

SENATE BILL REPORT

ESHB 2591

As of February 24, 2016

Title: An act relating to notifying foster parents of dependency hearings and their opportunity to be heard in those hearings.

Brief Description: Notifying foster parents of dependency hearings and their opportunity to be heard in those hearings.

Sponsors: House Committee on Early Learning & Human Services (originally sponsored by Representatives Hargrove, Kagi, Walsh, Dent, Caldier, Senn, Frame, Muri, Zeiger, McBride, Ormsby and Gregerson).

Brief History: Passed House: 2/12/16, 96-0.

Committee Activity: Human Services, Mental Health & Housing: 2/23/16.

SENATE COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH & HOUSING

Staff: Alison Mendiola (786-7444)

Background: Dependency Proceedings. Any person or the Department of Social and Health Services (DSHS) may file a petition in court to determine if a child should be a dependent of the state due to abuse, neglect, abandonment, or because there is no parent, guardian, or custodial capable of caring for the child. Once a child is found dependent, the court conducts periodic reviews and makes determinations about the child's placement and the parent's progress in correcting parental deficiencies. After a period of time, if the parent fails to take corrective measures needed to allow the child to return home safely, the court may seek to terminate the parent's parental rights.

Foster Parent Notice of Dependency Court Proceedings. DSHS must provide the child's foster parents, pre-adoptive parents, or other caregivers with notice of their right to be heard prior to each dependency court proceeding. This notice must be provided to any foster parent, pre-adoptive parent, or other caregivers with whom a child has been placed by DSHS before shelter care and who is providing care to the child at the time of the proceeding.

DSHS has a form that may be provided to and used by caregivers titled "Caregiver's Report to the Court," which can be used by caregivers to provide the court with information about the child in their care.

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.

Administrative Office of the Courts Annual Dependency Report. The Administrative Office of the Courts (AOC) and the Washington State Center for Court Research within the AOC has produced an annual Timeliness of Dependency Case Processing Report (Report) since 2007. The Report includes designated performance measures, including:

- whether a fact-finding hearing occurred within 75 days;
- whether a first review hearing occurred within six months;
- whether the first permanency planning hearing occurred within 12 months;
- whether subsequent permanency planning hearings occurred every 12 months;
- whether permanency was achieved before 15 months in out-of-home care;
- whether termination of parental rights petition was filed within 15 months of out-of-home care;
- case tracking from dependency filing to legally-free status; and
- whether adoption was completed within six months of the termination order.

Summary of Bill: DSHS shall provide a child's foster parents, pre-adoptive parents, or other caregivers who are providing care for a child at the time of a hearing with timely and adequate notice of their right to be heard prior to each dependency proceeding. Timely and adequate notice means notice at the time DSHS would be required to give notice to parties in the case and by any means reasonably certain of notifying the foster parents. For emergency hearings, the DSHS must give notice to foster parents, pre-adoptive parents, or other caregivers as soon as is practicable.

The court must establish in writing after each hearing for which the DSHS is required to provide notice:

- whether adequate and timely notice was provided by the DSHS;
- whether a caregiver's report was received by the court; and
- whether the court provided the foster parents, pre-adoptive parents, or caregivers with an opportunity to be heard in court.

"Caregiver's report" is defined as a form provided by DSHS to a child's foster parents, pre-adoptive parents, or caregivers that provides those individuals with an opportunity to share information about the child before a court hearing. Caregiver's reports may not include information about a child's biological parent that is not directly related to the child's well-being.

The AOC shall include in its annual Report information regarding whether foster parents received timely notification of dependency hearings and whether caregivers submitted reports to the court. This Report shall also be submitted to a representative of the Foster Parent Association of Washington State.

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: PRO: This bill has to do with the dependency process. This bill will require adequate notice and reports by AOC. Although foster parents are supposed to get notice, the reporting requirement will provide data to let AOC know what's going on in the home, which may encourage better notice. The accountability check will benefit foster parents who currently fall victim to lack of any accountability. In one situation, a foster mom of three years lost her foster child to the system because a submitted caregiver's report was not provided to the Court although it was submitted to the social worker. It is unfortunate that the current process isn't working as it is supposed to. Reporting will help to alert whether the current process is happening and working. The court has authority over foster parents.

Persons Testifying: PRO: Representative Hargrove, Prime Sponsor; Laurie Lippold, Partners for Our Children; Kim Emmons.

Persons Signed In To Testify But Not Testifying: No one.