
HOUSE BILL 2447

State of Washington

68th Legislature

2024 Regular Session

By Representatives Senn, Callan, Ramel, and Pollet

Read first time 01/22/24. Referred to Committee on Human Services, Youth, & Early Learning.

1 AN ACT Relating to supporting children, families, and child
2 welfare workers by improving services and clarifying the child
3 welfare process in circumstances involving high-potency synthetic
4 opioids; amending RCW 13.34.050, 13.34.130, 26.44.050, 26.44.056,
5 26.44.030, and 2.56.230; reenacting and amending RCW 13.34.030 and
6 13.34.065; adding a new section to chapter 13.34 RCW; adding new
7 sections to chapter 43.216 RCW; adding a new section to chapter
8 74.14B RCW; adding new sections to chapter 41.05 RCW; adding a new
9 section to chapter 43.330 RCW; adding a new section to chapter 74.13
10 RCW; and creating a new section.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

12 NEW SECTION. **Sec. 1.** (1) The legislature finds that since 2018
13 there has been a significant increase in the number of child
14 fatalities and near fatalities involving fentanyl within 12 months of
15 the family's involvement in the child welfare system in Washington.

16 (2) The legislature finds that fentanyl and other highly potent
17 synthetic opioids pose a unique and growing threat to the safety of
18 children in Washington state. Fentanyl is a high potency synthetic
19 opioid and, according to the centers for disease control and
20 prevention, is 50 times more potent than heroin and 100 times more

1 potent than morphine. Even in very small quantities high potency
2 synthetic opioids may be lethal to a child.

3 (3) The legislature finds that when a parent, guardian, or legal
4 custodian's use of a high potency synthetic opioid, possession of a
5 high potency synthetic opioid, or action creates a risk that a child
6 will be harmed from exposure to, ingestion, inhalation, or contact
7 with a high potency synthetic opioid, a child may be at risk of
8 imminent physical harm.

9 (4) The legislature intends to provide clarity to judges, social
10 workers, advocates, and families and direct guidance about the safety
11 threat that highly potent synthetic opioids pose to vulnerable
12 children. The legislature declares that the presence or exposure of
13 highly potent synthetic opioids should be given great weight in
14 determining whether a child is at risk of imminent physical harm as a
15 result of abuse or neglect.

16 (5) The legislature recognizes the challenges for recovery and
17 rehabilitation regarding opioid use and resolves to increase services
18 and supports. The legislature further resolves to increase training
19 and resources for state and judicial employees to accomplish their
20 mission and goals in a safe and effective manner.

21 **PART I**

22 **HIGH-POTENCY SYNTHETIC OPIOIDS AND CHILD WELFARE**

23 NEW SECTION. **Sec. 101.** A new section is added to chapter 13.34
24 RCW to read as follows:

25 The court shall give great weight to the lethality of a high
26 potency synthetic opioid when a parent, guardian, or legal
27 custodian's use of a high potency synthetic opioid, possession of a
28 high potency synthetic opioid, or action creates a risk that a child
29 will be harmed from exposure to, ingestion, inhalation, or contact
30 with a high potency synthetic opioid when determining:

31 (1) Whether to issue an order directing a law enforcement
32 officer, probation counselor, or child protective services official
33 to take a child into custody when a dependency petition is filed;

34 (2) Whether placing or maintaining a child in shelter care is
35 necessary to prevent imminent physical harm to a child;

36 (3) Whether a parent, guardian, or legal custodian's
37 participation in any prevention services would prevent or eliminate
38 the need for the child's removal;

1 (4) Whether a parent, guardian, or legal custodian is available
2 to care for the child under RCW 13.34.130(6) (a); or

3 (5) Whether a manifest danger exists that the child will suffer
4 serious abuse or neglect if the child is not removed from the home
5 under RCW 13.34.130(6) (c).

6 **Sec. 102.** RCW 13.34.030 and 2021 c 304 s 1 and 2021 c 67 s 2 are
7 each reenacted and amended to read as follows:

8 The definitions in this section apply throughout this chapter
9 unless the context clearly requires otherwise.

10 (1) "Abandoned" means when the child's parent, guardian, or other
11 custodian has expressed, either by statement or conduct, an intent to
12 forego, for an extended period, parental rights or responsibilities
13 despite an ability to exercise such rights and responsibilities. If
14 the court finds that the petitioner has exercised due diligence in
15 attempting to locate the parent, no contact between the child and the
16 child's parent, guardian, or other custodian for a period of three
17 months creates a rebuttable presumption of abandonment, even if there
18 is no expressed intent to abandon.

19 (2) "Child," "juvenile," and "youth" mean:

20 (a) Any individual under the age of eighteen years; or

21 (b) Any individual age eighteen to twenty-one years who is
22 eligible to receive and who elects to receive the extended foster
23 care services authorized under RCW 74.13.031. A youth who remains
24 dependent and who receives extended foster care services under RCW
25 74.13.031 shall not be considered a "child" under any other statute
26 or for any other purpose.

27 (3) "Current placement episode" means the period of time that
28 begins with the most recent date that the child was removed from the
29 home of the parent, guardian, or legal custodian for purposes of
30 placement in out-of-home care and continues until: (a) The child
31 returns home; (b) an adoption decree, a permanent custody order, or
32 guardianship order is entered; or (c) the dependency is dismissed,
33 whichever occurs first.

34 (4) "Department" means the department of children, youth, and
35 families.

36 (5) "Dependency guardian" means the person, nonprofit
37 corporation, or Indian tribe appointed by the court pursuant to this
38 chapter for the limited purpose of assisting the court in the
39 supervision of the dependency.

1 (6) "Dependent child" means any child who:
2 (a) Has been abandoned;
3 (b) Is abused or neglected as defined in chapter 26.44 RCW by a
4 person legally responsible for the care of the child;
5 (c) Has no parent, guardian, or custodian capable of adequately
6 caring for the child, such that the child is in circumstances which
7 constitute a danger of substantial damage to the child's
8 psychological or physical development; or
9 (d) Is receiving extended foster care services, as authorized by
10 RCW 74.13.031.

11 (7) "Developmental disability" means a disability attributable to
12 intellectual disability, cerebral palsy, epilepsy, autism, or another
13 neurological or other condition of an individual found by the
14 secretary of the department of social and health services to be
15 closely related to an intellectual disability or to require treatment
16 similar to that required for individuals with intellectual
17 disabilities, which disability originates before the individual
18 attains age eighteen, which has continued or can be expected to
19 continue indefinitely, and which constitutes a substantial limitation
20 to the individual.

21 (8) "Educational liaison" means a person who has been appointed
22 by the court to fulfill responsibilities outlined in RCW 13.34.046.

23 (9) "Experiencing homelessness" means lacking a fixed, regular,
24 and adequate nighttime residence, including circumstances such as
25 sharing the housing of other persons due to loss of housing, economic
26 hardship, fleeing domestic violence, or a similar reason as described
27 in the federal McKinney-Vento homeless assistance act (Title 42
28 U.S.C., chapter 119, subchapter I) as it existed on January 1, 2021.

29 (10) "Extended foster care services" means residential and other
30 support services the department is authorized to provide under RCW
31 74.13.031. These services may include placement in licensed,
32 relative, or otherwise approved care, or supervised independent
33 living settings; assistance in meeting basic needs; independent
34 living services; medical assistance; and counseling or treatment.

35 (11) "Guardian" means the person or agency that: (a) Has been
36 appointed as the guardian of a child in a legal proceeding, including
37 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the
38 legal right to custody of the child pursuant to such appointment. The
39 term "guardian" does not include a "dependency guardian" appointed
40 pursuant to a proceeding under this chapter.

