

FINAL BILL REPORT

E2SSB 6255

C 288 L 94

SYNOPSIS AS ENACTED

Brief Description: Changing provisions relating to children removed from the custody of parents.

SPONSORS: Senate Committee on Ways & Means (originally sponsored by Senators Talmadge, Wojahn, Haugen, Winsley and McAuliffe; by request of Attorney General)

SENATE COMMITTEE ON HEALTH & HUMAN SERVICES

SENATE COMMITTEE ON WAYS & MEANS

HOUSE COMMITTEE ON HUMAN SERVICES

HOUSE COMMITTEE ON APPROPRIATIONS

BACKGROUND:

A dependency petition may be filed for any child who has been abandoned, is abused or neglected, has no parent capable of caring for him or her, or is developmentally disabled and services cannot be provided in the home. If a dependent child is removed from the home, the child's caseworker must prepare a plan for the child to assure that a permanent home is found for the child as soon as possible. This "permanency plan" may include returning the child back to his or her parent, adoption, guardianship, or a long-term placement with a relative or in foster care.

It has been suggested that changes in the law will reduce unnecessary delays in achieving permanency and stability for the child.

SUMMARY:

New definitions are provided for the following terms: "current placement episode," "dependency guardian," "guardian," "out-of-home care" and "preventive services." Preventive services are required to be offered or provided and have failed to prevent the need for an out-of-home placement before a child may be removed from the home. An exception is provided if the removal is necessary to protect the child. The department may transfer funds appropriated for foster care services to purchase other preventive services.

A plan shall be developed no later than 60 days after the supervising agency assumes responsibility for providing services, or by the fact-finding hearing, whichever occurs first. The planning continues whenever the child is removed

from parental custody until the goal is met or the dependency is dismissed.

The plan's identified outcomes and goals may change with the circumstances. Permanency planning goals should be met within 15 months of out-of-home placement. A hearing is required if the child, age 10 or younger, is out-of-home for at least nine months and held no later than 12 months after placement. For children over age 10, the hearing shall be held no later than 18 months after placement.

The agency having custody of the child shall file the permanency plan with the court and mail copies to the parties and their counsel 10 working days prior to a permanency planning hearing.

At the permanency planning hearing, the court shall determine whether the goal has been met and review the status and plan to assure it remains appropriate. If the court orders the child returned home, casework supervision shall continue for at least six months for a review hearing and consideration of the need for continued intervention. A permanency plan that does not contemplate the return of the child to the parent does not relieve the supervising agency from its obligation to provide reasonable services intended to effectuate the return of the child.

After the first permanency planning hearing, additional planning hearings shall be held at least every 12 months, until the goal is achieved or the case is dismissed. Status review hearings shall continue to be held every six months, unless a dependency guardian has been appointed.

The agency with custody of the child may file a termination or guardianship petition at any time after a finding of dependency. A fact-finding hearing shall be held unless the agency dismisses the petition, or an agreed order is entered.

Dependency guardians are authorized. A dependency guardian is a person, nonprofit corporation, or tribe appointed for the limited purpose of assisting the court in the supervision of the dependency. In establishing a guardianship, the best interest of the child standard is used instead of the best interest of the family.

The court shall specify the dependency guardian's authority over the estate of the child. The dependency guardian's rights and duties are specified. While the guardianship is in effect, the dependency guardian shall be a party to any dependency proceeding. Any party may request modification or termination of the guardianship order. DSHS may intervene in any guardianship to modify or terminate its provisions.

The court may modify or terminate the guardianship if it finds that, by a preponderance of the evidence, there has been a change of circumstances and the order is in the child's best interest. A hearing is required unless all parties agree.

When terminated, a dependency guardian has no rights or responsibilities for the child and has no legal standing to further participate in dependency proceedings.

The child shall remain dependent when the guardianship is terminated and shall be returned to: the parent; DSHS; a child placing agency; or a home not requiring licensing.

The child shall not be returned to the parent unless the original reason for removal no longer exists and it is in the child's best interest.

Parental preferences may be considered in the appointment of a dependency guardian. The reference to the dependency guardian's rights and duties regarding the child's religious activities is stricken. The dependency guardian's qualifications are modified.

VOTES ON FINAL PASSAGE:

Senate	48	0	
House	98	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Conference Committee

House	96	0
Senate	46	0

EFFECTIVE: June 9, 1994