



STATE OF WASHINGTON  
**OFFICE OF THE FAMILY AND CHILDREN'S OMBUDSMAN**

6720 FORT DENT WAY, SUITE 240  
TUKWILA, WA 98188  
(206) 439-3870 • (800) 571-7321 • FAX (206) 439-3877

**Written Testimony to be Incorporated into the Record on ESHB 1782**

WRITTEN TESTIMONY ON ESHB 1782  
SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Thursday, March 26, 2009

J.A. Cherberg Building, Senate Hearing Rm 1, 3:30 p.m.

Thank you for this opportunity to comment on Engrossed Substitute House Bill 1782 (ESHB 1782). My name is Mary Meinig and I am the Director of the Office of the Family & Children's Ombudsman ("OFCO").

We favor the bill's intent to encourage parental engagement early in the dependency process. We also support the bill's efforts to provide parents with clear communication about the possible consequences of not participating in their child's case at the front-end.

Under current law, the Department of Social and Health Services (DSHS) must provide written notice to parents or legal custodians whenever a child is taken into custody under a dependency action. In addition to notifying parents that their child has been taken into legal custody, this written notice informs parents of important legal rights in connection with the dependency process. ESHB 1782 expands the provisions of written notice by providing parents advance notice of some of the significant actions that will occur in a dependency and the consequences of a parent failing to engage with DSHS early in the process.

Specifically, this newly expanded notice would:

- inform parents of the duty of DSHS to create a permanency plan for the child, with a primary and secondary option for placement; and
- make clear that if a parent wishes to be considered for placement, that the parent must comply with court-ordered services and visitation and that failure to respond, participate, or comply with a court order could result in termination of parental rights.

The Ombudsman is aware of numerous cases which have resulted in poor outcomes driven by poor communication between agency workers and children and families. To the extent, the agency can take concrete steps to establish and communicate in writing clear expectations to

**-Page 2 of Written Testimony on ESHB 1782**

parents and likely outcomes of not following through on services or other aspects of a case, then we believe this will improve the dependency process.

ESHB 1782 also directs the dependency court to consider the impact of placement changes on the child's ability to form secure attachments. Although we support the bill's directive to the court to consider how an additional separation and change in placement may affect the child's ability to form secure attachments, we are specifically concerned about terminology used in section 5, subsection 4, which states: "the court shall utilize a *developmentally appropriate child-centered perspective* to consider the child's history and attachment status . . .". It is not clear what the court should base such a perspective on and whether there are established and recognized standards which the court should be required to rely upon in utilizing a "developmentally appropriate child-centered perspective." We suggest either striking that portion of this section or amending it so that it is less vague and susceptible to conflicting interpretations.

Thank you for this opportunity to provide you with our thoughts on this legislation.