1 (12) "Guardian ad litem" means a person, appointed by the court
2 to represent the best interests of a child in a proceeding under this
3 chapter, or in any matter which may be consolidated with a proceeding
4 under this chapter. A "court-appointed special advocate" appointed by
5 the court to be the guardian ad litem for the child, or to perform
6 substantially the same duties and functions as a guardian ad litem,
7 shall be deemed to be guardian ad litem for all purposes and uses of
8 this chapter.

9 (13) "Guardian ad litem program" means a court-authorized
10 volunteer program, which is or may be established by the superior
11 court of the county in which such proceeding is filed, to manage all
12 aspects of volunteer guardian ad litem representation for children
13 alleged or found to be dependent. Such management shall include but
14 is not limited to: Recruitment, screening, training, supervision,
15 assignment, and discharge of volunteers.

16 (14) "Guardianship" means a guardianship pursuant to chapter
17 13.36 RCW or a limited guardianship of a minor pursuant to RCW
18 11.130.215 or equivalent laws of another state or a federally
19 recognized Indian tribe.

20 (15) "High potency synthetic opioids" means illicitly used or
21 unprescribed synthetic opioids classified as a schedule I or II
22 controlled substance or controlled substance analog in chapter 69.50
23 RCW and federal law or listed by the pharmacy quality assurance
24 commission in rule including, but not limited to, fentanyl.

25 (16) "Housing assistance" means appropriate referrals by the
26 department or other agencies to federal, state, local, or private
27 agencies or organizations, assistance with forms, applications, or
28 financial subsidies or other monetary assistance for housing. For
29 purposes of this chapter, "housing assistance" is not a remedial
30 service or family reunification service as described in RCW
31 13.34.025(2).

32 (~~(16)~~) (17) "Indigent" means a person who, at any stage of a
33 court proceeding, is:

34 (a) Receiving one of the following types of public assistance:
35 Temporary assistance for needy families, aged, blind, or disabled
36 assistance benefits, medical care services under RCW 74.09.035,
37 pregnant women assistance benefits, poverty-related veterans'
38 benefits, food stamps or food stamp benefits transferred
39 electronically, refugee resettlement benefits, medicaid, or
40 supplemental security income; or

1 (b) Involuntarily committed to a public mental health facility;
2 or

3 (c) Receiving an annual income, after taxes, of one hundred
4 twenty-five percent or less of the federally established poverty
5 level; or

6 (d) Unable to pay the anticipated cost of counsel for the matter
7 before the court because his or her available funds are insufficient
8 to pay any amount for the retention of counsel.

9 (~~(17)~~) (18) "Nonminor dependent" means any individual age
10 eighteen to twenty-one years who is participating in extended foster
11 care services authorized under RCW 74.13.031.

12 (~~(18)~~) (19) "Out-of-home care" means placement in a foster
13 family home or group care facility licensed pursuant to chapter 74.15
14 RCW or placement in a home, other than that of the child's parent,
15 guardian, or legal custodian, not required to be licensed pursuant to
16 chapter 74.15 RCW.

17 (~~(19)~~) (20) "Parent" means the biological or adoptive parents
18 of a child, or an individual who has established a parent-child
19 relationship under RCW 26.26A.100, unless the legal rights of that
20 person have been terminated by a judicial proceeding pursuant to this
21 chapter, chapter 26.33 RCW, or the equivalent laws of another state
22 or a federally recognized Indian tribe.

23 (~~(20)~~) (21) "Prevention and family services and programs" means
24 specific mental health prevention and treatment services, substance
25 abuse prevention and treatment services, and in-home parent skill-
26 based programs that qualify for federal funding under the federal
27 family first prevention services act, P.L. 115-123. For purposes of
28 this chapter, prevention and family services and programs are not
29 remedial services or family reunification services as described in
30 RCW 13.34.025(2).

31 (~~(21)~~) (22) "Prevention services" means preservation services,
32 as defined in chapter 74.14C RCW, and other reasonably available
33 services, including housing assistance, capable of preventing the
34 need for out-of-home placement while protecting the child. Prevention
35 services include, but are not limited to, prevention and family
36 services and programs as defined in this section.

37 (~~(22)~~) (23) "Qualified residential treatment program" means a
38 program that meets the requirements provided in RCW 13.34.420,
39 qualifies for funding under the family first prevention services act

1 under 42 U.S.C. Sec. 672(k), and, if located within Washington state,
2 is licensed as a group care facility under chapter 74.15 RCW.

3 ~~((23))~~ (24) "Relative" includes persons related to a child in
4 the following ways:

5 (a) Any blood relative, including those of half-blood, and
6 including first cousins, second cousins, nephews or nieces, and
7 persons of preceding generations as denoted by prefixes of grand,
8 great, or great-great;

9 (b) Stepfather, stepmother, stepbrother, and stepsister;

10 (c) A person who legally adopts a child or the child's parent as
11 well as the natural and other legally adopted children of such
12 persons, and other relatives of the adoptive parents in accordance
13 with state law;

14 (d) Spouses of any persons named in (a), (b), or (c) of this
15 subsection, even after the marriage is terminated;

16 (e) Relatives, as named in (a), (b), (c), or (d) of this
17 subsection, of any half sibling of the child; or

18 (f) Extended family members, as defined by the law or custom of
19 the Indian child's tribe or, in the absence of such law or custom, a
20 person who has reached the age of eighteen and who is the Indian
21 child's grandparent, aunt or uncle, brother or sister, brother-in-law
22 or sister-in-law, niece or nephew, first or second cousin, or
23 stepparent who provides care in the family abode on a twenty-four
24 hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4).

25 ~~((24))~~ (25) "Shelter care" means temporary physical care in a
26 facility licensed pursuant to RCW 74.15.030 or in a home not required
27 to be licensed pursuant to RCW 74.15.030.

28 ~~((25))~~ (26) "Sibling" means a child's birth brother, birth
29 sister, adoptive brother, adoptive sister, half-brother, or half-
30 sister, or as defined by the law or custom of the Indian child's
31 tribe for an Indian child as defined in RCW 13.38.040.

32 ~~((26))~~ (27) "Social study" means a written evaluation of
33 matters relevant to the disposition of the case that contains the
34 information required by RCW 13.34.430.

35 ~~((27))~~ (28) "Supervised independent living" includes, but is
36 not limited to, apartment living, room and board arrangements,
37 college or university dormitories, and shared roommate settings.
38 Supervised independent living settings must be approved by the
39 department or the court.

1 ~~((28))~~ (29) "Voluntary placement agreement" means, for the
2 purposes of extended foster care services, a written voluntary
3 agreement between a nonminor dependent who agrees to submit to the
4 care and authority of the department for the purposes of
5 participating in the extended foster care program.

6 **Sec. 103.** RCW 13.34.050 and 2021 c 211 s 6 are each amended to
7 read as follows:

8 (1) (a) The court may enter an order directing a law enforcement
9 officer, probation counselor, or child protective services official
10 to take a child into custody if: ~~((a))~~ (i) A petition is filed with
11 the juvenile court with sufficient corroborating evidence to
12 establish that the child is dependent; ~~((b))~~ (ii) the allegations
13 contained in the petition, if true, establish that there are
14 reasonable grounds to believe that removal is necessary to prevent
15 imminent physical harm to the child due to child abuse or neglect ~~((7~~
16 ~~including that which results from sexual abuse, sexual exploitation,~~
17 ~~or a pattern of severe neglect))~~; and ~~((c))~~ (iii) an affidavit or
18 declaration is filed by the department in support of the petition
19 setting forth specific factual information evidencing insufficient
20 time to serve a parent with a dependency petition and hold a hearing
21 prior to removal.

