandatory forms required to be used in dissolution, non-parental custody, and uniform parentage actions. The additional forms available on the website include those that can be used in juvenile court, domestic violence, and guardianship actions. Some local courts may require non-statewide forms to file a case and those are created and managed by the local court.

Currently, there is no statutory requirement that AOC produce, or that litigants use, specific forms in dependency cases.

Under current law, other than an attorney appointed to represent the child in a dependency matter, no party or other interested person is required to explain to the dependent child what responsibilities DSHS has toward the child and the child's family.

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.

Summary: At shelter care, the court must inquire of the parents whether DSHS has discussed a relative placement with them and must determine what efforts have been made toward such a placement. If the court does not release the child to his or her parent, guardian, or custodian, the court must order placement with a relative or other suitable person.

The court must also determine whether placement with the relative or other suitable person is in the child's best interests.

At the dispositional phase of a dependency, if the child is not referred home, the child must be placed with a relative with whom the child has a relationship and is comfortable, or another suitable person as long as the relative or suitable person is willing, appropriate, and available to care for the child. The court is to consider the child's existing relationships and attachments when determining placement.

The Family and Children's Ombudsman may investigate allegations of retaliation. Upon conclusion of its investigation, the Ombudsman must provide DSHS with its written findings. DSHS must notify the Ombudsman within 30 days of receiving the Ombudsman's findings of any personnel action taken or to be taken against the department employee.

At a permanency planning hearing, if DSHS or the supervising agency is recommending a placement other than the child's current placement with a foster parent, relative, or other suitable person, the court must enter a finding as to the reasons for the recommendation in the change in placement.

Within current funding levels, DSHS must place on its public website a document listing the duties and responsibilities DSHS has to a child subject to a dependency petition. DSHS must include in the document at least the following:

- reasonable efforts toward reunification of the child with the child's family;
- sibling visits;
- parent-child visits, subject to the restrictions in RCW 13.34.136(2)(b)(ii);
- statutory preference for placement with a relative or other suitable person; and
- statutory preference for an out of home placement that allows the child to remain in the same school or school district, if practical and in the child's best interests.

DSHS must prepare the document with the assistance of a community-based organization and must update the document as needed.

Once the dependency is established, the social worker assigned to a child's case must provide the child aged 12 years and older with a document containing information that DSHS must place on its website. The social worker must also explain the contents of the document to the child and direct the child to DSHS's website for further information. The social worker must document that this requirement was met.

AOC must develop standard court forms and format rules for mandatory use by parties in dependency matters. The forms must be developed by November 1, 2009, and the mandatory use requirement goes into effect January 1, 2010. AOC has continuing responsibility to develop and revise the forms and format rules as appropriate.

Pursuant to rules established by AOC, a party may delete from the mandatory form unnecessary portions and may supplement the forms with additional material. If a party fails to use a mandatory form or follow the format rules, the case cannot be dismissed, a filing refused, or a pleading struck. However, the court may require the party to submit a corrected pleading and may impose terms.

AOC must distribute a master copy of the forms to all county court clerks. AOC and the clerks must distribute the forms upon request and may charge a fee for the cost of production and distribution of the forms. The forms may be distributed in hard copy or by electronic means.

At least six months before an adoption which qualifies for adoption support is finalized, DSHS must provide to the prospective adoptive parent, in writing, information describing the following:

- monthly cash payments to adoptive families;
- availability of children's mental health services for children receiving adoption support;
- process for accessing mental health services for children receiving adoption support;
- limits in one time cash payments; and
- payment for residential and group care is not available for children receiving adoption support.

Votes on Final Passage:

Senate	47	0	
House	98	0	(House amended)
Senate			(Senate refused to concur)
House	95	0	(House amended)
Senate	49	0	(Senate concurred)

Effective: July 26, 2009