
**Early Learning & Human Services
Committee**

HB 1581

Brief Description: Regarding shared parenting placement agreements for children with disabilities placed in out-of-home care.

Sponsors: Representatives Walsh, Roberts, Kagi, Dickerson and Kenney.

Brief Summary of Bill

- Creates a provision for a voluntary agreement between a parent or legal guardian and the Department of Social and Health Services (DSHS) authorizing the placement of a child in a licensed or certified facility or program because of the child's developmental disability.
- Allows a parent or legal guardian, through a voluntary agreement, to retain custody of a child and to share parenting responsibilities while the child is in an out-of-home placement.
- Requires the DSHS, under a shared parenting placement agreement, to provide out-of-home residential services for a child's health and safety in the least restrictive environment.
- Requires a judicial determination that an out-of-home placement under a shared parenting placement agreement is in the best interests of the child after the first 180 days of the placement.

Hearing Date: 2/10/11

Staff: Linda Merelle (786-7092).

Background:

Children who are in the custody of their parents and who have been determined to have a developmental disability may receive services while they remain in the home or they may

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receive services as a resident in a Residential Habilitation Center, an out-of-home placement. Currently, some children who have intensive behaviors may receive in-home services to allow parents to continue to take care of them in their home. These children are on the Children with Intensive Behavior Services (CIBS) waiver which serves approximately 50 children.

In 1998 the Voluntary Placement Program was started to provide services for an out-of-home placement for a child as an alternative to a Residential Habilitation Center. There are approximately 178 children statewide on the voluntary placement services caseload. Some families who are unable to gain access to voluntary placement services have placed their child in Residential Habilitation Centers for short-term or long-term stays. A placement in a Residential Habilitation Center is a way in which families may access otherwise unavailable services.

Summary of Bill:

Shared Parenting Placement Agreements.

This bill adds a new chapter to the Revised Code of Washington (RCW) 71A regarding voluntary shared parenting placement agreements, which is a written agreement between a child's parent or legal guardian and the Department of Social and Health Services (DSHS), authorizing the DSHS to place the child in a licensed or certified facility or program. Under the shared parenting agreement, the parent or legal guardian retains custody of the child.

The shared parenting agreement must contain, at a minimum, provisions that specify:

- the legal status of the child;
- the rights and obligations of the parent or legal guardian, including education and training needed to support the child; and
- the rights and obligations of the DSHS while the child is in a placement.

Any party to a shared parenting placement agreement may terminate the agreement at any time. If the agreement is terminated, the child must be returned to the care of the child's parent or legal guardian, unless the child has been declared to be a dependent child and is in the custody of the state.

Under the shared parenting placement agreement, the DSHS must provide out-of-home residential services required for the child's health and safety. The child's developmental disability assessment must determine the level and extent of residential and other services to be provided in a community setting in the least restrictive environment. After six months, the child must be reassessed to determine whether the community setting meets the needs of the child.

Least Restrictive Environments.

If a child is transferred from a least restrictive setting to a more restrictive environment, a planning team must develop a transition plan to a less restrictive environment within 10 days of the transfer. Within 30 days of the placement in a more restrictive environment, the DSHS must convene a planning team to develop an individual services and support plan, which must be the basis for permanency planning.

The DSHS must license or certify new facilities or programs to serve children under shared parenting placement agreements. Licensing and certification must be accomplished within 30 days from the date that the DSHS determines that a new facility or program is needed.

Within the first six months, the DSHS must obtain a judicial determination that the placement is in the best interests of the child, unless the child's out-of-home placement is for less than six months. The DSHS may file a dependency petition if they believe that the child is dependent as a result of abandonment, abuse or neglect, or absence of a parent capable of adequately caring for the child.

The RCW 74.13.350 regarding voluntary placement agreements under the child welfare provisions of the RCW is repealed.

Appropriation: None.

Fiscal Note: Requested on January 28, 2011.

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