

2SSB 5331 - H AMD 721

By Representative Taylor

ADOPTED 04/11/2021

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that there is
4 an urgent need to provide greater support to young children and their
5 families involved in Washington state's child welfare system. Infants
6 and toddlers comprise a substantial portion of all child abuse and
7 neglect cases in Washington state; the rate of entry for children
8 under age one into the care of Washington state's child welfare
9 system is the second highest in the nation. Research demonstrates
10 that both the trauma of neglect as well as the trauma associated with
11 entering the child welfare system shapes young children's brain
12 development and have lifelong impacts on young children's social,
13 emotional, and physical well-being. Young children and families of
14 color are particularly impacted by child welfare involvement and the
15 factors leading up to it.

16 (2) The legislature further finds that early childhood court
17 programs provide timely, evidence-based, evidence-informed, and
18 trauma-informed interventions. Early childhood court programs reduce
19 maltreatment recurrence, number of placements, and the time it takes
20 to achieve permanency, while increasing equitable access to services.

21 (3) The legislature further finds that statewide standards are
22 necessary to ensure the quality, accountability, and fidelity to
23 evidence-based and evidence-informed interventions of early childhood
24 court programs. Statewide standards will also promote equitable
25 access to these programs, especially among children and families of
26 color.

27 (4) The legislature further finds that early childhood court
28 programs that de-emphasize termination of parental rights and focus
29 on the safe reunification of children with parents or maintain
30 children with family or other suitable persons promote the long-term
31 emotional and psychological health of children and minimize the

1 trauma and racial disproportionality experienced by children and
2 families of color who are involved in the dependency court system.

3 (5) The legislature further finds that the administrative office
4 of the courts has secured funding for the first year of the early
5 childhood court program to support their evaluation efforts. While
6 funding is not mandated through this act, the legislature
7 acknowledges that the administrative office of the courts is not able
8 to complete its required responsibilities as provided for in this act
9 without dedicated funding. The legislature finds and declares that in
10 the future, the office may seek funding through public and/or private
11 funding opportunities, and it may partner with local organizations to
12 seek further funding, although it is not required to do so.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 2.30 RCW
14 to read as follows:

15 (1)(a) A superior court may establish an early childhood court
16 program to serve the needs of infants and toddlers who are under the
17 age of three at the time the case enters the program and dependent
18 pursuant to chapter 13.34 RCW.

19 (b) An early childhood court program is a therapeutic court as
20 defined in this chapter that provides an intensive court process for
21 families with a child under age three who has been found dependent
22 pursuant to chapter 13.34 RCW. To be eligible for the early childhood
23 court program, a parent must have a child under age three that is
24 dependent pursuant to chapter 13.34 RCW at the time the case enters
25 the early childhood court program. The case may remain in the early
26 childhood court program after the child is age three or older if the
27 child is still dependent pursuant to chapter 13.34 RCW.

28 (2) If a superior court creates an early childhood court program,
29 it shall incorporate the following core components into the program:

30 (a) The court shall obtain a memorandum of understanding or other
31 agreement with the department of children, youth, and families
32 developed in collaboration with counsel for parents and children that
33 outlines how the two entities will coordinate and collaborate to
34 implement the core components overall.

35 (b) A community coordinator who may be employed by the courts,
36 the county, or a nonprofit entity and who is a person with experience
37 and training in diversity, equity, and inclusion measures and is
38 dedicated to:

1 (i) Facilitating real-time information sharing and collaboration
2 among cross-sector professionals participating in the early childhood
3 court program;

4 (ii) Coordinating and participating in family team meetings;

5 (iii) Identifying community-based resources and supporting the
6 family's connection to these resources;

7 (iv) Building relationships and forming new partnerships across
8 traditional and nontraditional services and systems;

9 (v) Identifying training needs of early childhood court
10 professionals and facilitating the provision of training;

11 (vi) Supporting the convening of community team meetings; and

12 (vii) Performing the tasks outlined in this subsection describing
13 the core components of an early childhood court program unless
14 otherwise specified.

