

SENATE BILL REPORT

SHB 1821

As Reported by Senate Committee On:
Human Services & Corrections, April 1, 2013
Ways & Means, April 9, 2013

Title: An act relating to good cause exceptions during permanency hearings.

Brief Description: Concerning good cause exceptions during permanency hearings.

Sponsors: House Committee on Early Learning & Human Services (originally sponsored by Representatives Freeman and Santos).

Brief History: Passed House: 3/06/13, 97-0.

Committee Activity: Human Services & Corrections: 3/21/13, 4/01/13 [DPA-WM].
Ways & Means: 4/08/13, 4/09/13 [DPA(HSC)].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Pearson, Vice Chair; Darneille, Ranking Member; Hargrove, Harper and Padden.

Staff: Joan Miller (786-7784)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended by Committee on Human Services & Corrections.

Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Honeyford, Capital Budget Chair; Hargrove, Ranking Member; Nelson, Assistant Ranking Member; Bailey, Becker, Braun, Conway, Dammeier, Fraser, Hasegawa, Hatfield, Hewitt, Keiser, Kohl-Welles, Murray, Padden, Parlette, Ranker, Rivers, Schoesler and Tom.

Staff: Jenny Greenlee (786-7711)

Background: The Adoption and Safe Families Act of 1997 requires states to begin parental termination proceedings after a child is placed in foster care for 15 of the previous 22 months, unless it is not in the child's best interest or the child is residing in a relative placement. In Washington, courts may also enter a good cause exception in lieu of filing a termination petition. A good cause exception provides the legal reasoning as to why filing a

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parental rights termination petition is not appropriate. If entered by the court, the good cause exception must be reconsidered at each review hearing for a given case.

Under current law, the following reasons are established as good cause exceptions: the child is being cared for by a relative; the Department of Social and Health Services (DSHS) has not provided to the child's family such services as the court and DSHS deemed necessary for the child's safe return home; or DSHS documented in the case plan a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests.

Summary of Bill (Recommended Amendments): The circumstances under which a court may enter a good cause exception to prevent the filing of a termination petition are expanded to include the following:

- a parent is accepted into a dependency treatment court program or long-term substance abuse or dual diagnoses treatment program and demonstrates compliance with treatment goals; or
- a parent who was ordered by the court to complete services necessary for the child's safe return home files a declaration under penalty of perjury stating the parent's financial inability to pay for the same court-ordered services, and also declares that DSHS was unwilling or unable to pay for the same services necessary for the child's safe return home.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Amendments): A parent's declaration under penalty of perjury must state the parent's inability to pay for court-ordered services and must also state that DSHS was unwilling or unable to pay for those services.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Substitute House Bill (Human Services & Corrections): PRO: This bill was written to give parents who are trying to get their children back through dependency proceedings the ability to have extended time before a mandatory termination petition is filed. When parents are in treatment and doing what they are supposed to be doing, then that is one good reason for delaying termination. When the court orders services, DSHS usually pays for them. But in times when DSHS cannot pay for court-ordered services and the parents cannot afford them either, then parents should be able to file a declaration stating they cannot pay for services and to please not terminate parental rights. This good cause exception would put the burden on DSHS and the court to come up with a plan to administer services that will help with reunification. Judges are able to look at a variety of reasons to show good cause, and this bill simply highlights two other circumstances. It would not be right to terminate parental rights when parents are trying to do what is necessary to reunite with their children.

OTHER: We support the intent of this bill but would like to see subsection (v) amended to better accomplish the prime sponsor's goal.

Persons Testifying (Human Services & Corrections): PRO: Representative Freeman, prime sponsor; Laurie Lippold, Partners for Our Children.

OTHER: Tom Parker, Superior Court Judges Assn.

Staff Summary of Public Testimony (Ways & Means): PRO: Currently parents in the middle of lengthy treatment programs may have their parental rights terminated. These parents need additional time to complete treatment. Other parents cannot afford to pay for services and DSHS is not offering to pay for these services. The parent is never provided the mandated service and their children are not returned. Legally free kids do not necessarily leave the system and so termination of parental rights does not guarantee cost savings. These are important good cause exemptions that will help get families the assistance they need in access services.

Persons Testifying (Ways & Means): PRO: Representative Freeman, prime sponsor; Laurie Lippold, Partners for Our Children.