
Civil Rights & Judiciary Committee

HB 2383

Brief Description: Reporting on dependency outcomes.

Sponsors: Representatives Eslick, Taylor and Jacobsen.

Brief Summary of Bill

- Requires the annual Timeliness of Dependency Case Processing Report compiled by the Administrative Office of the Courts (AOC) to include available data about whether children in dependency cases are achieving relational permanency.
- Requires the AOC to identify measures of relational permanency and child well-being and report specified information to the Legislature.

Hearing Date: 1/23/24

Staff: Yelena Baker (786-7301).

Background:

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 based on a risk of imminent harm to the child, 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

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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 hearing 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 proving by clear, cogent, and convincing evidence that the:

- child is dependent;
- court entered a dispositional order;
- child was removed from the parent for a period of at least six months;
- services ordered under the dependency court order and all necessary services, reasonably available and capable of correcting parental deficiencies, have been expressly and understandably offered or provided; and
- continuation of the parent relationship clearly diminishes the child's prospects for early integration into a stable and permanent home.

The court may also terminate a parent's rights under certain circumstances if the whereabouts of the child's parent are unknown or if the parent has been convicted of certain crimes. If a court terminates a parent's rights, all rights, powers privileges, immunities, duties, and obligations, including any rights to custody, control, visitation, or support existing between the child and parent are severed and terminated, and the parent has no standing to appear at any future legal proceedings involving the child.

Administrative Office of the Courts Annual Dependency Report.

The Administrative Office of the Courts (AOC) has produced an annual Timeliness of Dependency Case Processing Report (Report) since 2007. Beginning in 2023, instead of producing a printed version of the Report, the AOC provides the required information about dependency timeliness measures and dependency court performance through an interactive online Dependency Timeliness Dashboard.

The Report provides information about cases that fail to meet statutory guidelines to achieve

permanency for dependent children and includes designated performance measures, including:

- whether a fact-finding hearing, first review hearing, and first permanency planning hearing occurred within the timelines specified in the child welfare statutes;
- whether permanency was achieved before 15 months in out-of-home care;
- whether a termination of parental rights petition was filed within 15 months of out-of-home care;
- case tracking from dependency filing to legally-free status; and
- whether adoption was completed within six months of the termination order.

The AOC must also include in the Report information regarding whether foster parents received timely notification of dependency hearings and whether caregivers submitted reports to the court. The Report must be submitted to a representative of the Foster Parent Association of Washington State.

Mandatory Standard Court Forms.

The AOC has continuing responsibility to develop standard court forms and rules for mandatory use in children's dependency cases and to revise the forms and format rules as appropriate. The AOC must distribute a master copy of the forms to all county court clerks and the AOC and the clerks must distribute the forms to the public upon request. A fee may be charged for the cost of production and distribution of the forms, which may be delivered in hard copy or by electronic means.

Office of Civil Legal Aid and Office of Public Defense.

The Office of Civil Legal Aid (OCLA) is an independent judicial branch agency established by the Legislature in 2005 to administer and oversee state funds appropriated by the Legislature for the provision of civil legal aid services to eligible low-income people in Washington. The OCLA is prohibited from providing direct representation of clients. Instead, moneys appropriated by the Legislature for civil representation are to be used solely for the purposes of contracting with qualified legal aid programs for legal representation of indigent persons in matters specified in the statute, including domestic relations and family law matters.

The Office of Public Defense (OPD) was established by the Legislature in 1996 as an independent agency of the judicial branch to implement the constitutional and statutory guarantees to counsel for indigent persons. The OPD does not provide direct representation of clients and instead administers all state-funded services in several specified program areas, including representation of indigent parents, custodians, and legal guardians involved in child dependency and termination of parental rights proceedings.

Summary of Bill:

Legislative findings are made stating that dependency courts should work to ensure the well-being of dependent children and to ensure that every young person who leaves foster care has relational permanency, meaning they have various long-term relationship with siblings, extended family, and others that help them feel loved and connected. Citing an information memorandum

issued by the federal Administration on Children, Youth, and Families, the Legislature also finds that while legal permanency—achieved through reunification, guardianship, or adoption—is important, it is not the only way to provide a sense of belonging and meaningful connections for young people and that legal permanence alone does not guarantee secure attachments and lifelong relationships.

Administrative Office of the Courts Annual Dependency Report.

In addition to providing information about cases that fail to meet statutory guidelines to achieve permanency for dependent children, the annual Report compiled by the AOC must include reasons why timelines are not met and available data about whether children in dependency cases are achieving relational permanency.

The AOC must submit the Report to the OCLA and the OPD.

Subject to the availability of amounts appropriated for this specific purpose, the AOC must, in consultation with others, identify measures of relational permanency and child well-being and report to the Legislature by July 1, 2025, the following information:

- a plan for reporting on child well-being and relational permanency;
- how to make such information publicly available;
- what can be reported using existing data;
- what additional information should be collected; and
- what data-sharing agreements are necessary to ensure an accurate picture of the needs of families in the dependency system.

In making these determinations, the AOC must consult with representatives who have knowledge of data collection systems from the Office of the Superintendent of Public Instruction, the Health Care Authority, the DCYF, the Department of Social and Health Services, and any other entity holding relevant data or expertise. To collect data necessary to evaluate the relational permanency and well-being of dependent children, the AOC may execute data-sharing agreements with specified agencies.

Mandatory Standard Court Forms.

To effectuate the purpose of the added requirements for the Report, the mandatory court forms developed and revised by the AOC may indicate whether an order or portion of an order was agreed or contested, and if contested, by which party or parties.

Appropriation: None.

Fiscal Note: Requested on January 18, 2024.

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