



**STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
FIELD OPERATIONS DIVISION**

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October 10, 2007

TO: Regional Administrators
Deputy Regional Administrators
DCFS Area Administrators
Administrator, Licensed Resources
Area Administrators, Licensed Resources
Regional Implementation Coordinators

FROM: Steve Wickmark, Director
Field Operations
Children's Administration

SUBJECT: POLICY CLARIFICATION - REINSTATEMENT OF PARENTAL RIGHTS LEGISLATION

During the 2006-07 legislative session, new legislation was passed which allow a child over 12 years old to petition the court to reinstate parental rights if their permanent plan has not been achieved in three years of termination.

This bill went into effect July, 22, 2007. A memo went out outlining the bill's impact on practice and necessary requirements to meet the legislation. Training to the field occurred in September 2007, providing a more detailed explanation of the bill and the requirements to meet the legislative mandate.

Since then, the Attorney General's Office has given us several points of clarification.

1. For children who have an attorney appointed by the court, it is not the social worker's responsibility to notify the child of the reinstatement of parental rights statute. It is assumed that the attorney will competently advise his or her client on this issue.
2. In counties where children are not routinely appointed attorneys, or the assigned social worker is aware the child does not have an attorney appointed by the court, the social worker will notify the child pursuant to the guidelines set forth in the policy for notification of children of their rights or options under the reinstatement statute. See policy 4735, effective October 1, 2007.

October 10, 2007

Page 2

3. Social workers should consult with their AAG regarding specific case scenarios.
4. Social workers do not have an obligation to locate parents whose rights have been terminated, provide notice to such parents or make due diligence efforts to serve such parents until such time as the court orders the Department to do so.
5. If the parent's whereabouts are unknown, the social worker should consult with his or her AAG on making a motion to dismiss the petition at the threshold hearing.

Social workers are to follow the policy for notification to children who do not have an attorney assigned to their case. If there are extenuating circumstances and the social worker and supervisor do not believe it is in the best interest of the child to notify them of the statute, an exception to policy with a detailed rationale must be approved by the Regional Administrator and/or designee.

For further questions and comments, please contact Carrie Kendig at (360) 902-7568 or e-mail at cken300@dshs.wa.gov.