

# SENATE BILL REPORT

## SB 6416

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As of January 22, 2010

**Title:** An act relating to relatives in dependency proceedings.

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

**Sponsors:** Senators Roach, Hargrove and Stevens.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/21/10.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Staff:** Jennifer Strus (786-7316)

**Background:** When a child has resided in a foster home for at least 90 consecutive days, the Department of Social and Health Services (DSHS) or supervising agency must notify the foster parent at least five days before moving the child to another placement. DSHS is relieved of the five day notice requirement in the following circumstances:

- a court order has been entered requiring 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.

If a child has resided in a foster home for less than 90 days and one of the above circumstances exists so that it is not possible to provide the foster parent with five days notice, DSHS or the supervising agency must notify the foster parent of the proposed placement changes as soon as reasonably possible.

No court hearing need be held prior to changing a child's foster care placement.

Foster parents may request a review of the placement decision by DSHS's complaint resolution process.

As a matter of practice, DSHS follows the same notification and complaint resolution process requirements with regard to the removal of a dependent child from the home of a relative.

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*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 of Bill:** A relative who has had care of a dependent child for 12 months or more, with the consent of the child's parent, has a right to be heard when DSHS or a supervising agency has decided to remove the child from the relative's care. The right to be heard includes the right to be represented by counsel at the relative's expense and the right to cross-examine witnesses about the placement.

The relative has 72 hours, excluding Saturdays, Sundays and holidays, from the date the removal decision was made or the removal occurred to petition the court for standing. The petition will be heard by the court on an expedited basis.

Relative is defined as a grandparent, aunt, uncle, or sibling of the child.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: The slightly higher burden of proof to overcome the presumption that placement with relatives is in the best interests of the child will make sure that relatives are actually given the preference that the Legislature has directed the courts and DSHS to give. This change will assist in making sure the best interests of the child are followed.

**Persons Testifying:** PRO: Senator Roach, prime sponsor; Elaine Wolcott-Ehrhardt, Christy Curry, Washington Families United; Jan Smith, Andrew Willard, Bari Willard, Doug and Anne-Marie Stuth, citizens; Bob Rudolph, Grandparents' Rights of Washington State.