22 (b) The child abuse or neglect establishing the basis for a
23 determination of imminent physical harm under (a) of this subsection
24 may include, but is not limited to, child abuse or neglect resulting
25 from:

- 26 (i) Sexual abuse;
27 (ii) Sexual exploitation;
28 (iii) A high-potency synthetic opioid; or
29 (iv) A pattern of severe neglect.

30 (c) The court shall give great weight to the lethality of high
31 potency synthetic opioids according to section 101 of this act.

32 (2) Any petition that does not have the necessary affidavit or
33 declaration demonstrating a risk of imminent harm requires that the
34 parents are provided notice and an opportunity to be heard before the
35 order may be entered.

36 (3) The petition and supporting documentation must be served on
37 the parent, and if the child is in custody at the time the child is
38 removed, on the entity with custody other than the parent. If the
39 court orders that a child be taken into custody under subsection (1)

1 of this section, the petition and supporting documentation must be
2 served on the parent at the time of the child's removal unless, after
3 diligent efforts, the parents cannot be located at the time of
4 removal. If the parent is not served at the time of removal, the
5 department shall make diligent efforts to personally serve the
6 parent. Failure to effect service does not invalidate the petition if
7 service was attempted and the parent could not be found.

8 **Sec. 104.** RCW 13.34.065 and 2021 c 211 s 9, 2021 c 208 s 1, and
9 2021 c 67 s 4 are each reenacted and amended to read as follows:

10 (1)(a) When a child is removed or when the petitioner is seeking
11 the removal of a child from the child's parent, guardian, or legal
12 custodian, the court shall hold a shelter care hearing within 72
13 hours, excluding Saturdays, Sundays, and holidays. The primary
14 purpose of the shelter care hearing is to determine whether the child
15 can be immediately and safely returned home while the adjudication of
16 the dependency is pending. The court shall hold an additional shelter
17 care hearing within 72 hours, excluding Saturdays, Sundays, and
18 holidays if the child is removed from the care of a parent, guardian,
19 or legal custodian at any time after an initial shelter care hearing
20 under this section.

21 (b) Any child's attorney, parent, guardian, or legal custodian
22 who for good cause is unable to attend or adequately prepare for the
23 shelter care hearing may request that the initial shelter care
24 hearing be continued or that a subsequent shelter care hearing be
25 scheduled. The request shall be made to the clerk of the court where
26 the petition is filed prior to the initial shelter care hearing. Upon
27 the request of the child's attorney, parent, guardian, or legal
28 custodian, the court shall schedule the hearing within 72 hours of
29 the request, excluding Saturdays, Sundays, and holidays. The clerk
30 shall notify all other parties of the hearing by any reasonable
31 means. If the parent, guardian, or legal custodian is not represented
32 by counsel, the clerk shall provide information to the parent,
33 guardian, or legal custodian regarding how to obtain counsel.

34 (2)(a) If it is likely that the child will remain in shelter care
35 longer than 72 hours, the department shall submit a recommendation to
36 the court as to the further need for shelter care in all cases in
37 which the child will remain in shelter care longer than the 72 hour
38 period. In all other cases, the recommendation shall be submitted by
39 the juvenile court probation counselor.

1 (b) All parties have the right to present testimony to the court
2 regarding the need or lack of need for shelter care.

3 (c) Hearsay evidence before the court regarding the need or lack
4 of need for shelter care must be supported by sworn testimony,
5 affidavit, or declaration of the person offering such evidence.

6 (3) (a) At the commencement of the hearing, the court shall notify
7 the parent, guardian, or custodian of the following:

8 (i) The parent, guardian, or custodian has the right to a shelter
9 care hearing;

10 (ii) The nature of the shelter care hearing, the rights of the
11 parents, and the proceedings that will follow; and

12 (iii) If the parent, guardian, or custodian is not represented by
13 counsel, the right to be represented. If the parent, guardian, or
14 custodian is indigent, the court shall appoint counsel as provided in
15 RCW 13.34.090; and

16 (b) If a parent, guardian, or legal custodian desires to waive
17 the shelter care hearing, the court shall determine, on the record
18 and with the parties present, whether such waiver is knowing and
19 voluntary. A parent may not waive his or her right to the shelter
20 care hearing unless he or she appears in court, in person, or by
21 remote means, and the court determines that the waiver is knowing and
22 voluntary. Regardless of whether the court accepts the parental
23 waiver of the shelter care hearing, the court must provide notice to
24 the parents of their rights required under (a) of this subsection and
25 make the finding required under subsection (4) of this section.

26 (4) At the shelter care hearing the court shall examine the need
27 for shelter care and inquire into the status of the case. The
28 paramount consideration for the court shall be the health, welfare,
29 and safety of the child. At a minimum, the court shall inquire into
30 the following:

31 (a) Whether the notice required under RCW 13.34.062 was given to
32 all known parents, guardians, or legal custodians of the child. The
33 court shall make an express finding as to whether the notice required
34 under RCW 13.34.062 was given to the parent, guardian, or legal
35 custodian. If actual notice was not given to the parent, guardian, or
36 legal custodian and the whereabouts of such person is known or can be
37 ascertained, the court shall order the department to make diligent
38 efforts to advise the parent, guardian, or legal custodian of the
39 status of the case, including the date and time of any subsequent
40 hearings, and their rights under RCW 13.34.090;

1 (b) Whether the child can be safely returned home while the
2 adjudication of the dependency is pending;

3 (c) What efforts have been made to place the child with a
4 relative. The court shall ask the parents whether the department
5 discussed with them the placement of the child with a relative or
6 other suitable person described in RCW 13.34.130(1)(b) and shall
7 determine what efforts have been made toward such a placement;

8 (d) What services were provided to the family to prevent or
9 eliminate the need for removal of the child from the child's home. If
10 the dependency petition or other information before the court alleges
11 that experiencing homelessness or the lack of suitable housing was a
12 significant factor contributing to the removal of the child, the
13 court shall inquire as to whether housing assistance was provided to
14 the family to prevent or eliminate the need for removal of the child
15 or children;

16 (e) Is the placement proposed by the department the least
17 disruptive and most family-like setting that meets the needs of the
18 child;

19 (f) Whether it is in the best interest of the child to remain
20 enrolled in the school, developmental program, or child care the
21 child was in prior to placement and what efforts have been made to
22 maintain the child in the school, program, or child care if it would
23 be in the best interest of the child to remain in the same school,
24 program, or child care;

25 (g) Appointment of a guardian ad litem or attorney;

26 (h) Whether the child is or may be an Indian child as defined in
27 RCW 13.38.040, whether the provisions of the federal Indian child
28 welfare act or chapter 13.38 RCW apply, and whether there is
29 compliance with the federal Indian child welfare act and chapter
30 13.38 RCW, including notice to the child's tribe;

31 (i) Whether, as provided in RCW 26.44.063, restraining orders, or
32 orders expelling an allegedly abusive household member from the home
33 of a nonabusive parent, guardian, or legal custodian, will allow the
34 child to safely remain in the home;

35 (j) Whether any orders for examinations, evaluations, or
36 immediate services are needed. The court may not order a parent to
37 undergo examinations, evaluation, or services at the shelter care
38 hearing unless the parent agrees to the examination, evaluation, or
39 service;

1 (k) The terms and conditions for parental, sibling, and family
2 visitation.

