

FINAL BILL REPORT

SSB 6470

C 288 L 10
Synopsis as Enacted

Brief Description: Addressing the burdens of proof required in dependency matters affecting Indian children.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Kauffman, Hargrove, Prentice, Gordon, Regala, Keiser, McAuliffe, Stevens and Kline).

Senate Committee on Human Services & Corrections
House Committee on Judiciary

Background: The federal Indian Child Welfare Act (ICWA), passed in 1978, applies to custody proceedings in state court involving Indian children. As applied in dependency proceedings, it requires courts and the Department of Social and Health Services to follow additional or different procedures when working with Indian children. For example, before a court can order a child placed in foster care, it must first find, by clear and convincing evidence, including testimony from qualified expert witnesses, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. Likewise, before a court can order the termination of parental rights in a case involving an Indian child, the court must find that termination is supported by evidence beyond a reasonable doubt, including testimony of qualified expert witnesses, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

Summary: The ICWA language regarding the burden of proof requirements for placing an Indian child in foster care (clear and convincing evidence) or terminating parental rights to that child (beyond a reasonable doubt) are stated specifically in the dependency statute.

Votes on Final Passage:

Senate	47	0	
House	98	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: June 10, 2010

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.