
**Early Learning & Human Services
Committee**

HB 2616

Brief Description: Concerning parents with intellectual or developmental disabilities involved in dependency proceedings.

Sponsors: Representatives Freeman, Walsh, Kagi, Roberts, Smith, Orwall, Tarleton and Pollet.

Brief Summary of Bill

- Requires that the Department of Social and Health Services make reasonable efforts to consult with the Developmental Disability Administration when creating a service plan for parents in dependency proceedings with intellectual or developmental disabilities.
- Requires courts to establish in writing whether active efforts are necessary to assist a parent with intellectual or developmental disabilities in progress and compliance with a dependency case plan.

Hearing Date: 2/3/14

Staff: Luke Wickham (786-7146).

Background:

Permanency Plan.

When a child is ordered removed from the home of a parent, the Department of Social and Health Services (DSHS) or supervising agency assumes responsibility for developing a permanency plan no later than 60 days after assuming responsibility. The permanency planning process must include reasonable efforts to return the child to the parent's home. The supervising agency must submit a written permanency plan to all parties and the court at least 14 days before the scheduled hearing.

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.

The permanency plan must identify the primary goal of the case and may identify alternative goals. These goals could include returning the child to the his or her parent, guardian, or legal custodian, adoption, guardianship, permanent legal custody, long-term relative or foster care, successful completion of a responsible living program, or independent living. Unless the court has ordered the filing of a petition to terminate parental rights, the plan must include what steps will be taken to return a child home. All aspects of the plan must include the goal of achieving permanence for the child.

The plan must further specify what services the parents will be offered to allow them to resume custody, the requirements parents must meet to resume custody, and a time limit or each service and requirement.

Dependency Review Hearings.

A court must review the status of all children found to be dependent at least every six months from the date a child was placed out of his or her parent's home or the date dependency is established, whichever is first. The purpose of these hearings are to review the progress of the parties and determine whether court supervision should continue.

The first review hearing must be an in court review and be set six months from the beginning date of the child's placement out of home or no more than ninety days from the entry of the disposition order, whichever is first.

A child may not be returned home at a review hearing unless the court finds that a reason for removal no longer exists. If a child is returned home, casework must continue for six months, when there must be a hearing on the need for continued intervention.

If a child is not returned home at a review hearing, the court must establish in writing various determinations. Some of these determinations include:

- whether the supervising agency is making reasonable efforts to provide services to the family and eliminate the need for out of home placement;
- whether the parties complied with the case plan; and
- whether progress was made in correcting the problems that led to out of home care.

Summary of Bill:

The DSHS shall make reasonable efforts to consult with the Developmental Disability Administration to create an appropriate service plan for parents with intellectual or developmental disabilities whose child has been ordered removed from their home. The plan must be tailored to correct a parental deficiency taking into account a parent's disability. The DSHS must determine the appropriate method to offer services based on a parent's disability.

During dependency review hearings where a child is not returned home, the court shall establish in writing whether active efforts are necessary to assist a parent with either an intellectual or developmental disability in compliance and progress with the case plan. Active efforts is defined as a showing to the court that the DSHS has actively worked with the parent or parents pursuant to existing court orders and the ISSP to engage them in remedial services and rehabilitative programs to prevent the breakup of a family beyond providing referrals for those services.

Appropriation: None.

Fiscal Note: Requested on January 30, 2014.

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