

# SENATE BILL REPORT

## EHB 2582

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As Reported by Senate Committee On:  
Human Services & Corrections, February 27, 2014

**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:** Passed House: 2/14/14, 91-5.

**Committee Activity:** Human Services & Corrections: 2/25/14, 2/27/14 [DPA, DNP].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass as amended.

Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Padden.

**Minority Report:** Do not pass.

Signed by Senators Darneille, Ranking Member; Hargrove.

**Staff:** Joan Miller (786-7784)

**Background:** 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.

In Washington, examples of a good cause exception include, but are not limited to, the following:

- The child is being cared for by a relative;
- The Department of Social and Health Services (DSHS) has not provided the child's family with the services that the court and DSHS have deemed necessary for the child's safe return home;
- DSHS has documented in the case plan a compelling reason for why filing a petition to terminate parental rights would not be in the child's best interests;
- The parent is incarcerated, or the parent's prior incarceration is a significant factor in why the child has been in foster care for 15 of the last 22 months, the parent

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- maintains a meaningful role in the child's life, and DSHS has not documented another reason why it would be otherwise appropriate to file a petition;
- A parent has been accepted into a dependency treatment court program or long-term substance abuse or dual diagnoses treatment program and is demonstrating compliance with treatment goals, effective until June 30, 2015; or
  - A parent who has been court ordered 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 DSHS was unwilling or unable to pay for the same services necessary for the child's safe return home, effective until June 30, 2015.

In addition to ASFA, DSHS also establishes case standards that help guide child welfare practice. DSHS policy allows timing flexibility in case practice to address the termination of parental rights in a case-specific manner. Some examples of when social workers must consider filing a parental rights termination petition include when a qualified expert has stated the parents are unable to make the changes required to safely parent the child, or an infant has been abandoned.

**Summary of Bill (Recommended Amendments):** Unless the court makes a good cause exception, the court must order the filing of a petition seeking termination of the parent and child relationship if a child has been in out-of-home care for at least 17 consecutive months following the filing of a dependency petition, and the parents have been noncompliant with court-ordered services and have made no progress toward correcting parental deficiencies.

**EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Amendments):** Unless the court makes a good cause exception, the court must order the filing of a petition seeking termination of the parent and child relationship if a child has been in out-of-home care for at least 17 consecutive months, instead of 12 months, following the filing of a dependency petition, and the parents have been noncompliant with court-ordered services and have made no progress toward correcting parental deficiencies.

**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 Engrossed House Bill:** PRO: The best outcome of foster care is to get children back to their birth parents in a loving, stable environment. But at some point, we realize that reunification is not possible in all cases and want to get kids into a loving, stable environment as soon as we can. This bill recognizes that if it has been an entire year and the birth parents have done nothing, meaning no effort whatsoever, then we want to set the path forward so children can achieve permanency more quickly. We do need to have appropriate safeguards in place because although the stability of the child's environment is of the utmost importance, we also need to take the parents' rights into

account. We do not want to take birth parents out of the picture too soon, which is why this bill has a full year for them to make any effort. Of course, termination does not happen overnight, so when that petition is filed, it is a red flag for parents who have not stepped up to do so. Also, for foster parents who have invested years in some children and are considering adopting, earlier filing of the petition could give them some stability earlier in the process. We have a hard time keeping foster parents because they get their hearts ripped out. A termination petition may also get the attention of relatives who may be willing to step up to the plate knowing that the parents have not done so for a full year. This bill would be a great solution to getting foster children in a more stable environment more quickly.

Right now, there is an extreme crisis in Washington caused by a shortage of foster parents. There are estimates that show we are short 2500 to 5000 foster homes. Recruiting and retaining foster parents is a near impossible job because of the conditions they will be entering into. Not only will they be caring for broken, hurting, and traumatized children but with the climate in our state they will also likely care for a child for two or three years before permanency is achieved. The reason this matters is because it is the children who suffer. They leave one chaotic, neglectful, and abusive situation for more chaos and uncertainty. Because of the shortage, children are getting bounced around from foster home to foster home. These children are victims of a system that does not make early permanency a priority. At first, our foster daughter's birth mother was partially compliant with many of DSHS's requirements but soon relapsed and began to miss visits, essentially giving up. Eighteen months after our foster daughter was placed in our care, a relative came forward just as DSHS identified us as potential adoptive parents. This relative had never been in our foster daughter's life and was offered placement previously but refused. Now this relative who declined placement and has had no contact with the child is aggressively pursuing adoption. The system favors, above all else, anyone who is remotely connected to the family by blood. No one should be able to come in at the last minute when a child has been in care for over a year. Not only is this devastating to our family but it is also a tragedy for our foster daughter. I support this bill because foster parents form unconditional bonds with the children they care for, and the system should try to achieve permanency earlier in the process.

**Persons Testifying:** PRO: Representative Hargrove, prime sponsor; Karly Leib, Peter Lupo, citizens.