15 (c) A community team established by the court and consisting of
16 stakeholders to the court that serve as an advisory body to the court
17 and who implement the early childhood court program. The community
18 team shall include diverse membership to include, but not be limited
19 to, former parent participants, foster parents, parent and child
20 advocates, an attorney for parents, a department of children, youth,
21 and families caseworker, and a judicial officer. The community team
22 aims to:

23 (i) Foster a learning environment and encourage an
24 interdisciplinary approach to meeting the needs of young children and
25 families;

26 (ii) Identify and respond to challenges to accessing resources
27 and needed systems reforms;

28 (iii) Support multidisciplinary trainings; and

29 (iv) Recommend local court policies and procedures to improve
30 families receipt of equitable and timely access to resources and
31 remedial services for the parent and child.

32 (d) More frequent status hearings than the review hearings
33 required under RCW 13.34.138 established by the judicial officer,
34 these status hearings are separate from the review hearings required
35 under RCW 13.34.138 and are intended to provide additional support to
36 the family.

37 (e) A community coordinator that serves as a liaison between the
38 court and community-based resources to identify community-based
39 resources, identify barriers to engagement, and collaborate with
40 stakeholders to connect families to assessments and referrals. The

1 community coordinator shall facilitate connecting parents with
2 informal and formal social supports, including but not limited to
3 peer, community, and cultural supports.

4 (f) Family team meetings neutrally facilitated by the community
5 coordinator. The family team may include all parties to the case and
6 other people or other service providers identified by the parent to
7 be part of the support system for the parent involved. The family
8 team engages the parents, and the attorney for the parent, in their
9 case plan and expediently addresses family needs and access to
10 services and support.

11 (g) Ensuring that parents are critical participants in the early
12 childhood court program. Having experienced and culturally informed
13 professionals supporting and working with families involved in the
14 dependency court system is critical to successful reunification of
15 families. The court shall aim to foster an environment in which all
16 professionals involved in the early childhood court program increase
17 their awareness of different forms of bias and the trauma and
18 adversity that often accompany poverty, mental health, and substance
19 use by identifying or developing training that increases such
20 awareness.

21 (h) Ensuring that families receive early, consistent, and
22 frequent visitation that is developmentally appropriate for infants
23 and toddlers; minimizes stress and anxiety for both children and
24 parents; and occurs in a safe, comfortable, and unthreatening
25 setting that supports parents to nurture and care for their child.

26 (i) The court shall ensure that the individualized case plan for
27 parents involved in the early childhood court program address
28 protective factors that mitigate or eliminate safety risks to the
29 child.

30 (j) The court should encourage a respectful, strength-based,
31 compassionate approach to working with parents in the context of the
32 early childhood court program.

33 (k) The court shall support the development of agreements that
34 encourage:

35 (i) Stakeholders participation in any available statewide
36 structure that supports alignment to the approach of the early
37 childhood court program, cross-site cooperation, and consistency;

38 (ii) Program data is regularly and continuously reviewed to
39 ensure equity and inform and improve practice; and

1 (iii) Stakeholder utilization of technical assistance, training,
2 and evaluation to assess effectiveness and improve outcomes.

3 (l) Each early childhood court program must collect and review
4 its data, including data related to race and ethnicity of program
5 participants, to assess its effectiveness and share this data with
6 the oversight board for children, youth, and families established
7 under RCW 43.216.015. The oversight board for children, youth, and
8 families established under RCW 43.216.015 shall share this data and
9 hold or offer to assist in holding statewide meetings to support
10 alignment to the core components and statewide consistency.

11 (m) The caseworker assigned to an early childhood court program
12 must have received training and competency related to cultural
13 antiracism, and antiracism.

14 (n) Each early childhood court program must be responsive to
15 community needs and adopt best practices related to family
16 reunification and serving all families, including those who are:

- 17 (i) Black, Indigenous, and persons of color;
- 18 (ii) Lesbian, gay, bisexual, transgender, and queer; and
- 19 (iii) Experiencing disabilities.

