

HOUSE BILL REPORT

HB 2383

As Reported by House Committee On:

Civil Rights & Judiciary
Appropriations

Title: An act relating to reporting on dependency outcomes.

Brief Description: Reporting on dependency outcomes.

Sponsors: Representatives Eslick, Taylor and Jacobsen.

Brief History:

Committee Activity:

Civil Rights & Judiciary: 1/23/24, 1/26/24 [DPS];

Appropriations: 2/1/24, 2/3/24 [DPS(CRJ)].

Brief Summary of Substitute Bill

- Requires the Administrative Office of the Courts to identify measures of relational permanency and child well-being and report specified information to the Legislature by July 1, 2025.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Taylor, Chair; Farivar, Vice Chair; Goodman, Peterson, Thai and Walen.

Minority Report: Without recommendation. Signed by 4 members: Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno and Cheney.

Staff: Yelena Baker (786-7301).

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:

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 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 court 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 court 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.

Summary of Substitute 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 relationships 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.

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;

- a plan for tracking and reporting on whether an order or portion of an order was agreed or contested, and if contested, by which party or parties;
- 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, the Department of Corrections, 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 must execute data-sharing agreements with specified agencies.

Substitute Bill Compared to Original Bill:

The substitute bill makes the following revisions to the underlying bill:

- removes the requirement for the annual Report compiled by the AOC to include available data about whether children in dependency cases are achieving relational permanency;
- removes the requirement for the AOC to share the Report with the Office of Civil Legal Aid and the Office of Public Defense;
- removes the requirement for the mandatory court forms developed and revised by the AOC to indicate whether an order or portion of an order was agreed or contested and by which parties; and requires instead that the AOC report to the Legislature include a plan for tracking and reporting on whether an order or portion of an order was agreed or contested, and if contested, by which party or parties;
- requires, rather than permits, the AOC to execute data-sharing agreements to collect data necessary to evaluate the relational permanency and well-being of dependent children; and
- adds the Department of Corrections to the list of entities with whom the AOC must consult and execute data-sharing agreements.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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

Staff Summary of Public Testimony:

(In support) The bill directs the AOC to work with the DCYF and other agencies and experts to develop measures of relationship performance and well-being of the children. The state does not advocate for taking children from their parents unless there is a real safety issue and the children's lives are in danger. When that happens, when the state has to take charge of that child, the state is totally responsible for their well-being. There have been many times that the state has not done a good job, so it is necessary to look at what the reasons are for not doing a good job. Case workers and case managers are way overworked. It is necessary to send a strong message to the courts and others that the Legislature wants to know what is happening to the children when they are under state supervision.

This bill presents a very important issue of how to measure success in dependency cases. Right now, the Legislature's only guidance to courts is to measure success based on how fast a case is moving and to use timeliness measures to determine success. That's because federal law for a long time emphasized timeliness as the goal for dependency cases, but that has shifted. In 2021 the federal Children's Bureau issued new guidance to say that the focus should be on relational permanency and a child's well-being, and that timeliness, while still important, should be deemphasized. It is important to look instead at whether children have meaningful life-long connections with people who love them in their life—that should be the goal of a dependency case.

The AOC supports this bill and wholeheartedly agrees on the need to measure how the child welfare court system performs in supporting the well-being and relational connections of children in dependency cases. Since 2007 the AOC has collected and shared an increasing amount of state and county level data with the Legislature and the public. The data is used to help court systems engage in quality and improvement efforts, but the courts lack access to data about the kinds of services provided to children and parents, such as family time visits, school enrollment, and outcome connections to siblings and extended family. There is no ready-made list of effective indicators of well-being and relational permanence, so the AOC would like to use research to define the most salient data point, identify the data that can be accessed now, and determine what it will take to extract and match that data to individual cases while maintaining confidentiality.

It is very true that involvement in the foster care system brings about negative impacts on a child. Family is critical to a young person's development, and entering the foster care system puts a child in a vulnerable position where the child does not know where to go for guidance and support. Social workers are often too busy, and reaching out to the new guardian may make the child feel like even more of a burden. The quality of care received has severe impacts on a young person's long-term well-being. The state needs to do more to better understand these experiences and better meet the needs of foster children and the families with whom the children are placed.

This bill is a more proactive approach to approving the foster care system. Only 3 to 5 percent of foster care youth graduate from post-secondary educational institutions, largely

because they do not have relational permanency to help them navigate their transition into adulthood. Young people need reliability, stability, and permanency in order to succeed. This bill will help make that happen by having the necessary state agencies come together to strategize on how to identify and collect necessary data related to well-being and relational permanency, and that includes educational stability.

(Opposed) None.

Persons Testifying: Representative Carolyn Eslick, prime sponsor; Tara Urs, King County Department of Public Defense; Laurie Lippold, Partners for Our Children; Kelly Warner-King, Administrative Office of the Courts; and Daniel Lugo, Treehouse.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Civil Rights & Judiciary be substituted therefor and the substitute bill do pass. Signed by 29 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Connors, Assistant Ranking Minority Member; Couture, Assistant Ranking Minority Member; Berg, Callan, Chopp, Davis, Dye, Fitzgibbon, Harris, Lekanoff, Pollet, Riccelli, Rude, Ryu, Sandlin, Schmick, Senn, Simmons, Slatter, Springer, Stonier, Tharinger and Wilcox.

Staff: Yvonne Walker (786-7841).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Civil Rights & Judiciary:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) In 2007 the Legislature directed the Administrative Office of the Courts (AOC) to look at the timeliness of dependency cases as there was much concern of children languishing in the foster care system. This bill is about whether we are serving children in the system well. Currently, the only direction that the AOC has is to measure compliance

with timelines in dependency cases, but we are not measuring the well-being, relational connections, and permanency of children with dependency cases. The AOC lacks access to data about the services provided to children and parents, family time visits, school enrollment, and connections to siblings, tribes, and extended family. This bill will measure how those children are doing in the system. This is a good investment for the state.

(Opposed) None.

Persons Testifying: Tara Urs, King County Department of Public Defense; Kelly Warner-King, Administrative Office of the Courts; and Laurie Lippold, Partners for Our Children.

Persons Signed In To Testify But Not Testifying: None.