

# JUDICIAL IMPACT FISCAL NOTE

<b>Bill Number:</b> 2733 HB	<b>Title:</b> Parent-Child Relationship	<b>Agency:</b> 055 – Administrative Office of the Courts (AOC)
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## Part I: Estimates

☐ **No Fiscal Impact**

### Estimated Cash Receipts to:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
<b>Total:</b>					

### Estimated Expenditures from:

STATE	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE – Staff Years					
<b>Account</b>					
General Fund – State (001-1)		5,000	5,000		
State Subtotal		5,000	5,000		
<b>COUNTY</b>					
County FTE Staff Years					
<b>Account</b>					
Local - Counties					
Counties Subtotal					
<b>CITY</b>					
City FTE Staff Years					
<b>Account</b>					
Local – Cities					
Cities Subtotal					
Local Subtotal					
<b>Total Estimated Expenditures:</b>		<b>5,000</b>	<b>5,000</b>		

*The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.*

Check applicable boxes and follow corresponding instructions:

☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form parts I-V

☒ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐ Capital budget impact, complete Part IV.

Legislative Contact:	Phone:	Date:
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OFM Review:	Phone:	Date:

## **Part II: Narrative Explanation**

This bill would amend RCW Chapters 13.34, 26.11, 26.33, 26.44 and 71.12 addressing post parental right termination visitation for the parent whose rights have been terminated.

This bill would require that the Administrative Office of the Courts to develop a pattern form for open adoption agreement orders by July 1, 2020.

### **Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts**

Section 1(2) – Would address when a parents rights are terminated due to their inability to provide conditions of basic nurture, health, or safety as a primary caregiver but are capable of or may be capable of, healthy visitation with the child, it is presumed that a written agreement under RCW 26.33.295 outlining ongoing visitation is in the child's best interest.

Section 3(b)(i) – Would determine that if the court finds it is in the child's best interest, the court shall examine whether the child should have post-termination contact with the parent's who's rights have been terminated. The department would have an opportunity to rebut this presumption by establishing clear, and convincing evidence that such contact is not and never will be in the child's best interest.

Section 3(b)(ii) – There is presumption that visitation between the child and parent who's rights have been terminated will continue or be reinstated pursuant to an open adoption agreement under RCW 26.33.295, unless the contact is no longer, and will never be, in the child's best interest. If currently, visitation is not in the child's best interest, the agreement could include requirements for a birth parent to remedy issues that led to the termination prior to reinstatement of visitation.

Section 4(3) – Would allow for a person whose parental rights have been terminated under RCW 13.34.210 to petition the court for visitation with the child still in custody with the department.

Section 4(3)(a) – Would require the petitioner to (i) set forth facts supporting the request for visitation;(ii) serve notice of the filing to the department, and department may file an opposing motion.

Section 4(3)(b) – If, based on the petition and affidavits, the court finds that visitation will be granted a hearing would be scheduled.

Section 4(3)(c) – Would allow the court to grant visitation if it finds that it would be in the best interest of the child.

Section 4(3)(d) – Would allow the court to terminate or modify visitation if there has been a substantial change in circumstances of the child or the parent.

Section 5(2)(a) – Would allow for a person whose parental rights were terminated under chapter 13.34 RCW the ability to petition for visitation with child if; (i) the person has successfully addressed the parental deficiencies that led to the termination of the parental rights; and the child is likely to suffer harm if visitation is denied.

Section 5(4) - Would set penalties and civil fines when an adoptive parent fails to comply with visitation or contact provisions included in an open adoption agreed order. The court could modify open adoption agreements when exceptional circumstances arise which could include;

(i) refusal of the adoptive parent to comply with visitation; (ii) visitation or contact provisions are no longer possible to follow; or (iii) a substantial change in the circumstances of the birth parent's life that justifies less restrictive or increased visitation with the child adoptee.

Section 5(6) – Would require the Administrative Office of the Courts (AOC) to develop a pattern form for open adoption agreement orders by July 1, 2020.

## **II.B - Cash Receipt Impact**

None

## **II.C – Expenditures**

This bill would require modifications to IT systems. Judicial education would be required. These impacts would be managed within existing resources.

Section 5(6) of this bill would require the AOC to create a pattern form for open adoption agreement orders. It is estimated that this would require 250 hours of pattern forms staff time, and three in-person meetings with pattern forms subcommittees. The total estimated cost would be \$5,000.

**Note:** Section 5(6) would provide for an effective date of July 1, 2020. The AOC cannot complete the pattern forms work required by this bill by this effective date.

## **Part III: Expenditure Detail**

### **III.A – Expenditures by Object or Purpose**

	<b>FY 2020</b>	<b>FY 2021</b>	<b>2019-21</b>	<b>2021-23</b>	<b>2023-25</b>
FTE – Staff Years					
A – Salaries & Wages					
B – Employee Benefits					
C – Prof. Service Contracts					
E – Goods and Services		5,000	5,000		
G – Travel					
J – Capital Outlays					
P – Debt Service					
<b>Total:</b>		<b>5,000</b>	<b>5,000</b>		