
**Human Services, Youth, & Early
Learning Committee**

HB 1397

Brief Description: Maintaining the safety of children who have been removed from a parent based on abuse, neglect, or abandonment.

Sponsors: Representatives Walsh, Robertson, Dent and Eslick.

Brief Summary of Bill

- Requires the Department of Children, Youth, and Families (DCYF), in dependency cases where substance use disorder on the part of the parent was a primary or contributing factor in the removal of the child to demonstrate, before returning the child home, to provide documentation to the court of at least six months of random drug or alcohol testing that occurred at least twice per month to demonstrate six months of sobriety.
- Requires that dependency casework supervision by the DCYF continue for at least five years following the return of the child for cases involving: (1) substance use disorder on the part of a parent that contributed to the removal of the child or that occurred during the dependency; or (2) conviction of the parent of a crime against children.
- Requires the DCYF to continue to work engage with individuals who are mandated reporters of child abuse and neglect who have contact with the child for one year following dismissal of the dependency, including requesting weekly reports from mandated reporters of child abuse and neglect who have contact with the child.

Hearing Date: 2/17/23

Staff: Luke Wickham (786-7146).

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.

Background:

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.

If the court orders a child returned home during a dependency proceeding, casework supervision by the DCYF must continue for at least six months, at which time a review hearing shall be held and the court shall determine the need for continued intervention.

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. The court must order the DCYF to file a petition seeking termination of parental rights if the child has been in out-of-home care for 15 of the last 22 months since the date the dependency petition was filed unless the court makes a good cause exception as to why the filing of a termination of parental rights petition is not appropriate.

Crime Against Children.

Certain crimes against children are specified in law to include:

- a felony Indecent Exposure;
- a felony Criminal Mistreatment involving physical neglect;

- a felony Homicide;
- an Assault in the first or second degree, Assault of a Child in the first or second degree, or any other felony assault involving physical injury except Assault in the third degree where the victim is 18 years of age or older;
- a sex offense;
- Kidnapping in the first or second degree;
- child selling or buying;
- Promoting Prostitution in the first degree;
- Robbery in the first degree; or
- violation of laws of another jurisdiction that are similar to those listed above.

Summary of Bill:

In cases where substance use disorder on the part of the parent was a primary or contributing factor in the removal of the child, the Department of Children, Youth, and Families (DCYF) must demonstrate, before returning the child home, that the parent has at least six months of sobriety by providing documentation to the court of at least six months of random drug or alcohol testing that occurred at least twice per month. This six-month period of sobriety is not included in the period of time the child is in out-of-home care for purposes of determining whether the court must order the DCYF to file a termination of parental rights petition based on the child being in out-of-home care for 15 of the last 22 months since the date the dependency petition was filed.

If the court orders that a child is returned home during a dependency case, casework supervision by the DCYF must continue for at least five years, at which time a review hearing must be held to determine the need for continued intervention for cases involving:

- substance use disorder on the part of a parent that contributed to the removal of the child or that occurred during the dependency; or
- conviction of the parent of a crime against children.

Following the dismissal of any dependency case, the DCYF must continue to work engage with individuals who are mandated reporters of child abuse and neglect who have contact with the child for one year following dismissal of the dependency. The engagement must include requesting weekly reports detailing their observations of the child's health and safety from mandated reporters of child abuse and neglect who have contact with the child.

The DCYF must develop a standard form to provide to mandated reporters of child abuse and neglect who have contact with the child that allows mandated reporters to easily report to the DCYF their observations of the child's health and safety.

Appropriation: None.

Fiscal Note: Available.

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