

HOUSE BILL REPORT

2SSB 6453

As Passed House:
March 1, 2018

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 History:

Committee Activity:

Judiciary: 2/20/18, 2/22/18 [DP];

Appropriations: 2/24/18, 2/26/18 [DP].

Floor Activity:

Passed House: 3/1/18, 97-0.

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.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 12 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Goodman, Haler, Hansen, Kirby, Klippert, Muri, Orwall and Valdez.

Minority Report: Do not pass. Signed by 1 member: Representative Shea.

Staff: Ingrid Lewis (786-7289).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 33 members: Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking

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Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist, Buys, Calder, Cody, Condotta, Fitzgibbon, Graves, Haler, Hansen, Harris, Hudgins, Jinkins, Kagi, Lytton, Manweller, Pettigrew, Pollet, Sawyer, Schmick, Senn, Springer, Stanford, Sullivan, Taylor, Tharinger, Vick, Volz and Wilcox.

Staff: Mary Mulholland (786-7391).

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.

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 the 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 the 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.

Staff Summary of Public Testimony (Judiciary):

(In support) This bill has great ramifications. There is a priority to place foster children with family members or relatives, but the system does not provide as much assistance to family members as nonrelated family. For every child placed in foster care, there are eight children in informal kinship arrangements. This bill allows kinship caregivers to get legal representation when they are providing care to relatives by giving the Department of Social and Health Services the flexibility to strategically use funds within current appropriated amounts to secure legal representation when there is a need for a noncustodial or third party custody agreement that will take the children out of the dependency system. It will save the state money by removing children from the dependency system.

The Washington State Institute for Public Policy conducted a survey of kinship caregivers in 2001 to see what the group's primary needs were. One of those needs identified was access to legal services. This is a step to addressing that critical need.

(Opposed) None.

(Other) Anything that can be done to benefit the family is important and should be considered. The provision of legal representation to navigate government bureaucracy is important.

Staff Summary of Public Testimony (Appropriations):

(In support) The proposal simply provides the Department of Social and Health Services with the ability to purchase legal services if it is in the best interest of the child and if resources are available to do it. Legal support is one of the big issues for kin caregivers. The proposal really applies to situations in which the child has been placed with kin by the state to avoid or dismiss a dependency. Broad support was received on the Senate floor and in the House policy committee.

(Opposed) None.

Persons Testifying (Judiciary): (In support) Senator King, prime sponsor; Jim Bamberger, Office of Civil Legal Aid; Shelly Willis, Family Education and Support Services; and Laurie Lippold, Partners for Our Children.

(Other) Michael Brunson.

Persons Testifying (Appropriations): Laurie Lippold, Partners for Our Children.

Persons Signed In To Testify But Not Testifying (Judiciary): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.