3 (5) (a) The court shall release a child alleged to be dependent to
4 the care, custody, and control of the child's parent, guardian, or
5 legal custodian unless the court finds there is reasonable cause to
6 believe that:

7 (i) After consideration of the specific services that have been
8 provided, reasonable efforts have been made to prevent or eliminate
9 the need for removal of the child from the child's home and to make
10 it possible for the child to return home; and

11 (ii) (A) The child has no parent, guardian, or legal custodian to
12 provide supervision and care for such child; or

13 (B) (I) Removal of the child is necessary to prevent imminent
14 physical harm due to child abuse or neglect, including that which
15 results from sexual abuse, sexual exploitation, or a pattern of
16 severe neglect, notwithstanding an order entered pursuant to RCW
17 26.44.063. The evidence must show a causal relationship between the
18 particular conditions in the home and imminent physical harm to the
19 child. The existence of community or family poverty, isolation,
20 single parenthood, age of the parent, crowded or inadequate housing,
21 substance abuse, prenatal drug or alcohol exposure, mental illness,
22 disability or special needs of the parent or child, or nonconforming
23 social behavior does not by itself constitute imminent physical harm.
24 The court shall give great weight to the lethality of high potency
25 synthetic opioids according to section 101 of this act;

26 (II) It is contrary to the welfare of the child to be returned
27 home; and

28 (III) After considering the particular circumstances of the
29 child, any imminent physical harm to the child outweighs the harm the
30 child will experience as a result of removal; or

31 (C) The parent, guardian, or custodian to whom the child could be
32 released has been charged with violating RCW 9A.40.060 or 9A.40.070.

33 (b) If the court finds that the elements of (a) (ii) (B) of this
34 subsection require removal of the child, the court shall further
35 consider:

36 (i) (~~Whether~~) Subject to the requirements of section 101 of
37 this act, whether participation by the parents, guardians, or legal
38 custodians in any prevention services would prevent or eliminate the
39 need for removal and, if so, shall inquire of the parent whether they
40 are willing to participate in such services. If the parent agrees to

1 participate in the prevention services identified by the court that
2 would prevent or eliminate the need for removal, the court shall
3 place the child with the parent. The court shall not order a parent
4 to participate in prevention services over the objection of the
5 parent, however, parents shall have the opportunity to consult with
6 counsel prior to deciding whether to agree to proposed prevention
7 services as a condition of having the child return to or remain in
8 the care of the parent; and

9 (ii) Whether the issuance of a temporary order of protection
10 directing the removal of a person or persons from the child's
11 residence would prevent the need for removal of the child.

12 (c)(i) If the court does not release the child to his or her
13 parent, guardian, or legal custodian, the court shall order placement
14 with a relative or other suitable person as described in RCW
15 13.34.130(1)(b), unless the petitioner establishes that there is
16 reasonable cause to believe that:

17 (A) Placement in licensed foster care is necessary to prevent
18 imminent physical harm to the child due to child abuse or neglect,
19 including that which results from sexual abuse, sexual exploitation,
20 or a pattern of severe neglect, because no relative or other suitable
21 person is capable of ensuring the basic safety of the child; or

22 (B) The efforts to reunite the parent and child will be hindered.

23 (ii) In making the determination in (c)(i) of this subsection,
24 the court shall:

25 (A) Inquire of the petitioner and any other person present at the
26 hearing for the child whether there are any relatives or other
27 suitable persons who are willing to care for the child. This inquiry
28 must include whether any relative or other suitable person:

29 (I) Has expressed an interest in becoming a caregiver for the
30 child;

31 (II) Is able to meet any special needs of the child;

32 (III) Is willing to facilitate the child's sibling and parent
33 visitation if such visitation is ordered by the court; and

34 (IV) Supports reunification of the parent and child once
35 reunification can safely occur; and

36 (B) Give great weight to the stated preference of the parent,
37 guardian, or legal custodian, and the child.

38 (iii) If a relative or other suitable person expressed an
39 interest in caring for the child, can meet the child's special needs,
40 can support parent-child reunification, and will facilitate court-

1 ordered sibling or parent visitation, the following must not prevent
2 the child's placement with such relative or other suitable person:

3 (A) An incomplete department or fingerprint-based background
4 check, if such relative or other suitable person appears otherwise
5 suitable and competent to provide care and treatment, but the
6 background checks must be completed as soon as possible after
7 placement;

8 (B) Uncertainty on the part of the relative or other suitable
9 person regarding potential adoption of the child;

10 (C) Disbelief on the part of the relative or other suitable
11 person that the parent, guardian, or legal custodian presents a
12 danger to the child, provided the caregiver will protect the safety
13 of the child and comply with court orders regarding contact with a
14 parent, guardian, or legal custodian; or

15 (D) The conditions of the relative or other suitable person's
16 home are not sufficient to satisfy the requirements of a licensed
17 foster home. The court may order the department to provide financial
18 or other support to the relative or other suitable person necessary
19 to ensure safe conditions in the home.

20 (d) If the child was not initially placed with a relative or
21 other suitable person, and the court does not release the child to
22 his or her parent, guardian, or legal custodian, the department shall
23 make reasonable efforts to locate a relative or other suitable person
24 pursuant to RCW 13.34.060(1).

25 (e) If the court does not order placement with a relative or
26 other suitable person, the court shall place the child in licensed
27 foster care and shall set forth its reasons for the order. If the
28 court orders placement of the child with a person not related to the
29 child and not licensed to provide foster care, the placement is
30 subject to all terms and conditions of this section that apply to
31 relative placements.

32 (f) Any placement with a relative, or other suitable person
33 approved by the court pursuant to this section, shall be contingent
34 upon cooperation with the department's or agency's case plan and
35 compliance with court orders related to the care and supervision of
36 the child including, but not limited to, court orders regarding
37 parent-child contacts, sibling contacts, and any other conditions
38 imposed by the court. Noncompliance with the case plan or court order
39 is grounds for removal of the child from the home of the relative or
40 other suitable person, subject to review by the court.

1 (g) If the child is placed in a qualified residential treatment
2 program as defined in this chapter, the court shall, within 60 days
3 of placement, hold a hearing to:

4 (i) Consider the assessment required under RCW 13.34.420 and
5 submitted as part of the department's social study, and any related
6 documentation;

7 (ii) Determine whether placement in foster care can meet the
8 child's needs or if placement in another available placement setting
9 best meets the child's needs in the least restrictive environment;
10 and

11 (iii) Approve or disapprove the child's placement in the
12 qualified residential treatment program.

13 (h) Uncertainty by a parent, guardian, legal custodian, relative,
14 or other suitable person that the alleged abuser has in fact abused
15 the child shall not, alone, be the basis upon which a child is
16 removed from the care of a parent, guardian, or legal custodian under
17 (a) of this subsection, nor shall it be a basis, alone, to preclude
18 placement with a relative or other suitable person under (c) of this
19 subsection.

20 (i) If the court places with a relative or other suitable person,
21 and that person has indicated a desire to become a licensed foster
22 parent, the court shall order the department to commence an
23 assessment of the home of such relative or other suitable person
24 within 10 days and thereafter issue an initial license as provided
25 under RCW 74.15.120 for such relative or other suitable person, if
26 qualified, as a foster parent. The relative or other suitable person
27 shall receive a foster care maintenance payment, starting on the date
28 the department approves the initial license. If such home is found to
29 be unqualified for licensure, the department shall report such fact
30 to the court within one week of that determination. The department
31 shall report on the status of the licensure process during the entry
32 of any dispositional orders in the case.

