

SENATE BILL REPORT

SHB 2699

As of February 19, 2014

Title: An act relating to providing caregivers authority to allow children placed in their care to participate in normal childhood activities based on a reasonable and prudent parent standard.

Brief Description: Providing caregivers authority to allow children placed in their care to participate in normal childhood activities based on a reasonable and prudent parent standard.

Sponsors: House Committee on Early Learning & Human Services (originally sponsored by Representatives Kagi, Walsh, Senn, Zeiger, Roberts, Klippert, Pettigrew, Sawyer, Jinkins, Farrell, Smith, Fey, Goodman and Ormsby).

Brief History: Passed House: 2/14/14, 96-0.

Committee Activity: Human Services & Corrections:

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Kevin Black (786-7747)

Background: A child who is dependent may be placed in out-of-home care by the Department of Social and Health Services (DSHS). A dependent child is a child who has been abandoned, abused, or neglected by a person legally responsible for the child's care; who has no parent or guardian capable of adequately caring for the child; or who is receiving extended foster care services.

DSHS has promulgated guidelines for foster parents to determine when approval or notification of a DSHS social worker, parents, or the court are needed before a foster child's participation in activities such as family recreation, overnight visits, vacations, field trips, and sports. Overnights exceeding one night require prior social worker approval and a criminal history background check for the supervising adult or adults.

Summary of Bill: A caregiver for a child placed in out-of-home care by DSHS may provide or withhold permission to allow a child in their care to participate in normal childhood activities without prior approval of a caseworker, DSHS, or court, based on a reasonable and prudent parent standard.

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.

Normal childhood activities include but are not limited to extracurricular, enrichment, and social activities, and may include overnight activities outside the direct supervision of the caregiver for over 24 hours and up to 72 hours.

A reasonable and prudent parent standard is characterized by thoughtful parental decision making intended to maintain the child's health, safety, and best interest while encouraging the child's emotional and developmental growth. Authorizations must comply with the provisions of an existing safety plan developed by DSHS or court order. Neither the caregiver nor DSHS may be held liable for injuries to a child based on authorizations under the reasonable and prudent parent standard unless the actions or inactions of either constitute willful or wanton misconduct.

Caseworkers must discuss a child's interest in and pursuit of normal childhood activities in monthly health and safety visits and during monthly meetings with parents.

A background check is not required for persons who may have unsupervised access to children based on caregiver authorizations pursuant to the reasonable prudent parent standard.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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