20 (o) An attorney for the parent must be present during every
21 meeting of the early childhood court program.

22 (p) Ensuring that parents voluntarily participating in the early
23 childhood court program receive all available and appropriate
24 services.

25 NEW SECTION. **Sec. 3.** A new section is added to chapter 2.30 RCW
26 to read as follows:

27 (1) Judicial officers who preside over early childhood court
28 program hearings shall participate in required trainings, as follows:

29 (a) An initial, eight-hour training program that can include the
30 topic areas of:

31 (i) The benefits to infants and toddlers of secure attachment
32 with primary caregivers;

33 (ii) A trauma-informed approach;

34 (iii) The importance of maintaining children within their
35 biological connections;

36 (iv) The importance of reunification of children with their
37 families;

38 (v) Diversity, equity, and inclusion; and

39 (vi) The impact of trauma on child development;

1 (b) After the initial training, annually attend a minimum of
2 eight hours of continuing education of pertinence to the early
3 childhood court program.

4 (2) Subject to the availability of amounts appropriated for this
5 specific purpose, the administrative office of the courts shall
6 administer the certification of training requirements.

7 NEW SECTION. **Sec. 4.** A new section is added to chapter 2.30 RCW
8 to read as follows:

9 (1) Subject to the availability of amounts appropriated for this
10 specific purpose, the administrative office of the courts shall
11 perform, or contract for, an evaluation of the early childhood court
12 program to ensure the quality, accountability, and fidelity of the
13 programs' evidence-based treatment. Any evaluation of the early
14 childhood court program shall be posted on the administrative office
15 of the courts website.

16 (2) The administrative office of the courts may provide, or
17 contract for the provision of, training and technical assistance
18 related to program services, consultation and guidance for difficult
19 cases, and ongoing training for court teams.

20 NEW SECTION. **Sec. 5.** A new section is added to chapter 2.30 RCW
21 to read as follows:

22 Any early childhood court program in operation as of the
23 effective date of this section shall have until January 1, 2022, to
24 adjust its practices to comply with sections 2 and 3 of this act."

25 Correct the title.

EFFECT: (1) Adds intent language finding that early childhood
court programs that de-emphasize termination of parental rights and
focus on the safe reunification with parents or family promote the
long-term health of children and minimize the trauma and racial
disproportionality of children in the dependency court system.

(2) Modifies the core components of early childhood court
programs such that: (a) The memorandum of understanding is developed
in collaboration with counsel for parents and children; (b) the
community coordinator is a person with experience and training in
diversity, equity, and inclusion measures; (c) the community team
must include diverse membership including former parent participants,
foster parents, parent and child advocates, an attorney for parents,
a Department of Children, Youth, and Families caseworker, and a
judicial officer; (d) more frequent status hearings are established
by the judicial officer and these hearings are separate from the
existing review hearings required by statute and are intended to

provide additional support to the family; (e) the court shall aim to increase awareness of professionals involved in the program of different forms of bias and trauma by identifying or developing training; (f) early childhood court programs collect and review data related to race and ethnicity of program participants which must be shared with the Oversight Board for Children, Youth, and Families which must also share this data and hold or offer to assist in holding statewide meetings to support alignment to the core components and statewide consistency; (g) the caseworker assigned to the program has received training and competency related to cultural anti-bias and anti-racism; (h) each program must be responsive to community needs and adopt best practices related to family reunification and serving all families; (i) ensuring that an attorney for the parent is present during every meeting of the program; and (j) ensuring that parents receive all available and appropriate services.

(3) Includes diversity, equity, and inclusion training within the topics that may be included in the initial 8-hour training program for judicial officers presiding over early childhood court programs.

(4) Specifies that any early childhood court program in operation when the bill is effective shall have until January 1, 2022 to comply with bill (instead of a reasonable time).

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