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COURTS

Superior Court Judges' Association

March 26, 2013

Craig Matheson, President
Benton County Superior Court
7122 W Okanogan Pl, Bldg A
Kennewick, WA 99336-2359
(509) 736-3071

Charles R. Snyder, President-Elect
Whatcom Co. Superior Ct.
311 Grand Ave, Ste 301
Bellingham, WA 98225-4048
(360) 738-2457

Laura C. Inveen, Past-President
King County Superior Court
516 3rd Ave, Rm C-203
Seattle, WA 98104-2361
(206) 296-9268

Michael T. Downes, Secretary
Snohomish County Superior Court
3000 Rockefeller Ave, MS 502
Everett, WA 98201-4046
(425) 388-3075

Linda CJ Lee, Treasurer
Pierce County Superior Court
930 Tacoma Ave S, Rm 334
Tacoma, WA 98402-2108
(253) 798-7735

Board of Trustees

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401 Washington St, Fl 5
PO Box 880
Wenatchee, WA 98807-0880
(509) 667-6210

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Maleng Justice Center
401 4th Avenue N, Room 2D
Kent, WA 98032-4429
(206) 296-9270

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Yakima County Superior Court
128 N 2nd St Rm 314
Yakima, WA 98901-2639
(509) 574-2710

Vicki Hogan
Pierce County Superior Court
930 Tacoma Ave S Rm 334
Tacoma, WA 98402-2108
(253) 798-7566

Kimberley Prochnau
King County Superior Court
516 3rd Ave Rm C-203
Seattle, WA 98104-2361
(206) 296-9260

James E. Rulli
Clark County Superior Court
1200 Franklin Street
Vancouver, WA 98660
(360) 397-6133

Bruce I. Weiss
Snohomish Co. Superior Court
3000 Rockefeller Ave, MS 502
Everett, WA 98201-4046
(425) 388-7335

Honorable Mary Helen Roberts
House of Representatives
P.O. Box 40600
Olympia, WA 98504-0600

RE: Substitute House Bill (SHB) 1284

Dear Representative Roberts:

Although the Superior Court Judges' Association (SCJA) has not officially taken a position on SHB 1284, the rights of parents who are incarcerated or in residential substance abuse treatment, we do have significant concerns which we request that you consider.

The bill does not define "long-term incarceration." The statute activates a termination petition when a child has been out of home 15 of the last 22 months. As a result, "long-term incarceration" needs to be defined in the context of the statutory demand for timely permanency.

Equating incarceration and substance abuse treatment. The bill assumes that incarceration is somehow equivalent to residential substance abuse treatment. Incarceration separates a parent from a child because of the parent's criminal behavior. On the other hand, residential substance abuse treatment may separate a parent from a child because of the parent's attempt to overcome substance abuse. A parent's criminal behavior should not be overlooked or diminished when considering whether a child has the right to permanency in his or her life. We request that you eliminate the incarceration aspect of this bill, or at least limit it to short periods of incarcerations no longer than 90 days.

Good Cause Exception. The bill allows a good cause exception for filing a petition to terminate a parent-child relationship if a child has been out of home for 15 to 22 months, provided that the parent maintains a meaningful rule in the child's life. The emphasis should be on "maintaining" not beginning to repair or build a relationship that did not exist prior. Section 4 refers both to "maintaining" a parent-child relationship and also to "repairing" or "building" a parent-child relationship. We believe that you should eliminate "repairing" and "building" the relationship in Section 4 (3)(c)(i)(B).

Page 2

Letter re: SHB 1284

Courts are guided by statutes prioritizing permanency for dependent children. We ask for targeted amendments that further clarify the intent of delayed or alternative permanence, as we have mentioned above.

Thanks for your attention and consideration of our concerns. We recognize how busy your schedule is at this point of session, but as an Association we are invested in our dependency system and the laws that govern it.

Sincerely,

Craig Matheson
President-Judge

cc: SCJA Legislative Committee
Senate Committee on Human Services and Corrections