33 (j) If the court places the child in licensed foster care:

34 (i) The petitioner shall report to the court, at the shelter care
35 hearing, the location of the licensed foster placement the petitioner
36 has identified for the child and the court shall inquire as to
37 whether:

38 (A) The identified placement is the least restrictive placement
39 necessary to meet the needs of the child;

1 (B) The child will be able to remain in the same school and
2 whether any orders of the court are necessary to ensure educational
3 stability for the child;

4 (C) The child will be placed with a sibling or siblings, and
5 whether court-ordered sibling contact would promote the well-being of
6 the child;

7 (D) The licensed foster placement is able to meet the special
8 needs of the child;

9 (E) The location of the proposed foster placement will impede
10 visitation with the child's parent or parents;

11 (ii) The court may order the department to:

12 (A) Place the child in a less restrictive placement;

13 (B) Place the child in a location in closer proximity to the
14 child's parent, home, or school;

15 (C) Place the child with the child's sibling or siblings;

16 (D) Take any other necessary steps to ensure the child's health,
17 safety, and well-being;

18 (iii) The court shall advise the petitioner that:

19 (A) Failure to comply with court orders while a child is in
20 shelter care will be considered when determining whether reasonable
21 efforts have been made by the department during a hearing under RCW
22 13.34.110; and

23 (B) Placement moves while a child is in shelter care will be
24 considered when determining whether reasonable efforts have been made
25 by the department during a hearing under RCW 13.34.110.

26 (6) (a) A shelter care order issued pursuant to this section shall
27 include the requirement for a case conference as provided in RCW
28 13.34.067. However, if the parent is not present at the shelter care
29 hearing, or does not agree to the case conference, the court shall
30 not include the requirement for the case conference in the shelter
31 care order.

32 (b) If the court orders a case conference, the shelter care order
33 shall include notice to all parties and establish the date, time, and
34 location of the case conference which shall be no later than 30 days
35 before the fact-finding hearing.

36 (c) The court may order another conference, case staffing, or
37 hearing as an alternative to the case conference required under RCW
38 13.34.067 so long as the conference, case staffing, or hearing
39 ordered by the court meets all requirements under RCW 13.34.067,

1 including the requirement of a written agreement specifying the
2 services to be provided to the parent.

3 (7) (a) (i) A shelter care order issued pursuant to this section
4 may be amended at any time with notice and hearing thereon. The
5 shelter care decision of placement shall be modified only upon a
6 showing of change in circumstances. No child may be placed in shelter
7 care for longer than thirty days without an order, signed by the
8 judge, authorizing continued shelter care.

9 (ii) If the court previously ordered that visitation between a
10 parent and child be supervised or monitored, there shall be a
11 presumption that such supervision or monitoring will no longer be
12 necessary following a continued shelter care order under (a) (i) of
13 this subsection. To overcome this presumption, a party must provide a
14 report to the court including evidence establishing that removing
15 visit supervision or monitoring would create a risk to the child's
16 safety, and the court shall make a determination as to whether visit
17 supervision or monitoring must continue.

18 (b) (i) An order releasing the child on any conditions specified
19 in this section may at any time be amended, with notice and hearing
20 thereon, so as to return the child to shelter care for failure of the
21 parties to conform to the conditions originally imposed.

22 (ii) The court shall consider whether nonconformance with any
23 conditions resulted from circumstances beyond the control of the
24 parent, guardian, or legal custodian and give weight to that fact
25 before ordering return of the child to shelter care.

26 (8) The department and its employees shall not be held liable in
27 any civil action for complying with an order issued under this
28 section for placement: With a parent who has agreed to accept
29 services, a relative, or a suitable person.

30 (9) (a) If a child is placed out of the home of a parent,
31 guardian, or legal custodian following a shelter care hearing, the
32 court shall order the petitioner to provide regular visitation with
33 the parent, guardian, or legal custodian, and siblings. Early,
34 consistent, and frequent visitation is crucial for maintaining
35 parent-child relationships and allowing family reunification. The
36 court shall order a visitation plan individualized to the needs of
37 the family with a goal of providing the maximum parent, child, and
38 sibling contact possible.

1 (b) Visitation under this subsection shall not be limited as a
2 sanction for a parent's failure to comply with recommended services
3 during shelter care.

4 (c) Visitation under this subsection may only be limited where
5 necessary to ensure the health, safety, or welfare of the child.

6 (d) The first visit must take place within 72 hours of the child
7 being delivered into the custody of the department, unless the court
8 finds that extraordinary circumstances require delay.

9 (e) If the first visit under (d) of this subsection occurs in an
10 in-person format, this first visit must be supervised unless the
11 department determines that visit supervision is not necessary.

12 **Sec. 105.** RCW 13.34.130 and 2019 c 172 s 12 are each amended to
13 read as follows:

14 If, after a fact-finding hearing pursuant to RCW 13.34.110, it
15 has been proven by a preponderance of the evidence that the child is
16 dependent within the meaning of RCW 13.34.030 after consideration of
17 the social study prepared pursuant to RCW 13.34.110 and after a
18 disposition hearing has been held pursuant to RCW 13.34.110, the
19 court shall enter an order of disposition pursuant to this section.

20 (1) The court shall order one of the following dispositions of
21 the case:

22 (a) Order a disposition that maintains the child in his or her
23 home, which shall provide a program designed to alleviate the
24 immediate danger to the child, to mitigate or cure any damage the
25 child has already suffered, and to aid the parents so that the child
26 will not be endangered in the future. In determining the disposition,
27 the court should choose services to assist the parents in maintaining
28 the child in the home, including housing assistance, if appropriate,
29 that least interfere with family autonomy and are adequate to protect
30 the child.

31 (b)(i) Order the child to be removed from his or her home and
32 into the custody, control, and care of a relative or other suitable
33 person, the department, or agency responsible for supervision of the
34 child's placement. If the court orders that the child be placed with
35 a caregiver over the objections of the parent or the department, the
36 court shall articulate, on the record, his or her reasons for
37 ordering the placement. The court may not order an Indian child, as
38 defined in RCW 13.38.040, to be removed from his or her home unless
39 the court finds, by clear and convincing evidence including testimony

1 of qualified expert witnesses, that the continued custody of the
2 child by the parent or Indian custodian is likely to result in
3 serious emotional or physical damage to the child.

4 (ii) The department has the authority to place the child, subject
5 to review and approval by the court (A) with a relative as defined in
6 RCW 74.15.020(2)(a), (B) in the home of another suitable person if
7 the child or family has a preexisting relationship with that person,
8 and the person has completed all required criminal history background
9 checks and otherwise appears to the department to be suitable and
10 competent to provide care for the child, or (C) in a foster family
11 home or group care facility licensed pursuant to chapter 74.15 RCW.

12 (iii) The department may also consider placing the child, subject
13 to review and approval by the court, with a person with whom the
14 child's sibling or half-sibling is residing or a person who has
15 adopted the sibling or half-sibling of the child being placed as long
16 as the person has completed all required criminal history background
17 checks and otherwise appears to the department to be competent to
18 provide care for the child.

19 (2) Absent good cause, the department shall follow the wishes of
20 the natural parent regarding the placement of the child in accordance
21 with RCW 13.34.260.

22 (3) The department may only place a child with a person not
23 related to the child as defined in RCW 74.15.020(2)(a), including a
24 placement provided for in subsection (1)(b)(iii) of this section,
25 when the court finds that such placement is in the best interest of
26 the child. Unless there is reasonable cause to believe that the
27 health, safety, or welfare of the child would be jeopardized or that
28 efforts to reunite the parent and child will be hindered, the child
29 shall be placed with a person who is willing, appropriate, and
30 available to care for the child, and who is: (I) Related to the child
31 as defined in RCW 74.15.020(2)(a) with whom the child has a
32 relationship and is comfortable; or (II) a suitable person as
33 described in subsection (1)(b) of this section. The court shall
34 consider the child's existing relationships and attachments when
35 determining placement.

