
Human Services & Early Learning Committee

HB 1645

Brief Description: Concerning certificates of parental improvement.

Sponsors: Representatives Ortiz-Self, Frame, Gregerson, Valdez, Jinkins, Davis, Santos and Morgan.

Brief Summary of Bill

- Requires the Department of Children, Youth, and Families (DCYF) to implement a process where an individual who received a founded finding or court finding of abuse or neglect can petition the DCYF for a certificate of parental improvement.
- Prohibits the DCYF from denying or delaying a foster care license or approval for unsupervised access solely because of a founded finding of abuse or neglect or court finding that the individual's child is dependent based on abuse or neglect if that finding is accompanied by a certificate of parental improvement.
- Prohibits school districts, educational service districts, other school entities, nursing homes, and assisted living facilities from denying a prospective volunteer solely based on a founded finding of abuse or neglect or a dependency court finding when that finding is accompanied by a certificate of parental improvement.

Hearing Date: 1/31/20

Staff: Luke Wickham (786-7146).

Background:

The Department of Children, Youth, and Families.

The Department of Children, Youth, and Families (DCYF) was created in 2017 and oversees early learning programs, child welfare services, and juvenile justice programs.

Reports of Child Abuse or Neglect.

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.

If an individual suspects that a child has been abused or neglected, that abuse or neglect can be reported to the Department of Children, Youth, and Families (DCYF) Child Protective Services (CPS) office or to law enforcement. There are many individuals who are required by law to report suspected abuse or neglect.

The CPS will then determine whether the report of child abuse or neglect is credible and whether the report meets the sufficiency screening criteria. If the report meets the screening criteria, CPS will assign either: (1) a 24-hour response that includes an investigation; or (2) a family assessment response for low to moderate risk allegations that requires a 72-hour response.

The DCYF, or anyone else, can file a court petition alleging that the child should be a dependent of the state due to abuse, neglect, or because no parent, guardian, or custodian is capable of adequately caring for the child. A court will hold a shelter care hearing following removal of a child from his or her home within 72 hours. At this hearing, the court will determine if the child can return home safely.

If a report of child abuse or neglect is investigated by the DCYF, the DCYF must complete the investigation within at least 90 days, unless law enforcement or the prosecuting attorney has determined that a longer investigation is necessary. At the completion of the investigation, the DCYF must make a finding that the report of child abuse or neglect is founded or unfounded. A "founded" determination means that it is more likely than not that child abuse or neglect did occur. An "unfounded" determination means that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the DCYF to determine that it did or did not occur.

If a court in a civil or criminal proceeding, considering the same facts as contained in the report investigated by the DCYF, makes a finding by a preponderance of the evidence or higher that the subject of the investigation abused or neglect the child, the DCYF must adopt that finding.

Foster Parent Licensure.

When a child is placed in out-of-home care pursuant to a dependency court process, the child may be placed with relatives or in foster care. Foster parents are licensed by the DCYF to provide 24-hour temporary care to children placed in out-of-home care.

Individuals can apply for a foster parent license directly to the DCYF or through a child-placing agency (CPA). The CPAs are licensed by the DCYF and can certify that an individual meets the foster licensing requirements before the application is sent to the DCYF. The CPAs also provide ongoing case management to foster families.

To receive a foster parent license, an individual must:

- be age 21 or older;
- complete, along with individuals age 18 or older in the household:
 - first aid training;
 - age-appropriate adult and/or infant cardiopulmonary resuscitation;
 - human immunodeficiency virus/acquired immunodeficiency syndrome; and
 - blood borne pathogens training;
- pass, along with certain household members, a background check;

- submit, along with individuals age 18 or older in the household, a negative tuberculosis test or an X-ray;
- submit proof of current immunization status for any children living on the premises, not in out-of-home care;
- to serve foster children under age 2, proof of pertussis and influenza immunizations for all people living in the home;
- pass an assessment of your ability to provide a safe home and to provide the quality of care needed by children placed in the home; and
- complete training requirements.

Summary of Bill:

The DCYF must implement a process where an individual who received a founded finding of abuse or neglect or a court finding that the individual's child was dependent based on abuse or neglect can petition the DCYF for a certificate of parental improvement.

The DCYF must respond to a request for a certificate of parental improvement within 60 days.

The DCYF may not issue a certificate of parental improvement if:

- fewer than five years have passed since the applicant's last founded finding of child abuse or neglect; or
- the applicant has any conviction or pending criminal action for:
 - any felony offense involving the physical neglect of a child;
 - any felony offense under chapter involving a physical injury or death of a child;
 - any felony domestic violence offense committed against a family or household member as defined in chapter;
 - a felony offense against a child;
 - any of the following felony offenses:
 - class A felony or an attempt to commit a class A felony;
 - criminal solicitation of or criminal conspiracy to commit a class A felony;
 - Manslaughter in the first or second degree;
 - Indecent Liberties Committed by Forcible Compulsion;
 - Kidnapping in the second degree;
 - Arson in the second degree;
 - Extortion in the first degree;
 - Robbery in the second degree;
 - Drive-by Shooting; and
 - Vehicular Homicide.

The DCYF shall consider the following when determining whether to issue a certificate of parental improvement:

- documentation of any founded finding of child abuse or neglect and the underlying documentation the DCYF relied upon to make that finding;
- findings from any civil adjudication proceeding;
- referral history alleging child abuse or neglect against the applicant;
- the length of time that has elapsed since the founded finding of child abuse or neglect;
- whether a court made a finding that the applicant's child was dependent, the length of time elapsed since that dependency court process was dismissed, and the outcome of the

dependency court process including whether the child was returned to the applicant's care;

- any documentation that the applicant successfully addressed the circumstances that led to an administrative finding of child abuse or neglect, including but not limited to a declaration by the applicant; recent assessments or evaluations; completion or progress toward completion of recommended court ordered treatment, services, or programs;
- any pending criminal or civil actions against the applicant;
- results of a Washington State Patrol criminal history and federal background check;
- personal and professional references from employers, professionals, and agencies familiar with the applicant who can address the applicant's current character; and
- any education, volunteer work, employment history, or community involvement of the applicant.

A person who is denied a certificate of parental improvement has the right to seek review of the DCYF's denial of this certificate by first asking the DCYF to review the decision and if the DCYF does not change its decision, the person may request an administrative hearing to review the decision.

The DCYF cannot deny or delay a foster care license or approval or unsupervised access solely because of a founded finding of abuse or neglect or court finding that the individual's child is dependent based on abuse or neglect if that finding is accompanied by a certificate of parental improvement.

School districts, educational service districts, other school entities, nursing homes, and assisted living facilities cannot deny a prospective volunteer solely based on a founded finding of abuse or neglect or a court finding that the individual's child was dependent based on abuse or neglect when that finding is accompanied by a certificate of parental improvement.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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