

OFFICE OF THE FAMILY AND CHILDREN'S OMBUDSMAN

TESTIMONY ON SSB 6306

HOUSE COMMITTEE ON EARLY LEARNING & CHILDREN'S SERVICES

February 26, 2008

Olympia, WA

Good afternoon Madam Chair Kagi, and Members of the Committee. My name is Mary Meinig and I am the Director of the Office of the Family & Children's Ombudsman. We appreciate this opportunity to provide testimony on SSB 6306.

- **This bill authorizes relatives of a dependent child to petition the court for visitation** when parental rights have been terminated; the child is in the custody of DSHS or another agency; and the child is neither adopted nor in a pre-adoptive or permanent placement. It does not provide the relative with party status in the dependency action.
- **This bill offers a measured approach** by allowing the court to grant visitation only after determining that visitation does not present a risk to the child's well being and is in the best interest of the child based on the consideration of common sense factors such as:
 - The bond between the relative and the child;
 - The length and quality of the relationship;
 - The relative's criminal and founded CPS history;
 - Whether the visits would compromise the child's health, safety, or welfare; and
 - The child's preference when the child is old enough to express a preference.
- **In our 2004-2005 Annual Report, we recommended that relatives who have an established relationship with a child, which the relatives and child wish to continue, be provided with ongoing contact** after the child has been removed from parental care pursuant to a dependency action. This bill recognizes the importance of continuing the child's relationships with relatives even after the parents' rights have been terminated. This substitute version makes clear that this petition process is not intended to impair or alter any authority a court currently has to order visitation under existing dependency laws.
- **Currently, contact between relatives and the child is left to the discretion of DSHS and the court** and does not tend to occur unless Children's Administration initiates and facilitates the visitation at the request of the relatives and with agreement of the parties. We find that in many cases, the visitation is not provided and **bonds that may have existed between a relative and child are lost over time**. Relatives often feel that their lack of visitation is either an oversight that is not adequately addressed by the system or that the decision to not provide them with visitation is arbitrary and capricious. **Relatives express to us their belief that during a vulnerable time, the children would benefit from the comfort and support of seeing relatives**. We believe this bill would help to address these concerns.

- A number of states have already adopted laws that **facilitate visitation between dependent children and relatives**, so this bill is consistent with the direction in which states are heading.
- The bill also provides a mechanism for modifying or terminating visitation in appropriate circumstances, including once the child is adopted or if the relative has a subsequent founded abuse or neglect allegation.
- Visitation evokes strong emotions and **the lack of adequate visitation for relatives is a common issue that is brought to the Ombudsman**. We believe that relatives can provide a source of emotional support and continuity for children whose lives may already be in upheaval due to the loss of a parent. Sometimes the relatives who contact us have cared for these children off and on through voluntary arrangements with the parents. The relatives may no longer be a placement resource because of restrictions imposed by their health, finances, or work obligations. Nonetheless, they wish to have contact with these children and to maintain an important relationship. This is beneficial to children in many situations.

We thank Senator Rockefeller and other members for their sponsorship of this measure and thank the Committee for this opportunity to comment.