36 (4) If the child is placed in a qualified residential treatment
37 program as defined in this chapter, the court shall, within sixty
38 days of placement, hold a hearing to:

1 (~~(i)~~—~~(a)~~) (a) Consider the assessment required under RCW
2 13.34.420 and submitted as part of the department's social study, and
3 any related documentation;

4 (~~(ii)~~—~~(b)~~) (b) Determine whether placement in foster care can
5 meet the child's needs or if placement in another available placement
6 setting best meets the child's needs in the least restrictive
7 environment; and

8 (~~(iii)~~—~~(c)~~) (c) Approve or disapprove the child's placement
9 in the qualified residential treatment program.

10 (5) When placing an Indian child in out-of-home care, the
11 department shall follow the placement preference characteristics in
12 RCW 13.38.180.

13 (6) Placement of the child with a relative or other suitable
14 person as described in subsection (1)(b) of this section shall be
15 given preference by the court. An order for out-of-home placement may
16 be made only if the court finds that reasonable efforts have been
17 made to prevent or eliminate the need for removal of the child from
18 the child's home and to make it possible for the child to return
19 home, specifying the services, including housing assistance, that
20 have been provided to the child and the child's parent, guardian, or
21 legal custodian, and that prevention services have been offered or
22 provided and have failed to prevent the need for out-of-home
23 placement, unless the health, safety, and welfare of the child cannot
24 be protected adequately in the home, and that:

25 (a) (~~There~~) Subject to the requirements of section 101 of this
26 act, there is no parent or guardian available to care for such child;

27 (b) The parent, guardian, or legal custodian is not willing to
28 take custody of the child; or

29 (c) (~~The~~) Subject to the requirements of section 101 of this
30 act, the court finds, by clear, cogent, and convincing evidence, a
31 manifest danger exists that the child will suffer serious abuse or
32 neglect if the child is not removed from the home and an order under
33 RCW 26.44.063 would not protect the child from danger.

34 (7) If the court has ordered a child removed from his or her home
35 pursuant to subsection (1)(b) of this section, the court shall
36 consider whether it is in a child's best interest to be placed with,
37 have contact with, or have visits with siblings.

38 (a) There shall be a presumption that such placement, contact, or
39 visits are in the best interests of the child provided that:

1 (i) The court has jurisdiction over all siblings subject to the
2 order of placement, contact, or visitation pursuant to petitions
3 filed under this chapter or the parents of a child for whom there is
4 no jurisdiction are willing to agree; and

5 (ii) There is no reasonable cause to believe that the health,
6 safety, or welfare of any child subject to the order of placement,
7 contact, or visitation would be jeopardized or that efforts to
8 reunite the parent and child would be hindered by such placement,
9 contact, or visitation. In no event shall parental visitation time be
10 reduced in order to provide sibling visitation.

11 (b) The court may also order placement, contact, or visitation of
12 a child with a stepbrother or stepsister provided that in addition to
13 the factors in (a) of this subsection, the child has a relationship
14 and is comfortable with the stepsibling.

15 (8) If the court has ordered a child removed from his or her home
16 pursuant to subsection (1)(b) of this section and placed into
17 nonparental or nonrelative care, the court shall order a placement
18 that allows the child to remain in the same school he or she attended
19 prior to the initiation of the dependency proceeding when such a
20 placement is practical and in the child's best interest.

21 (9) If the court has ordered a child removed from his or her home
22 pursuant to subsection (1)(b) of this section, the court may order
23 that a petition seeking termination of the parent and child
24 relationship be filed if the requirements of RCW 13.34.132 are met.

25 (10) If there is insufficient information at the time of the
26 disposition hearing upon which to base a determination regarding the
27 suitability of a proposed placement with a relative or other suitable
28 person, the child shall remain in foster care and the court shall
29 direct the department to conduct necessary background investigations
30 as provided in chapter 74.15 RCW and report the results of such
31 investigation to the court within thirty days. However, if such
32 relative or other person appears otherwise suitable and competent to
33 provide care and treatment, the criminal history background check
34 need not be completed before placement, but as soon as possible after
35 placement. Any placements with relatives or other suitable persons,
36 pursuant to this section, shall be contingent upon cooperation by the
37 relative or other suitable person with the agency case plan and
38 compliance with court orders related to the care and supervision of
39 the child including, but not limited to, court orders regarding
40 parent-child contacts, sibling contacts, and any other conditions

1 imposed by the court. Noncompliance with the case plan or court order
2 shall be grounds for removal of the child from the relative's or
3 other suitable person's home, subject to review by the court.

4 **Sec. 106.** RCW 26.44.050 and 2021 c 211 s 5 are each amended to
5 read as follows:

6 (1) Except as provided in RCW 26.44.030(12), upon the receipt of
7 a report alleging that abuse or neglect has occurred, the law
8 enforcement agency or the department must investigate and provide the
9 protective services section with a report in accordance with chapter
10 74.13 RCW, and where necessary to refer such report to the court.

11 (2) A law enforcement officer may take, or cause to be taken, a
12 child into custody without a court order if there is probable cause
13 to believe that taking the child into custody is necessary to prevent
14 imminent physical harm to the child due to child abuse or neglect(~~(7~~
15 ~~including that which results from sexual abuse, sexual exploitation,~~
16 ~~or a pattern of severe neglect,~~)) and the child would be seriously
17 injured or could not be taken into custody if it were necessary to
18 first obtain a court order pursuant to RCW 13.34.050. The law
19 enforcement agency or the department investigating such a report is
20 hereby authorized to photograph such a child for the purpose of
21 providing documentary evidence of the physical condition of the
22 child.

23 (3) The child abuse or neglect establishing the basis for a
24 determination of imminent physical harm under subsection (2) of this
25 section may include, but is not limited to, child abuse or neglect
26 resulting from:

27 (a) Sexual abuse;

28 (b) Sexual exploitation;

29 (c) A high-potency synthetic opioid; or

30 (d) A pattern of severe neglect.

31 **Sec. 107.** RCW 26.44.056 and 2021 c 211 s 4 are each amended to
32 read as follows:

33 (1)(a) An administrator of a hospital or similar institution or
34 any physician, licensed pursuant to chapters 18.71 or 18.57 RCW, may
35 detain a child without consent of a person legally responsible for
36 the child whether or not medical treatment is required, if there is
37 probable cause to believe that detaining the child is necessary to
38 prevent imminent physical harm to the child due to child abuse or

1 neglect (~~, including that which results from sexual abuse, sexual~~
2 ~~exploitation, or a pattern of severe neglect,~~) and the child would
3 be seriously injured or could not be taken into custody if it were
4 necessary to first obtain a court order under RCW 13.34.050:
5 PROVIDED, That such administrator or physician shall notify or cause
6 to be notified the appropriate law enforcement agency or child
7 protective services pursuant to RCW 26.44.040. Such notification
8 shall be made as soon as possible and in no case longer than
9 (~~seventy-two~~) 72 hours. Such temporary protective custody by an
10 administrator or doctor shall not be deemed an arrest. Child
11 protective services may detain the child until the court assumes
12 custody, but in no case longer than (~~seventy-two~~) 72 hours,
13 excluding Saturdays, Sundays, and holidays.

14 (b) The child abuse or neglect establishing the basis for a
15 determination of imminent physical harm under (a) of this subsection
16 may include, but is not limited to, child abuse or neglect resulting
17 from:

18 (i) Sexual abuse;

19 (ii) Sexual exploitation;

20 (iii) A high-potency synthetic opioid; or

21 (iv) A pattern of severe neglect.

22 (2) A child protective services employee, an administrator,
23 doctor, or law enforcement officer shall not be held liable in any
24 civil action for the decision for taking the child into custody, if
25 done in good faith under this section.

