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WRITTEN TESTIMONY ON SB 5690
SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS
February 8, 2011
Senate Hearing Room 1, J.A. Cherberg Building, 1:30p.m.

Good afternoon 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 ("OFCO"). We welcome the opportunity to comment on SB 5690.

While OFCO remains neutral on proposed legislation, I support the intent of SB 5690, which provides children over the age of twelve with the right to petition for reinstatement of parental rights in situations where permanency through an adoption or guardianship was achieved but not sustained and the child was returned to foster care.

In its capacity as a watchdog of the child protection and welfare system, OFCO routinely investigates various issues regarding permanency for children in state care. It is not uncommon we encounter cases where the identified permanent plan, such as an adoption or guardianship fails and the child returns to foster care. Under current law however, a child twelve years of age or older in this scenario would have to wait an additional three years before petitioning the court to reinstate parental rights.

Immediately following termination of parental rights, and prior to the establishment of a permanent plan, the three year waiting period provides a reasonable period of time for the department to identify and establish a permanent plan for a legally free child, prior to the possibility of an action to reinstate parental rights. The same logic does not apply however in cases where a permanent plan was established, but ultimately failed.

This modification provides greater flexibility for the child to pursue different potential options for permanency, including the right to petition for reinstatement of parental rights without waiting three years from the date of a failed placement. The department could still pursue an alternative adoptive home or guardian, as the court would weigh whether or not it is likely to achieve the permanent plan, as well as whether or not reinstatement of parental rights is in the best interest of the child.

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