

SHB 1624

Reinstatement of Parental Rights

FACT SHEET

October 2007

Reinstatement of Parental Rights Legislation (ESHB 1624)

Program Contact

The legislative session of 2007 passed Substitute House Bill 1624. This bill gives youth 12 years and older, (and younger children, with the show of good cause) the right to petition the court for reinstatement of parental rights if their permanent plan has not achieved or will not imminently achieved within three years of termination or exhaustion of the appeal process.

Carrie Kendig Lead

Process of the New Legislation

Reinstatement of Parental Rights Legislation Implementation

- A dependent child petitions the court to reinstate the previously terminated parental rights.
- The child is provided counsel prior to filing the petition.
- Once the petition is filed, the department gives notice to the parents, the Department, the child's attorney, foster parent, and Tribe of the threshold and merit hearings.
- The court holds a threshold hearing to determine:
 - the parent's interest in reinstatement of parental rights
 - the parent's apparent fitness to care for the child
 - if reinstatement of parental rights appears to be in the best interest of the child.

Division of Program & Practice Improvement

If the court finds the case meets threshold, a merit hearing is ordered.

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- At the merit hearing the court may *conditionally* grant the petition reinstating parental rights if the court finds:
 - The child has not achieved permanency and is not likely to imminently achieve his or her permanent plan; and
 - Reinstatement of parental rights is in the child's best interests. When determining the best interest of the child the court may consider the following:
 - if the parent named in the petition has remedied the deficits provided in the record of the prior termination proceedings
 - the age and maturity of the child and his/her ability to express his/her preference
 - whether reinstatement of parental rights presents a risk to the child's health, safety or welfare

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- other changes in circumstances.
 - If the court *conditionally* reinstates parental rights, the child is placed in the custody of the parent. The dependency is continued for six (6) months and the Department develops a permanency plan of reunification.
 - The department provides transitional services to the family as appropriate.
 - If the child is successfully placed for six (6) months, the court order reinstating parental rights remains in effect.
 - If the child must be removed from the parent due to allegations of abuse or neglect, the court dismisses the petition for reinstatement of parental rights.
 - A proceeding to reinstate parental rights is a separate action from the termination of parental rights proceedings and does not vacate the original termination of parental rights order.

CA Social Worker is Required to:

- Provide verbal notice to eligible children **who do have an attorney appointed by the court**. Priority notification is given to children who meet the criteria and have an ongoing relationship and/or communication with their biological parent.
- Connect a child with legal counsel, upon request.
- Give prior notice of the threshold and merit hearings to the parent named in the petition, any parent whose rights have not been terminated, the caregiver, and Tribe if applicable.
- If the court *conditionally* grants the petition to reinstate parental rights and places the child in the custody of the parent the social worker will:
 - Develop a permanent plan of reunification
 - Provide transitional services to the family as appropriate
 - Supervise the placement for six (6) months following the guidelines of the Trial Return Home Policy (43051A).

Implementation

- This legislation became effective July 22, 2007. Immediate policy requirements were provided to CA staff at that time. A more in depth training of the requirements occurred in September 2007.

For a copy of the Legislation go to:

<http://www.leg.wa.gov/pub/billinfo/2007-08/Pdf/Bills/House%20Passed%20Legislature/1624-S.PL.pdf>