26 **Sec. 108.** RCW 26.44.030 and 2019 c 172 s 6 are each amended to
27 read as follows:

28 (1)(a) When any practitioner, county coroner or medical examiner,
29 law enforcement officer, professional school personnel, registered or
30 licensed nurse, social service counselor, psychologist, pharmacist,
31 employee of the department of children, youth, and families, licensed
32 or certified child care providers or their employees, employee of the
33 department of social and health services, juvenile probation officer,
34 placement and liaison specialist, responsible living skills program
35 staff, HOPE center staff, state family and children's ombuds or any
36 volunteer in the (~~ombuds's~~) ombuds' office, or host home program
37 has reasonable cause to believe that a child has suffered abuse or
38 neglect, he or she shall report such incident, or cause a report to

1 be made, to the proper law enforcement agency or to the department as
2 provided in RCW 26.44.040.

3 (b) When any person, in his or her official supervisory capacity
4 with a nonprofit or for-profit organization, has reasonable cause to
5 believe that a child has suffered abuse or neglect caused by a person
6 over whom he or she regularly exercises supervisory authority, he or
7 she shall report such incident, or cause a report to be made, to the
8 proper law enforcement agency, provided that the person alleged to
9 have caused the abuse or neglect is employed by, contracted by, or
10 volunteers with the organization and coaches, trains, educates, or
11 counsels a child or children or regularly has unsupervised access to
12 a child or children as part of the employment, contract, or voluntary
13 service. No one shall be required to report under this section when
14 he or she obtains the information solely as a result of a privileged
15 communication as provided in RCW 5.60.060.

16 Nothing in this subsection (1)(b) shall limit a person's duty to
17 report under (a) of this subsection.

18 For the purposes of this subsection, the following definitions
19 apply:

20 (i) "Official supervisory capacity" means a position, status, or
21 role created, recognized, or designated by any nonprofit or for-
22 profit organization, either for financial gain or without financial
23 gain, whose scope includes, but is not limited to, overseeing,
24 directing, or managing another person who is employed by, contracted
25 by, or volunteers with the nonprofit or for-profit organization.

26 (ii) "Organization" includes a sole proprietor, partnership,
27 corporation, limited liability company, trust, association, financial
28 institution, governmental entity, other than the federal government,
29 and any other individual or group engaged in a trade, occupation,
30 enterprise, governmental function, charitable function, or similar
31 activity in this state whether or not the entity is operated as a
32 nonprofit or for-profit entity.

33 (iii) "Reasonable cause" means a person witnesses or receives a
34 credible written or oral report alleging abuse, including sexual
35 contact, or neglect of a child.

36 (iv) "Regularly exercises supervisory authority" means to act in
37 his or her official supervisory capacity on an ongoing or continuing
38 basis with regards to a particular person.

39 (v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

1 (c) The reporting requirement also applies to department of
2 corrections personnel who, in the course of their employment, observe
3 offenders or the children with whom the offenders are in contact. If,
4 as a result of observations or information received in the course of
5 his or her employment, any department of corrections personnel has
6 reasonable cause to believe that a child has suffered abuse or
7 neglect, he or she shall report the incident, or cause a report to be
8 made, to the proper law enforcement agency or to the department as
9 provided in RCW 26.44.040.

10 (d) The reporting requirement shall also apply to any adult who
11 has reasonable cause to believe that a child who resides with them,
12 has suffered severe abuse, and is able or capable of making a report.
13 For the purposes of this subsection, "severe abuse" means any of the
14 following: Any single act of abuse that causes physical trauma of
15 sufficient severity that, if left untreated, could cause death; any
16 single act of sexual abuse that causes significant bleeding, deep
17 bruising, or significant external or internal swelling; or more than
18 one act of physical abuse, each of which causes bleeding, deep
19 bruising, significant external or internal swelling, bone fracture,
20 or unconsciousness.

21 (e) The reporting requirement also applies to guardians ad litem,
22 including court-appointed special advocates, appointed under Titles
23 11 and 13 RCW and this title, who in the course of their
24 representation of children in these actions have reasonable cause to
25 believe a child has been abused or neglected.

26 (f) The reporting requirement in (a) of this subsection also
27 applies to administrative and academic or athletic department
28 employees, including student employees, of institutions of higher
29 education, as defined in RCW 28B.10.016, and of private institutions
30 of higher education.

31 (g) The report must be made at the first opportunity, but in no
32 case longer than forty-eight hours after there is reasonable cause to
33 believe that the child has suffered abuse or neglect. The report must
34 include the identity of the accused if known.

35 (2) The reporting requirement of subsection (1) of this section
36 does not apply to the discovery of abuse or neglect that occurred
37 during childhood if it is discovered after the child has become an
38 adult. However, if there is reasonable cause to believe other
39 children are or may be at risk of abuse or neglect by the accused,

1 the reporting requirement of subsection (1) of this section does
2 apply.

3 (3) Any other person who has reasonable cause to believe that a
4 child has suffered abuse or neglect may report such incident to the
5 proper law enforcement agency or to the department as provided in RCW
6 26.44.040.

7 (4) The department, upon receiving a report of an incident of
8 alleged abuse or neglect pursuant to this chapter, involving a child
9 who has died or has had physical injury or injuries inflicted upon
10 him or her other than by accidental means or who has been subjected
11 to alleged sexual abuse, shall report such incident to the proper law
12 enforcement agency, including military law enforcement, if
13 appropriate. In emergency cases, where the child's welfare is
14 endangered, the department shall notify the proper law enforcement
15 agency within twenty-four hours after a report is received by the
16 department. In all other cases, the department shall notify the law
17 enforcement agency within seventy-two hours after a report is
18 received by the department. If the department makes an oral report, a
19 written report must also be made to the proper law enforcement agency
20 within five days thereafter.

21 (5) Any law enforcement agency receiving a report of an incident
22 of alleged abuse or neglect pursuant to this chapter, involving a
23 child who has died or has had physical injury or injuries inflicted
24 upon him or her other than by accidental means, or who has been
25 subjected to alleged sexual abuse, shall report such incident in
26 writing as provided in RCW 26.44.040 to the proper county prosecutor
27 or city attorney for appropriate action whenever the law enforcement
28 agency's investigation reveals that a crime may have been committed.
29 The law enforcement agency shall also notify the department of all
30 reports received and the law enforcement agency's disposition of
31 them. In emergency cases, where the child's welfare is endangered,
32 the law enforcement agency shall notify the department within twenty-
33 four hours. In all other cases, the law enforcement agency shall
34 notify the department within seventy-two hours after a report is
35 received by the law enforcement agency.

36 (6) Any county prosecutor or city attorney receiving a report
37 under subsection (5) of this section shall notify the victim, any
38 persons the victim requests, and the local office of the department,
39 of the decision to charge or decline to charge a crime, within five
40 days of making the decision.

1 (7) The department may conduct ongoing case planning and
2 consultation with those persons or agencies required to report under
3 this section, with consultants designated by the department, and with
4 designated representatives of Washington Indian tribes if the client
5 information exchanged is pertinent to cases currently receiving child
6 protective services. Upon request, the department shall conduct such
7 planning and consultation with those persons required to report under
8 this section if the department determines it is in the best interests
9 of the child. Information considered privileged by statute and not
10 directly related to reports required by this section must not be
11 divulged without a valid written waiver of the privilege.

