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## Early Learning & Human Services Committee

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### HB 1366

**Brief Description:** Concerning family reunification in the child welfare process.

**Sponsors:** Representatives Ortiz-Self, Hargrove, Caldier, Tarleton, Pettigrew, Gregerson, Kilduff, Senn, Ryu, Appleton, Goodman, Lovick, Ormsby and Frame.

#### Brief Summary of Bill

- Expands the definition of remedial services offered to families involved in the child welfare system to include visitation services.
- Creates a parent-child visitation work group convened by the Department of Social and Health Services.

**Hearing Date:** 1/31/17

**Staff:** Luke Wickham (786-7146).

#### Background:

##### Remedial Services.

Remedial services for child welfare families include what are defined by the Federal Adoption and Safe Families Act (ASFA) as time-limited family reunification services. Time-limited reunification services are defined by ASFA as the services and activities that are provided to a child who has been removed from the home of his or her parents to aid in safe and appropriate reunification within the first 15 months after being removed from the home. The ASFA provides a list of specific services to be included within the definition of time-limited reunification services that includes:

- individual, group, and family counseling;
- inpatient, residential, or outpatient substance abuse treatment;
- mental health services;

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- assistance to address domestic violence;
- services to provide child care; and
- transportation to and from any of the above services.

Since the passage of ASFA in 1997, the federal definition of time-limited reunification services has expanded to include:

- peer-to-peer mentoring and support groups for parents and primary caregivers; and
- services and activities designed to facilitate access to and visitation of children by parents and siblings.

One of the elements that is required to be proven by the state before terminating a parent's rights is that services are expressly and understandably offered or provided and that all necessary services, reasonably available, capable of correcting parental deficiencies within the foreseeable future have been expressly and understandably offered or provided. Courts have held that visitation is not a service for purposes of this element and the Department of Social and Health Services (DSHS) is not required to prove that visitation services were provided to prove this element of a termination of parental rights petition.

#### Visitation.

State law provides that visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The DSHS shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child.

Visitation cannot be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.

The DSHS convened a parent-child visitation workgroup in 2015 that resulted in policy revisions including expanding remote visitation options, making the initial parent-child visit within five calendar days of placement, requiring the level of supervision directly relate to the presence of identified safety threats, and caseworkers observing one visit per quarter, among others.

#### **Summary of Bill:**

##### Remedial Services.

The definition of remedial services is expanded to include services and activities designed to facilitate access to and visitation of children by parents and siblings except in cases where a court limits visitation.

##### Parent-Child Visitation Work Group.

The DSHS must convene a parent-child visitation work group with duties that include:

- engaging relevant stakeholders to include biological parents involved in or with experience in the child welfare process;

- developing and implementing changes in policy or practice to increase the amount and quality of parent-child visitation;
- submitting an annual report to the Legislature by November 1 that includes information about different types of visitation provided, the average length of time after visitation is court ordered that visitation is made available, and incorporating parent engagement and education component in visitation, changes made to improve the effectiveness of visitation, and recommendations of policy or statutory changes to improve the effectiveness of visitation.

**Appropriation:** None.

**Fiscal Note:** Requested on January 26, 2017.

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