

SENATE BILL REPORT

SB 6589

As Reported By Senate Committee On:
Children & Family Services & Corrections, February 4, 2004

Title: An act relating to evaluations of parties in proceedings involving child dependency or termination of parental rights.

Brief Description: Authorizing appointment of expert evaluators in proceedings involving child dependency or termination of parental rights.

Sponsors: Senators Hargrove, Stevens and Rasmussen.

Brief History:

Committee Activity: Children & Family Services & Corrections: 2/3/04, 2/4/04 [DPS].

SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6589 be substituted therefor, and the substitute bill do pass.

Signed by Senators Stevens, Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Staff: Edith Rice (786-7444)

Background: The 2001 Legislature requested the Chair of the Washington State Office of Public Defense Advisory Committee to appoint a committee to examine specific problem areas in dependency and termination cases. These included court continuances, the appointment of experts, and parents' access to services.

The Dependency and Termination Equal Justice Committee (DTEJ), chaired by Justice Bobbe Bridge, consisted of a multi-disciplinary group of judges, legislators, Department of Social and Health Services representatives, an assistant attorney general, parents' attorneys, court administrators, a county commissioner, and other professionals involved in dependency and termination cases.

Five statewide surveys were conducted and reviewed. Based on the survey results, the extensive experience of its membership, and other information, the DTEJ Committee adopted recommendations to address the areas identified by the Legislature. These recommendations were published in a report in December 2003 and addressed issues relating to caseload, evaluators, services, visitation, family drug courts and parents' representation.

Current law does not require that evaluators be mutually agreed upon.

Summary of Substitute Bill: The court can order an expert evaluation of the parties to a dependency. The parties and the court must agree upon the individual expert evaluator or the court is permitted to make the selection.

Substitute Bill Compared to Original Bill: "Fact-finder" is replaced with "court" for consistency.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: If parties cannot agree upon an evaluator, the court should be able to make that decision.

Testimony Against: None.

Testified: Joanne Moore, WA St. Office of Public Defense (pro); LaVerne Lamoureux, Director, Program and Policy, Children's Administration (pro); Ali Pearson, WA Assoc. of Criminal Defense Lawyers (pro); Laurie Lippold, Children's Home Society (pro).