

HOUSE BILL REPORT

HB 2582

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

Title: An act relating to filing a petition seeking termination of parental rights.

Brief Description: Concerning filing a petition seeking termination of parental rights.

Sponsors: Representatives Hargrove, Kagi and Walsh.

Brief History:

Committee Activity:

Early Learning & Human Services: 1/29/14, 1/30/14 [DP].

Brief Summary of Bill

- Specifies that the Department of Social and Health Services shall file a petition seeking the termination of parental rights in any case where the court approves a sole permanency plan of adoption unless the court makes a good cause exception.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: Do pass. Signed by 11 members: Representatives Kagi, Chair; Freeman, Vice Chair; Walsh, Ranking Minority Member; Fagan, Goodman, MacEwen, Ortiz-Self, Roberts, Sawyer, Senn and Zeiger.

Minority Report: Do not pass. Signed by 2 members: Representatives Scott, Assistant Ranking Minority Member; Young.

Staff: Lindsay Lanham (786-7120).

Background:

When a child is placed in care, the Department of Social and Health Services, Children's Administration (CA) identifies a permanent planning goal for the child. The CA also utilizes a practice strategy known as concurrent planning, where an alternative plan may be identified. A stated objective of concurrent planning is to provide for timely reunification

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services while anticipating and preparing for an alternate permanent plan. The permanency plan options include the following: return home to the child's parent, guardian, or legal custodian; adoption; guardianship; and third party or non-parental custody. Long-term foster or relative care is only considered as a permanent or alternative plan when other permanent plans are not in the best interest of a child.

The CA is required to identify the permanent plan and alternative plan for the child in the written report to the court that includes how the CA is working towards securing a safe, stable, and permanent home for the child. The court has the authority to approve or change the CAs permanent plan.

The Adoption and Safe Families Act of 1997 (ASFA) requires child welfare agencies to file a petition seeking termination of parental rights if a child has been in foster care for 15 of the most recent 22 months unless the court makes a good cause exception as to why the filing of a termination petition is not appropriate. An example of a good cause exception is if a child is in the care of a relative.

In addition to the ASFA, the CA also establishes case standards that help guide child welfare practice. While CA policy does allow timing flexibility in a case practice to address termination of parental rights in a case specific manner, some examples as to when social workers are to consider filing a petition to terminate parental rights include the following: (1) when a qualified expert has stated the parents are unable to make the changes required to safely parent the child; or (2) an infant has been abandoned.

Summary of Bill:

The CA is required to file a petition seeking the termination of parental rights in any case where the court approves a sole permanency plan of adoption unless the court makes a good cause exception.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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

Staff Summary of Public Testimony:

(In support) When foster children have no stability in their lives, it may further perpetuate child trauma. House bill 2582 (HB 2582) takes a step to quickly increase stability for foster children, protect the rights of parents and may even remind parents of the seriousness of the dependency process, encourage relatives to come forward as placements, and gives foster parents more certainty.

There is an extreme shortage of foster parents. Not only do foster parents have to serve children who have experiences of trauma, but foster parents are often asked to provide care to children for two or three years before permanency is achieved. Because of the shortage in foster homes, children are being bounced from one foster home to another. Siblings are being separated. The average family fosters is 18 months. They then stop taking placements. House Bill 2582 provides earlier permanency for foster children. One foster parent described an incident where a child was placed in the home at two days old. The child then was reunified with his mother two and half years later. When this foster parent saw this child at age three, the child had changed. He is a victim of a system that does not make early permanency a priority.

Another foster parent recalls the story of her foster child. The child was placed in protective custody because of physical abuse. The foster parent provided the fifth placement for this child. The foster parents committed to this child for life. After seven months, the court placed the child with his grandmother. The grandmother adopted the child; however, the grandmother then relinquished her rights of the child. The child was then placed back with the foster mother. This permanency disruption in the child's life re-traumatized the child. The child is still struggling with feeling secure in his new home. The provisions in House Bill 2582 offer children timely permanency and allows them to begin the healing process. Early intervention is the key for all children, but especially children that experience traumatic events.

Permanence is an important building block in a child's life. Many children are aging out of foster care and never finding permanence. Children who age-out of foster care have poor outcomes. It is necessary to take steps to achieve timely permanence for foster children.

(With concerns) The Children's Administration has concerns with HB 2582. Rarely is a permanent plan going to be adoption. The current language in HB 2582 is confusing and conflicts with federal guidance as stated in the ASFA. The Children's Administration would rather the language read that if the court finds that the child has been in out-of-home care for 12 consecutive months following the filing of dependency petition and the parents have been noncompliant with court order services and made no progress toward correcting parental deficiencies than the court shall order that a petition seeking the termination of parental rights be filed unless the court makes a good cause exception.

(Opposed) The role of the child welfare system is to place children in protective custody for safety and to mitigate risk and return children to their families of origin. This process cannot happen too quickly. In the last two years, there have been at least two cases where findings in dependency actions were reversed. This type of scenario is one of the worst for children. The child thinks permanency is achieved and it is not. Judges need discretion in dependency proceedings. The judge already has the legal authority to request that petition to terminate parental rights be filed.

Persons Testifying: (In support) Representative Hargrove, prime sponsor; Karly Leib; Nicole Kittelson; and Andrew Schneider, Children's Law Center of Washington.

(With concerns) Jennifer Strus, Department of Social and Health Services.

(Opposed) Chuck Szurszerwiser.

Persons Signed In To Testify But Not Testifying: None.