

SENATE BILL REPORT

SB 5620

As Reported by Senate Committee On:
Human Services, February 17, 2025

Title: An act relating to codifying the rights of children and youth in foster care.

Brief Description: Codifying the rights of children and youth in foster care.

Sponsors: Senators Cleveland, Frame, Hasegawa, Liias, Nobles and Wilson, C..

Brief History:

Committee Activity: Human Services: 2/10/25, 2/17/25 [DPS-WM, w/oRec].

Brief Summary of First Substitute Bill

- Declares that it is the stated intent of the Legislature to improve the health, well-being, and safety of children and youth in foster care by providing a statutory declaration and notification of certain rights.
- Provides that the Department of Children, Youth, and Families (DCYF) is to make efforts to ensure the provision of certain rights for child and youth in foster care.
- Directs DCYF to produce and make available to DCYF staff and those in foster care a pamphlet containing the rights afforded to youth in foster care and the responsibilities of DCYF.

SENATE COMMITTEE ON HUMAN SERVICES

Majority Report: That Substitute Senate Bill No. 5620 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Wilson, C., Chair; Frame, Vice Chair; Orwall.

Minority Report: That it be referred without recommendation.

Signed by Senators Christian, Ranking Member; Warnick.

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.

Staff: Alison Mendiola (786-7488)

Background: Child Welfare or 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: abandonment, abuse or 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 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 hold a dispositional hearing to determine whether the child may remain in the home or be removed from the home and be cared for by a relative, other suitable person, or DCYF. The child may only be placed out of the parent's care if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal, that prevention services have been offered or provided, and that:

- there is no parent or guardian available to care for the child;
- the parent, guardian, or legal custodian is not willing to take custody of the child; or
- the court finds by clear, cogent, and convincing evidence that a manifest danger exists and the child will suffer serious abuse or neglect if the child is not removed from the home.

Following a fact-finding and dispositional hearing, the court will conduct periodic reviews and make determinations regarding the child's placement, the provision of services by DCYF, compliance of the parents, and whether progress has been made by the parents.

DCYF must develop a permanency plan within 60 days from the date that DCYF assumes responsibility for the child which must identify primary outcome goals for the case. 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 DCYF must continue for at least six months, at which time a review hearing must be held and the court must determine the need for continued intervention.

Summary of Bill (First Substitute): It is the stated intent of the Legislature to improve the health, well-being, and safety of children and youth in foster care by providing a statutory declaration and notification of certain rights.

Youth that are placed in out of home care subject to a dependency proceeding under Chapter 13.34 RCW have the following rights:

- the right to be treated equally regardless of actual or perceived race, ethnicity, heritage, national origin, disability, medical problems, sex, sexual orientation, gender identity, and gender expression, as well as freedom from discrimination in accordance with applicable state laws;
- priority placement with a relative or other suitable person with whom the child or youth has a relationship and feels comfortable;
- placement with a foster care provider, where necessary, who has been provided with relevant case information about the child or youth's unique history as it relates to the child or youth's care needs and who has met training requirements to provide for those needs;
- placement or visitation with siblings;
- a determination whether an out of home placement can meet the child or youth's needs if placement in another available placement setting best meets their needs in the least restrictive environment;
- reasonable connections to the child's or youth's community and supports, including communication and contact with people outside the foster care system who are important to the child or youth, unless otherwise limited by law or court order;
- to not be deprived of the opportunity to receive a basic education due to out of home placement resulting from a dependency proceeding;
- legal representation as described in RCW 13.34.090(1) and RCW 13.34.212, as well as attendance of court hearings;
- to consent to their adoption or guardianship if over age 14;
- to report abuse, neglect, exploitation, or violation of these rights without retaliation;
- to consent to behavioral and health care treatment and services as otherwise allowed by state law;
- personal belongings including wearing the child's or youth's own clothing, having a safe place to store their belongings, and having their belongings transported in appropriate luggage with the child or youth during or shortly after a change of placement;
- freedom from unreasonable searches and seizures of personal belongings;
- confidentiality regarding case file and personal information as well as access and review of personal care records;
- to enter into extended foster care upon turning 18 and up to age 21; and
- when 18 or older and leaving foster care, being provided with the youth's birth certificate, social security card, immigration documents, health insurance information, medical records, case records, education records, either a driver's license or a state-issued Identicard, written information including the youth's family history and contact information for siblings, if appropriate, and proof of foster care.

By September 1, 2025, DCYF must update and make available to DCFY staff a pamphlet containing the rights afforded to youth in foster care and the responsibilities of DCFY. At a minimum, the pamphlet must:

- concisely provide references to resources and services available to children and youth in care;
- describe the rights as articulated under this act as well as any other relevant information; and
- provide information on how to contact caseworkers in an emergency.

DCYF must make this pamphlet available to all foster youth as they enter care, move placements, transition to extended foster care, and ensure the pamphlet is published on its website.

EFFECT OF CHANGES MADE BY HUMAN SERVICES COMMITTEE (First Substitute):

Specifies that youth that are placed in foster care have the following rights:

- to be treated equally regardless of heritage, national origin, disability, and medical problems;
- strikes reference to federal law;
- priority placement with a relative or suitable person with whom the child or youth has a relationship and feels comfortable;
- placement with a foster care provider who has been provided relevant case information about the child and has met necessary training requirements;
- placement or visitation with siblings;
- a determination whether an out of home placement can meet the child's needs or if placement in another available setting best meets their needs in the least restrictive environment;
- to not be deprived of the opportunity to receive a basic education due to out of home placement resulting from a dependency proceeding;
- legal representation as provided for in statute, and court hearing attendance;
- if over the age of 14, the right to consent to their adoption or guardianship;
- to report abuse, neglect, exploitation, or violation of these rights without retaliation;
- to consent to behavioral and health care treatment and services as otherwise allowed by state law;
- freedom from unreasonable searches and seizures of personal belongings;
- confidentiality regarding case file and personal information as well as access and review of personal care records;
- to enter into extended foster care upon turning age 18 and up to age 21; and
- when 18 or older and leaving foster care, the right to case records.

Instead of producing a pamphlet, DCYF is to update their pamphlet which is to be provided to all foster youth as they move placements and transition to extended foster care.

Appropriation: None.

Fiscal Note: Requested on January 31, 2025.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: All children have a right to be respected and loved. Creating a bill of rights for kids in foster care is a necessary step in ensuring that foster youth feel empowered. Kids in care are not just numbers. This bill emphasis communicating rights, what kids are entitled to, moving from a reactive system to a proactive one. This prioritizes a youth's personal agency. The information required in the pamphlet should be provided through an app. It appears things in foster care are similar to 20 years ago, including children changing placements with all their belongings in trash bags. A bill like this will change how foster youth see themselves; they are not a stigma. Similar bills have passed in other states like California, Colorado, Florida, and Texas.

OTHER: The intent to codify the rights of people in the system is appreciated; however, there are concerns about stating DCYF shall make efforts. A right is not a right if DCYF only has to try their best. This bill under includes rights.

Persons Testifying: PRO: Senator Annette Cleveland, Prime Sponsor; Charissa Keebaugh, Lived Experience Consultant; Sharn Kaur, The Mockingbird Society; Charles Smith, The Mockingbird Society; LaDonna Kirkpatrick; David Terry.

OTHER: Roxana Gomez, Legal Counsel for Youth and Children.

Persons Signed In To Testify But Not Testifying: No one.