

HOUSE BILL REPORT

E2SSB 6068

As Reported by House Committee On:
Civil Rights & Judiciary

Title: An act relating to reporting on dependency outcomes.

Brief Description: Reporting on dependency outcomes.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Boehnke and Wilson, C.).

Brief History:

Committee Activity:

Civil Rights & Judiciary: 2/20/24, 2/21/24 [DP].

Brief Summary of Engrossed Second 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: Do pass. Signed by 9 members: Representatives Taylor, Chair; Farivar, Vice Chair; Abbarno, Cheney, Entenman, Goodman, Peterson, Thai and Walen.

Minority Report: Without recommendation. Signed by 2 members: Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member.

Staff: Yelena Baker (786-7301).

Background:

Dependency Court Proceedings.

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.

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.

During a permanency planning hearing, 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 or parental rights petition is not appropriate.

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 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, mentors, tribes, 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 permanency 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 many children in dependency have incarcerated parents;
- 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, tribal data experts, 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.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) There is a need to measure the relational connections and well-being of children in dependency cases. The AOC collects and shares state- and county-level data with the Legislature, courts, and the public, and this data is used to help the courts and court systems to engage in quality improvement. But there is no access to the kind of data about services that are provided to children and parents, such as family time visits, school enrollment outcomes, and connections to siblings, extended family, and tribes. There is not a ready-made list of indicators for well-being and relational connections, so these data points are very important.

The AOC would require a full-time senior court program manager to facilitate this work, which will entail using research and consultation to identify the salient data points, identifying data that can be accessed from other agencies, and matching this data to individual cases while maintaining confidentiality and respecting tribal data sovereignty.

(Opposed) None.

Persons Testifying: Kelly Warner-King, Administrative Office of the Courts.

Persons Signed In To Testify But Not Testifying: Laurie Lippold, Partners for Our Children; and Shaun Beals.