

# SENATE BILL REPORT

## SB 5620

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As of February 10, 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, Lias, Nobles and Wilson, C..

**Brief History:**

**Committee Activity:** Human Services: 2/10/25.

**Brief Summary of 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.

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### SENATE COMMITTEE ON HUMAN SERVICES

**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

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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:** 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.

DCYF is to make efforts to ensure the provision of the following rights:

- the right to dignity and respect regardless of actual or perceived race, ethnicity,

- culture, sex, sexual orientation, gender identity, and gender expression, and freedom from discrimination in accordance with applicable state and federal laws;
- placement with a foster care provider, where necessary, who is aware of and understands the child's or youth's unique history as it relates to the child's or youth's care and who possesses the appropriate knowledge and skills to provide for the child's or youth's needs;
  - 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;
  - receipt of a free and appropriate education, access to transportation to educational institutions, and an opportunity to participate in sports and extracurricular, cultural, personal enrichment, and social activities consistent with the child's or youth's age and developmental level, including access to computer technology and the internet as necessary for the child's or youth's education;
  - 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; 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, education records, either a driver's license or a state-issued Identocard, 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 produce 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 and ensure the pamphlet is published on its website.

**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:** 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 Expierence 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.