

SENATE BILL REPORT

HB 2682

As Passed Senate, March 3, 2020

Title: An act relating to out-of-home services.

Brief Description: Concerning out-of-home services.

Sponsors: Representatives Senn, Kilduff, Leavitt and Pollet; by request of Department of Social and Health Services.

Brief History: Passed House: 2/19/20, 98-0.

Committee Activity: Human Services, Reentry & Rehabilitation: 2/26/20 [DP].

Floor Activity:

Passed Senate: 3/03/20, 48-0.

Brief Summary of Bill

- Removes judicial determination and permanency planning hearings as part of out-of-home services provided by the Developmental Disability Administration when a child who receives out-of-home planning services remains under the legal custody of their parent or legal guardian.
- Recodifies statutes accordingly.

SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

Majority Report: Do pass.

Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland, O'Ban, Wilson, C. and Zeiger.

Staff: Alison Mendiola (786-7488)

Background: Out-of-home placements, also known as voluntary placement services, are temporary residential placements for children with developmental disabilities, administered through the Developmental Disability Administration (DDA), a division of the Department of Social and Health Services (DSHS). To qualify for voluntary placement services, a child must:

- be 17 years old or younger;
- require residential placement due solely to their disability; and

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- need more services and supports than can be provided in the family home.

Prior to entering into a voluntary out-of-home placement, the child's parent or legal guardian must sign a voluntary placement agreement. The agreement stipulates that:

- the child's parent or legal guardian retains legal custody of the child unless the child has been taken into custody by the Department of Children, Youth, and Families (DCYF) pursuant to a protective court order, or the child has been placed in shelter or foster care due to abuse, abandonment, neglect, or not having a parent or capable legal guardian;
- any party to the voluntary placement agreement may terminate the agreement at any time; and
- if a child's placement is disrupted under the terms of the voluntary placement agreement, the child will return to their parent's or guardian's physical care until a new placement is available.

The DDA is responsible for the child's placement and care. Whenever the DDA places a child in out-of-home care, the DDA must develop a permanency plan for the child within 60 days of assuming responsibility for the child's placement and care. By statute, this plan must be heard by a court within a year of the child's placement and must involve a judicial determination whether the child's best interests are served by continuing out-of-home placement.

There are currently about 100 children being provided with out-of-home services.

Summary of Bill: The DDA is no longer required to obtain a judicial determination that continued out-of-care placement provided to a child with a developmental disability is in the best interest of a child, nor is there a required permanency planning hearing required in cases where the child has remained in out-of-home care for at least 15 months and an adoption decree or guardianship order has not previously been entered.

Juvenile courts no longer have jurisdiction over all proceedings relating to judicial determinations and permanency planning hearings involving developmentally disabled children who have been placed in out-of-home care pursuant to a voluntary placement agreement between the child's parent, guardian, or legal custodian, and the DDA and the DCYF.

Voluntary placement agreements are renamed "person-centered service plans." The statutes governing person-centered service plans and out-of-home services are recodified from Title 74 RCW, which references DCYF, to Title 71A, which references DSHS.

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: PRO: The primary intent of this bill is to align DDA services within the right statute. Also we need remove unnecessary steps regarding going to court for permanency planning which does not provide any benefit for the family involved in voluntary placement services. These placements are voluntary and the parent/legal guardians still retains legal custody of the child. Also, this will help with outreach to kids, to get them stability and access to this program. Right now, it is hard to find.

Persons Testifying: PRO: Representative Tana Senn, Prime Sponsor; Deborah Roberts, DSHS/DDA.

Persons Signed In To Testify But Not Testifying: No one.