

# SENATE BILL REPORT

## HB 1790

---

As of February 20, 2018

**Title:** An act relating to dependency petitions where the department of social and health services is the petitioner.

**Brief Description:** Concerning dependency petitions where the department of social and health services is the petitioner.

**Sponsors:** Representatives Lovick, Dent, Kagi, Frame and Jinkins; by request of Department of Social and Health Services.

**Brief History:** Passed House: 3/01/17, 96-2; 1/24/18, 95-2.

**Committee Activity:** Human Services, Mental Health & Housing: 3/20/17, 3/22/17 [DP].  
Human Services & Corrections: 2/19/18.

### Brief Summary of Bill

- Creates an exception to the required probation officer's review of a dependency petition if the Department of Social and Health Services (DSHS) files the petition.

---

### SENATE COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH & HOUSING

**Majority Report:** Do pass.

Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle, Hunt, Padden and Walsh.

**Staff:** Melissa Burke-Cain (786-7755)

---

### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Staff:** Brandon Popovac (786-7465)

**Background:** Child Welfare Dependency Petitions. Anyone, including DSHS, may file a petition in court alleging that a child should be a dependent of the state due to abuse, neglect, or because there is no parent, guardian, or custodian capable of adequately caring for the child. In counties that have paid probation officers, those officers must, to the extent

---

*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.*

possible, determine whether dependency petitions are justifiable. These petitions must be verified and contain a statement of facts that constitute a dependency and the names and residence of the parents if known.

If a court determines that a child is dependent, then the court will conduct periodic reviews and make determinations regarding the child's placement, the provision of services by DSHS, compliance of the parents, and whether progress has been made by the parents.

Under certain circumstances after a child has been removed from the custody of a parent for at least six months pursuant to a finding of dependency, a petition may be filed seeking termination of parental rights.

**Summary of Bill:** A county probation officer is not required to determine whether a dependency petition is reasonably justifiable when DSHS files the petition.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony (Human Services, Mental Health & Housing):** *Testimony from 2017 Regular Session.* PRO: The petitions filed by DSHS have all been reviewed by an Assistant Attorney General before filing. There is no need for probation officers to review them before filing. The requirement for an additional review may delay filing.

**Persons Testifying (Human Services, Mental Health & Housing):** PRO: Representative John Lovick, Prime Sponsor; Jennifer Strus, DSHS.

**Persons Signed In To Testify But Not Testifying (Human Services, Mental Health & Housing):** No one.

**Staff Summary of Public Testimony (Human Services & Corrections):** PRO: The bill would allow social workers to do their jobs and be able to get kids out of bad situations. The current requirement is outdated and only one county court still requires probation officers to sign off on dependency petitions initiated by DSHS. Juvenile courts also would not have to waive this current requirement, thus saving such courts time as well. The bill was heard last year and has bipartisan support.

**Persons Testifying (Human Services & Corrections):** PRO: Representative John Lovick, Prime Sponsor; David Del Villar Fox, DSHS Children's Administration.

**Persons Signed In To Testify But Not Testifying (Human Services & Corrections):** No one.