

**SB 865 A -A4 STAFF MEASURE SUMMARY**

**House Committee On Early Childhood and Human Services**

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**Prepared By:** Matthew Perreault, LPRO Analyst

**Meeting Dates:** 4/24, 5/8

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**WHAT THE MEASURE DOES:**

Directs Department of Human Services (DHS) to immediately begin searching for potential substitute care placement with child's relatives when child or ward is placed in substitute care. Directs DHS to involve parents during search, consider a parent's objection to contacting certain relatives, and provide notice that current caretaker may be prioritized if child or ward remains in substitute care for more than 12 months. Modifies prioritization of placements based on child's age with regard to requirements for home studies and placement reports to create exceptions for Indian children and establish prioritization based on length of time caring for child or child's age. Requires DHS and juvenile court to give greater weight to relatives known to child but may consider any relative or current caretaker who was not initially selected as prospective adoptive parent if adoption is disrupted. Directs DHS to additionally consider ability of person to maintain safe, long-term contact with siblings, relatives and caregivers known to the child or ward and others when placing a child. Prohibits DHS from moving child or ward in substitute care in order to prevent establishment of a caregiver relationship or a current caretaker relationship. Applies to placement decisions made on or after effective date. Declares overdue child support payments owed to state are deemed satisfied when parental rights are terminated or relinquished and allows court to deem other overdue payments owed by parents satisfied. Applies to matters affecting unpaid moneys occurring before, on, or after effective date. Declares emergency, effective on passage.

*REVENUE: No revenue impact*

*FISCAL: Has minimal fiscal impact*

*SENATE VOTE: Ayes, 25; Nays, 3; Excused, 2*

**ISSUES DISCUSSED:**

- Current law regarding priority of placements with relatives and current caretakers
- Potential termination of parental rights due to past-due payment of child support to DHS

**EFFECT OF AMENDMENT:**

-A4 Removes requirement for DHS to involve parents during search for relatives, consider a parent's objection to contacting certain relatives, and provide notice that current caretaker may be prioritized if child or ward remains in substitute care for more than 12 months. Requires DHS to notify parents and any relatives or prospective adoptive parents identified for potential placement that nonrelative foster parents will have equal status for consideration of placement if child is placed in care for at least 12 cumulative months or one-half of child's, ward's, or sibling's life. Modifies prioritization of placements based on child's age with regard to requirements for home studies and placement reports to retain equal status except for those involving Indian children. Removes preference for relatives that are known to a child or ward and adds equal preference for current caretakers alongside relatives and persons with caregiver relationship. Prohibits court from considering parent's failure to pay for substitute care as cause for termination of parental rights. Applies to matters affecting unpaid moneys occurring before, on, or after effective date.

*REVENUE: No revenue impact*

*FISCAL: Has minimal fiscal impact*

**BACKGROUND:**

For cases involving decisions regarding the placement of a child or ward in substitute care, juvenile courts work with the Department of Human Services (DHS) to determine a suitable placement that is in the best interests of the child or ward. When a court finds that substitute care is necessary, DHS is required to give equal preference to placements with relatives or individuals with whom the child or ward has an existing caregiver relationship. The department is also required to place siblings together to the extent possible. Current law specifies that a foster parent who has cared for the child or ward for a period shorter than 12 consecutive months is not considered a caregiver for this purpose. When placing a child in care, DHS needs to consider how well the person they are placing the child with will provide safety, help implement the child's permanent plan, and meet the child's physical, emotional, and educational needs. If more than one person requests to have the child or ward placed with them, DHS must consider which person has the closest existing personal relationship with the child, and their ability to also take into care their siblings. A court may decide that a placement with a relative is not in the best interest of the child. When preparing placement reports, DHS must consider each prospective adoptive parent's ability to meet the individual needs of the child for safety, attachment, and well-being but give a child's relatives and current caretaker priority as prospective adoptive parents and give them equal status.

Senate Bill 865 A directs DHS to immediately begin searching for potential substitute care placements from among a child's relatives when it places a child in substitute care, allows the child's parents to be involved in the process, requires DHS to consider a parent's objections to contacting certain relatives, and makes additional changes to placement decisions and child support payments.