

**From:** [Skreen, Janet](#)  
**To:** [McDougall, Regina](#); [Peterson, Susan](#)  
**Subject:** FW: FJLC Leg Bill Review -- RECOMMEND NO CALL TODAY  
**Date:** Thursday, March 07, 2013 4:55:50 PM

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Judge Nelson would like the email below to go to SCJA Leg for tomorrow's call. Sorry I'm so late with it. SHB 1284 has a hearing March 14 10AM Senate Human Services & Corrections.

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**From:** Ressa, Michelle [mailto:[MRESSA@spokanecounty.org](mailto:MRESSA@spokanecounty.org)]  
**Sent:** Thursday, March 07, 2013 10:00 AM  
**To:** Skreen, Janet; 'Bart Vandegrift'; 'Kathryn Nelson'; 'Okrent, Richard'; 'Jeske, Jacqueline'; 'Kitty-Ann van Doorninck'; Grovdahl, Steve; Moe, Royce; 'Judge Anne Hirsch'; 'Diana Kiesel'; Pete Peterson  
**Subject:** RE: FJLC Leg Bill Review -- RECOMMEND NO CALL TODAY

I am surprised we did not look at 1284 before when it virtually gave the Dept and court no discretion about not filing termination petitions in certain circumstances. It was parent-focused and left little discretion to consider the child. There seemed to be a disconnect as to why someone was incarcerated in the first place - as if they had no responsibility in the matter. I hope the amendments allow for some court discretion. Our current statute is already problematic where the legislative branch tells the executive branch to file a legal action when the executive branch may not be willing to pursue the action or the judicial branch doesn't believe the petition can be supported by evidence. I have no problem with adding more 'good cause' reasons not to file. The court still retains the ability to determine whether or not good cause exists.

I don't know if I can change SCJA's "no position" position; but I believe we should be opposing legislation that takes away our discretion to consider a child's best interests over and above a parent (13.34.020 already tells us what to do when the rights of the child and the rights of the parent conflict). My personal opinion is that this legislation is not necessary because I believe courts consider the circumstances of parents and the circumstances of the child when determining whether or not a TPR petition should be filed. We look at existing relationships and whether alternatives to termination, even when a parent may not be physically available, are appropriate for the child. We are not robots!

I am not requesting a conference call today because I have said my piece. Thanks for reading. :)

Michelle

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**From:** Skreen, Janet [<mailto:Janet.Skreen@courts.wa.gov>]

**Sent:** Thursday, March 07, 2013 8:47 AM

**To:** Skreen, Janet; 'Bart Vandegrift'; 'Kathryn Nelson'; 'Okrent, Richard'; 'Jeske, Jacqueline'; Ressa, Michelle; 'Kitty-Ann van Doorninck'; Grovdahl, Steve; Moe, Royce; 'Judge Anne Hirsch'; 'Diana Kiesel'; Pete Peterson

**Subject:** FJLC Leg Bill Review -- RECOMMEND NO CALL TODAY

**Importance:** High

I've reviewed two substitute bills that have hearings next week – ESHB 1204 regarding sibling visits and SHB 1284 re incarcerated dependency parents.

SHB 1204 – SCJA adopted our recommendation to support the original bill. The substitute adds as a reason for no sibling visits, the residential facilities' policy to not allow visits, and removes the section that provided for a child to file a motion if visitation is unjustly denied. I think we should continue to recommend SCJA support the substitute.

SHB 1284 – SCJA took no position on this bill and I don't think we looked at it previously. Some significant changes were made to the bill. It makes more specific the efforts the department must make for incarcerated parents and what the permanency plan includes, instead of general language "plan must address special circumstances and needs of child and family." Gone is CA's obligation to provide notice of rights to incarcerated parents. It adds to good cause reasons for not filing TPR "Where aggravated circumstances are determined to exist under RCW 13.34.132 (4)(g) for an incarcerated parent's failure to complete available treatment, and the parent's failure is due to the constraints of a current or prior incarceration or current or prior participation in a residential substance abuse treatment program. Such consideration must include, but not be limited to, delays in or barriers to accessing court mandated services."

