
Judiciary Committee

2SSB 6453

Title: An act relating to legal support for kinship caregivers.

Brief Description: Concerning legal support for kinship caregivers.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators King, Carlyle, Hobbs, Zeiger, O'Ban, Walsh, Brown, Darneille, Miloscia, Palumbo and Saldaña).

Brief Summary of Second Substitute Bill

- Authorizes the Department of Social and Health Services to purchase legal representation for kinship caregivers in certain situations and within existing appropriations.

Hearing Date: 2/20/18

Staff: Ingrid Lewis (786-7289).

Background:

Kinship care is the full-time care of children by relatives. Kinship care occurs informally, when children are not involved with public child welfare agencies, and formally, when public child welfare agencies are involved in placing children with relatives. The term "kin" is defined as persons 18 years of age or older to whom the child is related by blood, adoption, or marriage, including marriages that have been dissolved, and who are: denoted by the prefix "grand" or "great"; full, half, or step siblings; uncles or aunts; nephews or nieces; or first cousins.

The 2001 Legislature directed the Washington State Institute for Public Policy to study the prevalence and needs of families who are raising related children. In 2003, the Department of Social and Health Services (DSHS) was directed by the legislature to plan, design, and implement strategies to prioritize the placement of children with willing and able kin when out-of-home placement is required.

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.

Washington offers kinship caregivers several legal custody options distinguished by the degree of involvement with the child welfare system, the permanency of the arrangement, and rights conferred to the caregiver.

In 2017, the Legislature authorized DSHS to purchase legal representation for parents of children who are dependent or at risk of being dependent to establish or modify a parenting plan when it is necessary for the child's safety, permanence, or well-being. In contrast, kinship caregivers must pay their own legal costs.

On July 1, 2018, the Department of Children, Youth, and Families will assume child welfare services from DSHS.

Summary of Bill:

The Department of Social and Health Services (DSHS) is authorized to purchase legal representation for kinship caregivers to modify a parenting plan or secure other orders establishing civil legal relationships authorized by law. Funding for the purchase of legal representation for kinship caregivers is within existing appropriated amounts. No right to representation is created, and the determination to purchase representation is at the discretion of the DSHS.

The DSHS is encouraged to work with the Office of Public Defense and the Office of Civil Legal Aid to develop a cost-effective system for providing civil legal representation to parents and kinship caregivers.

Appropriation: None.

Fiscal Note: Available.

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