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

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**HB 1891**

**Brief Description:** Maintaining the safety of children when a parent has a substance use disorder.

**Sponsors:** Representatives Eslick, Couture, Graham, Barnard, Cheney, Sandlin, Caldier, Reeves and Griffey.

**Brief Summary of Bill**

- Requires that court and Department of Children, Youth, and Families supervision continue for at least 12 months (instead of six months as required under current law) after a child returns home during a child welfare case involving substance use disorder on the part of a parent.

**Hearing Date:** 1/23/24

**Staff:** Luke Wickham

**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

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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.

**Summary of Bill:**

Court and Department of Children, Youth, and Families supervision must continue for at least 12 months (instead of six months as required under current law) after a child returns home during a child welfare case involving substance use disorder on the part of a parent that contributed to the removal of the child or that occurred during the case.

**Appropriation:** None.

**Fiscal Note:** Requested on January 17, 2024.

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