

## OFFICE OF THE FAMILY AND CHILDREN'S OMBUDSMAN

### TESTIMONY ON SB 6306

Senate Committee on Human Services & Corrections

January 18, 2008

Olympia, WA

Good morning Chairman Hargrove, 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 welcome this opportunity to comment on SB 6306.

- This bill authorizes relatives of a dependent child to petition the court for visitation in situations where 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.
- In our 2004-2005 Annual Report, we recommended that relatives who have an established relationship with a child 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.
- Currently, contact between relatives and the child is left to the discretion of 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 specify the factors a court should consider in allowing for such visitation, so this bill is consistent with the direction in which states are heading.
- Visitation evokes strong emotions and the lack of adequate visitation for relatives is a common issue that is brought to the Ombudsman. This was the issue we were asked to investigate in:
  - 144 out of 467 complaints received in 2004 (29%);
  - 148 out of 464 complaints in 2005 (26%);

- 137 out of 511 complaints in 2006 (31%); and
  - 181 out of 615 complaints in 2007 (30%).
- This bill offers a measured approach by allowing the court to grant visitation only after the consideration of certain common sense factors as well as a determination that such visitation would be in the child's best interest. The court must consider 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.
- 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.
- 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 for his sponsorship of this measure and thank the Committee for this opportunity to comment.