

# FINAL BILL REPORT

## HB 2140

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Synopsis as Enacted

**Brief Description:** Concerning good cause exceptions during permanency hearings.

**Sponsors:** Representatives Kagi, Orwall, Johnson, Walsh, Sells, Clibborn, Tarleton, Appleton, Ortiz-Self, Hargrove, Zeiger, Senn, Ormsby, Kilduff, Walkinshaw and Goodman.

**House Committee on Early Learning & Human Services**  
**Senate Committee on Human Services, Mental Health & Housing**

### **Background:**

#### Dependency Court System.

The Department of Social and Health Services (DSHS) may file a petition in court alleging that a child should be a dependent of the state due to abuse or neglect or because there is no parent, guardian, or custodian capable of adequately caring for the child.

If a court determines that a child is dependent, the court will conduct periodic reviews and make determinations regarding the child's placement, the provision of services by the DSHS, compliance of the parents, and whether progress has been made by the parents.

Under certain circumstances after a child has been removed from the custody of a parent for at least six months pursuant to a finding of dependency, a petition may be filed seeking termination of parental rights.

#### Adoption and Safe Families Act.

The federal Adoption and Safe Families Act (ASFA) of 1997 requires child welfare agencies to file a petition seeking termination of parental rights if a child has been in out-of-home 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.

#### Good Cause Exceptions Not to File a Termination Petition.

In Washington, good cause exceptions not to file a termination petition when a child has been in out-of-home care for 15 out of the last 22 months include the following:

- The child is cared for by a relative.
- The DSHS has not provided services that the court and the DSHS have deemed necessary for the child to safely return home.

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*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 DSHS has documented in the case plan a compelling reason why filing a termination petition 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 out-of-home care, the parent maintains a meaningful role in the child's life, and the DSHS has not documented another reason to file a termination petition.
- The parent has been accepted into a dependency treatment court program or long-term substance abuse program and is demonstrating compliance with treatment goals until June 30, 2015.
- The parent files a declaration stating the parent's financial inability to pay for court-ordered services and that the DSHS was unwilling or unable to pay for the same services necessary for the child to safely return home until June 30, 2015.

**Summary:**

The expiration date of June 30, 2015 is removed for the following good cause exceptions for the court not to order the DSHS to file a petition seeking the termination of parental rights if a child has been in out-of-home care for 15 of the last 22 months since the date the dependency petition was filed:

- where 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; and
- where 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 services and that the DSHS was unwilling or unable to pay for those services.

**Votes on Final Passage:**

House	98	0	
Senate	49	0	(Senate amended)
House	97	0	(House concurred)

**Effective:** June 30, 2015