
Children, Youth & Families Committee

2SSB 5331

Brief Description: Establishing an early childhood court program for young children and their families involved in Washington's child welfare system.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Gildon, Darneille, Dhingra, Hasegawa, Nguyen, Nobles, Warnick, Wellman and Wilson, C.).

<p style="text-align: center;">Brief Summary of Second Substitute Bill</p> <ul style="list-style-type: none">• Authorizes superior courts to establish early childhood court programs to serve the needs of infants and toddlers who are dependent and under age 3 and creates requirements for these programs.
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Hearing Date: 3/11/21

Staff: Luke Wickham (786-7146).

Background:

Baby Court.

Courts across the country have established specialized court programs for infants and toddlers receiving child welfare services, and this response is sometimes referred to as "baby court." Pierce County has a program like this called the Best for Babies Program designed to ensure that infants and toddlers entering foster care receive support and services to help ensure safety, well-being, and an environment that supports early brain development. This program provides:

- regular support and community team meetings with parents and families;
- frequent court hearings with the same judge and caseworker;
- increased visitation between infants, toddlers, and parents; and
- referral of every child to early intervention services.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Child Welfare (Dependency) Court Proceedings.

Anyone, including the Department of Children, Youth, and Families (DCYF), 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. 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.

When a child is taken into custody, the court is to hold a shelter care hearing within 72 hours. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the dependency case is being resolved.

If a court finds the need to maintain a child out of the home, the shelter care status remains until a dependency fact-finding hearing is held or the parties enter an agreed order of dependency. The fact finding must be held within 75 days after the filing of the petition, unless exceptional reasons for a continuance are found.

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

The DCYF must develop a permanency plan within 60 days from the date that the DCYF assumes responsibility for the child which must identify primary outcome goals for the case. The DCYF must submit this permanency plan to the parties and the court at least 14 days before a permanency planning court hearing. A permanency planning hearing must be held in all cases where the child has remained in out-of-home care for at least nine months, but no later than 12 months following out-of-home placement.

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 Second Substitute Bill:

Superior courts are authorized to establish early childhood court programs to serve the needs of infants and toddlers who are dependent and under age 3 at the time the case enters the program. Early childhood court programs are defined as a therapeutic court that provides an intensive court process for families with a child under age 3 who is dependent.

A case may remain in the early childhood court program after the child is age 3 or older if the child is still dependent.

If a superior court creates an early childhood court program, it must:

- obtain a memorandum of understanding or other agreement with the DCYF that outlines how the two entities will coordinate and collaborate to implement the core components;

- have a community coordinator that facilitates information sharing and collaboration among professionals, participation in meetings, identification of resources and supports the family's connection to these resources, builds relationships, identifies training needs, and supports the convening of team meetings;
- establish a community team that serves as an advisory body to the court;
- establish more frequent dependency review hearings than required by law;
- have a community coordinator that neutrally facilitates family team meetings;
- aim to foster an environment in which all professionals increase their awareness of different forms of bias and the trauma that accompany poverty, mental health, and substance use;
- strive to ensure that families receive early, consistent, and frequent visitation for children and parents;
- ensure that the individualized case plan for parents involved should address protective factors that mitigate or eliminate safety risks to the child;
- support the development of agreements that encourage stakeholder participation;
- review its data to assess its effectiveness; and
- participate in a statewide group of early childhood court programs, and this statewide group will share its data findings and hold statewide meetings to support alignment to the core components and statewide consistency.

Judges who preside over early childhood court program hearings must participate in required training, including:

- an initial eight hour training program that can include certain topic areas related to infant attachment with primary caregivers, trauma-informed approaches, the importance of maintaining children with their biological connections, reunification, and the impact of trauma on child development; and
- a minimum of eight hours of continuing education related to the program after the initial training.

Subject to amounts appropriated, the Administrative Office of the Courts shall perform, or contract for, an evaluation of the early childhood court program to ensure the quality, accountability, and fidelity of the programs' evidence-based treatment.

Any early childhood court program currently in operation must have a reasonable time to adjust its practices to comply with the bill.

Appropriation: None.

Fiscal Note: Available.

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