

SENATE BILL REPORT

SB 6417

As of January 22, 2010

Title: An act relating to the placement of children with relatives.

Brief Description: Concerning the placement of children with relatives.

Sponsors: Senators Roach, Hargrove and Stevens.

Brief History:

Committee Activity: Human Services & Corrections: 1/21/10.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Jennifer Strus (786-7316)

Background: At the shelter care stage of a dependency proceeding where it is determined that the child needs to be placed outside the home, the priority placement must be with a relative or other suitable person, unless such placement would jeopardize the health, safety, and welfare of the child or would hinder efforts to reunify the child. If the child is not initially placed with a relative or other suitable person requested by the parent at shelter care, the Department of Social and Health Services (DSHS) or supervising agency must make an effort within available resources to place the child with a relative or other suitable person on the next business day after the child is taken into custody.

At the dispositional stage of a dependency proceeding, the court may order that the child be removed from his or her home and into the care of a relative or other suitable person, DSHS, or a supervising agency. DSHS or the supervising agency has the authority to place the child with a relative, another suitable person, or in a foster home. DSHS or the supervising agency may place the child with a non-relative when the court finds that such placement is in the child's best interest. Relative placement must be given preference by the court.

Summary of Bill: At the shelter care stage of the dependency proceedings, when a parent requests that his or her child be placed with a relative, there is a presumption that relative placement is in the child's best interest unless the placement will impede reasonable efforts to reunify the child with his or her parents. DSHS has the burden of overcoming this presumption by a preponderance of the evidence.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: Families should play a part in what happens to dependent children if possible and this bill will give them standing to do so in a meaningful way. One cannot currently obtain standing in court as a relative. Many people have spent lots of money trying to do so and this would allow them to have the ability to be heard and ask questions. The bill states that relatives have 72 hours after the child is removed, or the relative finds out the child will be removed, to petition the court for standing - this is too short a time period. The bill also does not state who is responsible for telling the relatives they can petition for standing. Having the child for 12 months before having standing is too long a period of time - it should be allowed immediately if the parent has requested it or it should be reduced to six months. The time period for a newborn should be shorter than 12 months because 12 months for a newborn is a very long time.

Persons Testifying: PRO: Senator Roach, prime sponsor; CC Tillett, Christy Curry, Washington Families United; Doug Stuth, Ann Stuth, Elaine Wolcott-Ehrhardt, Mary Ellen Ward, Pamela Brown, Jan Smith, citizens; Andrew Willard, Bari Willard, Bob Rudolph, Grandparents' Rights of Washington.