

HOUSE BILL REPORT

SB 5692

As Reported by House Committee On:
Early Learning & Human Services

Title: An act relating to permanency plans of care for dependent children.

Brief Description: Addressing permanency plans of care for dependent children.

Sponsors: Senators Hargrove and Darneille; by request of Department of Social and Health Services.

Brief History:

Committee Activity:

Early Learning & Human Services: 3/24/15, 3/26/15 [DPA].

Brief Summary of Bill
(As Amended by Committee)

- Limits the identification of long-term relative or foster care as the primary permanency goal in dependency cases to children between the ages of 16 and 18.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: Do pass as amended. Signed by 11 members: Representatives Kagi, Chair; Walkinshaw, Vice Chair; Walsh, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Dent, Hawkins, Kilduff, McCaslin, Ortiz-Self, Sawyer and Senn.

Staff: Luke Wickham (786-7146).

Background:

Permanency Plan.

When a child is ordered to be 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 home of the parent.

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 supervising agency must submit a written permanency plan to all parties and the court at least 14 days before the scheduled hearing.

The permanency plan must identify the desired outcome of the case and may identify alternative outcomes. These goals could include: returning the child to 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, promote sibling relationships, and maintain parent-child ties. 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 for 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-home or the date dependency is established, whichever is first. The purpose of these hearings is to review the progress of the parties and to 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 90 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 the following:

- 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.

Federal Law.

The Preventing Sex Trafficking and Strengthening Families Act became law in 2014. Among other things, this law limits to children age 16 and older the option, in an initial permanency hearing, of being placed in a living arrangement other than return home, referral for termination of parental rights, placement for adoption with a relative, or placement with a legal guardian.

Summary of Amended Bill:

Long-term relative or foster care may only be identified as the primary desired outcome in dependency cases for children ages 16 to 18. Although a permanency plan of care may only identify long-term relative or foster care for children between ages 16 and 18, children under age 16 may remain with relatives or in foster care.

If long-term relative or foster care has been achieved before a permanency planning hearing, the court must find that the child's placement and plan of care is the best permanency plan for the child and provide compelling reasons why it is not in the child's best interest to return home, be placed for adoption, be placed with a legal guardian, or be placed with a fit and willing relative.

If the child is present at the hearing, the court should ask the child about his or her desired outcome.

Amended Bill Compared to Original Bill:

The amended bill provides that, although a permanency plan of care may only identify long-term relative or foster care for children between ages 16 and 18, children under age 16 may remain with relatives or in foster care.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) If a child is placed with a foster parent and is doing well and does not have an alternate plan in sight, children should remain in a stable placement. The DSHS supports this bill and the proposed amendment. The federal language is rather vague. The proposed amendment will address concerns by the committee by allowing children to remain in good placements while allowing the DSHS to remain in compliance with federal law.

(Opposed) None.

Persons Testifying: David DelVillar Fox, Children's Administration.

Persons Signed In To Testify But Not Testifying: None.