

**HB 2104 A STAFF MEASURE SUMMARY**

**Carrier:** Rep. Williams

**House Committee On Human Services**

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**Action Date:** 04/12/21

**Action:** Do pass with amendments and rescind subsequent referral to Judiciary. (Printed A-Eng.)

**Vote:** 7-0-0-0

**Yeas:** 7 - Leif, Noble, Owens, Ruiz, Sanchez, Schouten, Williams

**Fiscal:** No fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Iva Sokolovska, LPRO Analyst

**Meeting Dates:** 2/17, 4/12

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**WHAT THE MEASURE DOES:**

Narrows the definition of "current caretaker" to exclude those caring for wards who have concurrent permanent adoption plans from being on par with a ward's relatives for adoption purposes and clarifies the calculation of time that a ward is cared for by a current caretaker within the same definition.

**ISSUES DISCUSSED:**

- Distinction between permanent and general (temporary) guardianship
- Difficulties parents may have who seek to end a general guardianship after conditions have been ameliorated
- Technical change to definition of current caretaker established by Senate Bill 741 (2015)

**EFFECT OF AMENDMENT:**

Restores original provisions governing juvenile court jurisdiction. Specifies that the calculation of time a ward is cared for within the definition of "current caretaker" is cumulative *from the date the ward entered substitute care*.

**BACKGROUND:**

Courts can become involved in the lives of children and their families for many reasons. Guardians may be appointed by courts for children whose parents are unwilling or unable to care for them. A relative or another adult, or the Department of Human Services (DHS) or another qualifying entity, can be appointed as a child's guardian, and guardianships are usually temporary, but sometimes permanent. The findings that courts are required to make, and the applicable standards of proof vary depending on the type of guardianship and the person or entity being appointed. The same standards that courts apply when deciding whether to terminate parental rights, apply to the establishment of a permanent guardianship; parents may ask a court to terminate a temporary guardianship, but not a permanent guardianship. In 2015, the Legislative Assembly enacted Senate Bill 741. Among other provisions, the measure sought to treat a ward's current caretakers the same as relatives, with respect to their being considered as prospective adoptive parents, when certain criteria were met. The definition of "current caretaker" established by the measure, includes those who care for wards in the legal custody of the Department of Human Services (DHS) who have a permanency plan of adoption, as well as those who have a concurrent plan of adoption.

House Bill 2104 A narrows the definition to remove those who care for wards who have a concurrent plan, so that only current caretakers who meet all the other criteria, who care for wards who have a permanency plan of adoption, are treated the same as relatives seeking to adopt.