It expands factors for court to consider in determining whether the parent has maintained a meaningful role in the child's life. Instead of prohibiting CA from filing a TPR petition if incarceration is the primary reason and there is no independent reason, this language is added: "When a parent has been sentenced to a long-term incarceration and has met the criteria provided in RCW 13.34.145(30)(i), the dept must seek a permanent placement that allows the parent to maintain a relationship with his or her child, such as a guardianship rather than a TPR."

BOTTOM LINE: I don't think we need to review these bills on a conference call, and I don't think SCJA should change its position on either bill. If you disagree, please let me know ASAP.

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**From:** Skreen, Janet  
**Sent:** Thursday, February 07, 2013 8:07 AM  
**To:** 'Bart Vandegrift'; 'Kathryn Nelson'; 'Okrent, Richard'; 'Jeske, Jacqueline'; 'Ressa, Michelle'; 'Kitty-Ann van Doorninck'; 'Grovdahl, Steve'; Royce Moe; 'Diana Kiesel'; Pete Peterson  
**Cc:** Skreen, Janet; McDougall, Regina; Peterson, Susan  
**Subject:** Final FJLC Recommendations to SCJA

Attached is the edited version of our recommendations to SCJA for this week's bills.

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**From:** Skreen, Janet  
**Sent:** Wednesday, February 06, 2013 4:30 PM  
**To:** 'Bart Vandegrift'; 'Kathryn Nelson'; 'Okrent, Richard'; 'Jeske, Jacqueline'; 'Ressa, Michelle'; 'Kitty-Ann van Doorninck'; 'Grovdahl, Steve'; Royce Moe; 'Diana Kiesel'; Pete Peterson  
**Cc:** Skreen, Janet  
**Subject:** FJLC Recommendations to SCJA

For some reason, I struggled with this one. Please skip the bill summary and move to the comments section for each bill. Your edits are invited and most welcome.

Thanks.

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**From:** Skreen, Janet  
**Sent:** Monday, February 04, 2013 2:22 PM  
**To:** Skreen, Janet; 'Bart Vandegrift'; 'Kathryn Nelson'; 'Okrent, Richard'; 'Jeske, Jacqueline'; 'Ressa, Michelle'; 'Kitty-Ann van Doorninck'; 'Grovdahl, Steve'; Royce Moe; 'Diana Kiesel'; Pete Peterson  
**Subject:** FJLC Leg Call Wednesday 2/6 12:15PM

**Importance:** High

**Call 360-704-4112 and if those ports are full, call 360-704-4113 – 12:15PM Wednesday Feb. 6<sup>th</sup>.**

Three bills were referred to us, all related to visitation. We looked at one briefly last week; this will be a chance for us to talk it through thoroughly.

HB 1140 – Post-dependency sibling visits  
HB 1204 – Sibling visits during dependency  
HB 1506 – Nonparental visitation

Judge Nelson said of these bills:

There are three bills that concern sibling and third party visitation. 1140 is the one Bart helped to draft re post dependency sibling visits. **1204/5389 is Roberts' other sibling visitation bill concerning 2 visits per month during dependency which has been left off the Leg Committee's tracking sheet**, and 1506 is a third party visitation bill. We were asked to review all but especially 1204 in light of Troxell. The Leg group was very sensitive to any bill that may be an inroad to grandparents visitation rights and had Troxell concerns.

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**From:** Skreen, Janet

**Sent:** Friday, February 01, 2013 9:04 AM

**To:** Skreen, Janet; 'Bart Vandegrift'; 'Kathryn Nelson'; 'Okrent, Richard'; 'Jeske, Jacqueline'; 'Ressa, Michelle'; 'Kitty-Ann van Doorninck'; 'Grovdahl, Steve'; Royce Moe; 'Diana Kiesel'; Pete Peterson

**Cc:** McDougall, Regina

**Subject:** FJLC Recs to SCJA

With apologies for its lateness, attached is the recommendations to SCJA based on your excellent emailed comments. I did not discern absolute support for the extended foster care bill, so I listed our recommendation as no position with concerns/suggestions. If you would like to change that to support (my personal and perhaps biased point of view) please let me know before lunch if you can and I'll get word to Judge Nelson before the SCJA Leg meeting.

J.

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