

HOUSE BILL REPORT

HB 1204

As Reported by House Committee On:
Early Learning & Human Services

Title: An act relating to sibling visitation for children in foster care.

Brief Description: Concerning sibling visitation for children in foster care.

Sponsors: Representatives Roberts, Dahlquist, Kagi, Farrell, Walsh, Kochmar, Fey, Seaquist, Johnson, Freeman, Jinkins, Morrell, McCoy, Tarleton, Zeiger, Clibborn, Goodman, MacEwen, Appleton, Habib, Reykdal, Maxwell, Bergquist, Ormsby and Ryu.

Brief History:

Committee Activity:

Early Learning & Human Services: 1/31/13, 2/7/13 [DPS].

Brief Summary of Substitute Bill

- Outlines specific procedures and requirements for sibling visitation for children involved in the child welfare system.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Kagi, Chair; Freeman, Vice Chair; Scott, Assistant Ranking Minority Member; Farrell, Goodman, MacEwen, Overstreet, Roberts, Sawyer and Zeiger.

Staff: Lindsay Lanham (786-7120).

Background:

In 2002 Engrossed Substitute Senate Bill (ESSB) 6702 required the Department of Social and Health Services (DSHS) to complete an assessment of a foster child's relationship and emotional bond with any siblings. The DSHS was required to develop a plan to ensure ongoing contact with the child's siblings if appropriate. A statutory preference for child placements able to facilitate sibling visits was established. Courts were required, under the bill, to consider the issue of sibling visits during dependency hearings.

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.

In 2003 ESSB 5779 defined the term "sibling" and established that when a child is removed from the home of origin maintaining sibling relationships is presumed to be in the child's best interest. Courts were given the authority to order placement, contact, and visitation with a step-sibling as appropriate. It was further required that parental termination orders include information about the status of sibling relationships and the nature and extent of sibling placements, contact, or visits. Supervising agencies, under the bill, were also required to take reasonable steps to ensure that siblings maintain relationships.

In 2007 Engrossed Substitute House Bill 1624 required that the terms and conditions of sibling visits be established at the shelter care hearing. It was also established that out-of-home placements for children were contingent upon cooperation with the agency's plan and court orders regarding sibling visits.

In 2009 Second Substitute House Bill 1938 required that sibling contact be considered by parties in adoption plans. It was established in statute that sibling visits should continue after the finalization of adoption to the extent feasible.

Summary of Substitute Bill:

Guidelines for the DSHS or supervising agency regarding sibling visits for children involved in the child welfare system are established. Specifically, two sibling visits or contacts a month must be provided to children in out-of-home care. In-person visits are presumed to be in the child's best interest over other forms of contact. Sibling visits may not be denied unless directed by a court order, the DSHS has determined that sibling visits are a safety concern, or sibling visits would hinder reunification efforts. Sibling visitation can be modified if a child of an appropriate developmental age requests a modification, a parent of a non-dependent child objects to visits, the child is on runaway status for the majority of the calendar month, the facility where the child or sibling resides prohibits or limits visits or contacts with siblings, or the child is not complying with visitation arrangements. The department, court, or caregiver in the out-of-home placement may not limit visitation as a sanction for a child's behavior or as an incentive to the child to change his or her behavior. The child, the parent, the DSHS, or the court-appointed special advocate may challenge the denial of visits in court.

Substitute Bill Compared to Original Bill:

The substitute bill: (1) adds that two monthly sibling visits or contacts are required; (2) establishes that in-person visits are presumed to be in the child's best interest; (3) includes language that sibling visitation may be denied if a facility where the child or sibling resides prohibits or limits visits or contacts with siblings; (4) removes the provision granting a child the ability to petition the court to become a party to their sibling's case; and (5) removes the provision that states if a child does become a party to their sibling's case confidential information cannot be shared.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 7, 2013.

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

Staff Summary of Public Testimony:

(In support) The lack of sibling visitation for children involved in the child welfare system has been a concern for some years. While the DSHS has taken steps to address the lack of consistent visitation for children in care, reports indicate that the DSHS is not in compliance with the Braam settlement and exit agreement. Not only do sibling relationships serve as a protective factor against trauma, but attachment and connection are also needed for healthy development. Without specific language included in statute regarding sibling visitation, there is a worry that the DSHS will remain out of compliance and visitation will not occur.

Sibling relationships are important to youth residing in foster care and foster youth alumni. Maintaining a sibling relationship is valuable to youth in care. Youth in care want to celebrate birthdays, holidays, and other important events with their siblings. In some cases, siblings are the only blood relative a youth in care may have. Some youth in care further indicate that the sibling visitations help them cope.

There is an understanding that at times foster parents indicate that sibling visitation is destabilizing to the child and may request that sibling visitation stop. However, when children exhibit behaviors such as increased anxiety around sibling visitation, it is a healthy response to sibling separation and suggests attachment capacity. Challenges around arranging and scheduling sibling visits increase a child's anxiety. Children wonder if and when visits will happen or if the scheduled visit will be cancelled.

Additionally, as children get older, the lack of sibling visitation becomes increasingly difficult to understand for them, particularly for children who have experienced parentification. There is a concern that if not provided regular sibling visitation, teens will eventually elect to make sibling visitation happen through unsafe measures such as running away, or running to a sibling.

(In support with concerns) There is a concern that an in-person sibling visitation mandate would significantly increase the workload demand on social workers or social service specialists in the field. The in-person sibling visitation mandate is not realistic for workers without additional resources. Currently, front-line workers are spending an average of 30 hours a week providing transportation and supervision for parent and sibling visits. Visitation activities are consuming most of the day for child welfare workers. Visits are important for youth and an important component of culturally relevant case practice, but as much as social workers agree with sibling visitation they need help to make them happen.

(Opposed) None.

Persons Testifying: (In support) Representative Roberts, prime sponsor; Jim Theofelis and Jessy Stewart, Mockingbird Society; and Casey Trupin, Columbia Legal Services.

(In support with concerns) Alia Griffing, Sarah Meyer, and Elizabeth George, Washington Federation of State Employees.

Persons Signed In To Testify But Not Testifying: None.