12 (8) Any case referred to the department by a physician licensed
13 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
14 opinion that child abuse, neglect, or sexual assault has occurred and
15 that the child's safety will be seriously endangered if returned
16 home, the department shall file a dependency petition unless a second
17 licensed physician of the parents' choice believes that such expert
18 medical opinion is incorrect. If the parents fail to designate a
19 second physician, the department may make the selection. If a
20 physician finds that a child has suffered abuse or neglect but that
21 such abuse or neglect does not constitute imminent danger to the
22 child's health or safety, and the department agrees with the
23 physician's assessment, the child may be left in the parents' home
24 while the department proceeds with reasonable efforts to remedy
25 parenting deficiencies.

26 (9) Persons or agencies exchanging information under subsection
27 (7) of this section shall not further disseminate or release the
28 information except as authorized by state or federal statute.
29 Violation of this subsection is a misdemeanor.

30 (10) Upon receiving a report that a child is a candidate for
31 foster care as defined in RCW 26.44.020, the department may provide
32 prevention and family services and programs to the child's parents,
33 guardian, or caregiver. The department may not be held civilly liable
34 for the decision regarding whether to provide prevention and family
35 services and programs, or for the provision of those services and
36 programs, for a child determined to be a candidate for foster care.

37 (11) Upon receiving a report of alleged abuse or neglect, the
38 department shall make reasonable efforts to learn the name, address,
39 and telephone number of each person making a report of abuse or
40 neglect under this section. The department shall provide assurances

1 of appropriate confidentiality of the identification of persons
2 reporting under this section. If the department is unable to learn
3 the information required under this subsection, the department shall
4 only investigate cases in which:

5 (a) The department believes there is a serious threat of
6 substantial harm to the child;

7 (b) The report indicates conduct involving a criminal offense
8 that has, or is about to occur, in which the child is the victim; or

9 (c) The department has a prior founded report of abuse or neglect
10 with regard to a member of the household that is within three years
11 of receipt of the referral.

12 (12)(a) Upon receiving a report of alleged abuse or neglect, the
13 department shall use one of the following discrete responses to
14 reports of child abuse or neglect that are screened in and accepted
15 for departmental response:

16 (i) Investigation; or

17 (ii) Family assessment.

18 (b) In making the response in (a) of this subsection the
19 department shall:

20 (i) Use a method by which to assign cases to investigation or
21 family assessment which are based on an array of factors that may
22 include the presence of: Imminent danger, level of risk, number of
23 previous child abuse or neglect reports, or other presenting case
24 characteristics, such as the type of alleged maltreatment and the age
25 of the alleged victim. Age of the alleged victim shall not be used as
26 the sole criterion for determining case assignment;

27 (ii) Allow for a change in response assignment based on new
28 information that alters risk or safety level;

29 (iii) Allow families assigned to family assessment to choose to
30 receive an investigation rather than a family assessment;

31 (iv) Provide a full investigation if a family refuses the initial
32 family assessment;

33 (v) Provide voluntary services to families based on the results
34 of the initial family assessment. If a family refuses voluntary
35 services, and the department cannot identify specific facts related
36 to risk or safety that warrant assignment to investigation under this
37 chapter, and there is not a history of reports of child abuse or
38 neglect related to the family, then the department must close the
39 family assessment response case. However, if at any time the
40 department identifies risk or safety factors that warrant an

1 investigation under this chapter, then the family assessment response
2 case must be reassigned to investigation;

3 (vi) Conduct an investigation, and not a family assessment, in
4 response to an allegation that, the department determines based on
5 the intake assessment:

6 (A) Indicates a child's health, safety, and welfare will be
7 seriously endangered if not taken into custody for reasons including,
8 but not limited to, sexual abuse and sexual exploitation of the child
9 as defined in this chapter;

10 (B) Poses a serious threat of substantial harm to a child;

11 (C) Constitutes conduct involving a criminal offense that has, or
12 is about to occur, in which the child is the victim;

13 (D) The child is an abandoned child as defined in RCW 13.34.030;

14 (E) The child is an adjudicated dependent child as defined in RCW
15 13.34.030, or the child is in a facility that is licensed, operated,
16 or certified for care of children by the department under chapter
17 74.15 RCW.

18 (c) In addition, the department may use a family assessment
19 response to assess for and provide prevention and family services and
20 programs, as defined in RCW 26.44.020, for the following children and
21 their families, consistent with requirements under the federal family
22 first prevention services act and this section:

23 (i) A child who is a candidate for foster care, as defined in RCW
24 26.44.020; and

25 (ii) A child who is in foster care and who is pregnant,
26 parenting, or both.

27 (d) The department may not be held civilly liable for the
28 decision to respond to an allegation of child abuse or neglect by
29 using the family assessment response under this section unless the
30 state or its officers, agents, or employees acted with reckless
31 disregard.

32 (13)(a) For reports of alleged abuse or neglect that are accepted
33 for investigation by the department, the investigation shall be
34 conducted within time frames established by the department in rule.
35 In no case shall the investigation extend longer than ninety days
36 from the date the report is received, unless the investigation is
37 being conducted under a written protocol pursuant to RCW 26.44.180
38 and a law enforcement agency or prosecuting attorney has determined
39 that a longer investigation period is necessary. At the completion of

1 the investigation, the department shall make a finding that the
2 report of child abuse or neglect is founded or unfounded.

3 (b) If a court in a civil or criminal proceeding, considering the
4 same facts or circumstances as are contained in the report being
5 investigated by the department, makes a judicial finding by a
6 preponderance of the evidence or higher that the subject of the
7 pending investigation has abused or neglected the child, the
8 department shall adopt the finding in its investigation.

9 (14) For reports of alleged abuse or neglect that are responded
10 to through family assessment response, the department shall:

11 (a) Provide the family with a written explanation of the
12 procedure for assessment of the child and the family and its
13 purposes;

14 (b) Collaborate with the family to identify family strengths,
15 resources, and service needs, and develop a service plan with the
16 goal of reducing risk of harm to the child and improving or restoring
17 family well-being;

18 (c) Complete the family assessment response within forty-five
19 days of receiving the report except as follows:

20 (i) Upon parental agreement, the family assessment response
21 period may be extended up to one hundred twenty days. The
22 department's extension of the family assessment response period must
23 be operated within the department's appropriations;

24 (ii) For cases in which the department elects to use a family
25 assessment response as authorized under subsection (12)(c) of this
26 section, and upon agreement of the child's parent, legal guardian,
27 legal custodian, or relative placement, the family assessment
28 response period may be extended up to one year. The department's
29 extension of the family assessment response must be operated within
30 the department's appropriations.

31 (d) Offer services to the family in a manner that makes it clear
32 that acceptance of the services is voluntary;

33 (e) Implement the family assessment response in a consistent and
34 cooperative manner;

35 (f) Have the parent or guardian agree to participate in services
36 before services are initiated. The department shall inform the
37 parents of their rights under family assessment response, all of
38 their options, and the options the department has if the parents do
39 not agree to participate in services.

1 (15)(a) In conducting an investigation or family assessment of
2 alleged abuse or neglect, the department or law enforcement agency:

3 (i) May interview children. If the department determines that the
4 response to the allegation will be family assessment response, the
5 preferred practice is to request a parent's, guardian's, or
6 custodian's permission to interview the child before conducting the
7 child interview unless doing so would compromise the safety of the
8 child or the integrity of the assessment. The interviews may be
9 conducted on school premises, at day-care facilities, at the child's
10 home, or at other suitable locations outside of the presence of
11 parents. If the allegation is investigated, parental notification of
12 the interview must occur at the earliest possible point in the
13 investigation that will not jeopardize the safety or protection of
14 the child or the course of the investigation. Prior to commencing the
15 interview the department or law enforcement agency shall determine
16 whether the child wishes a third party to be present for the
17 interview and, if so, shall make reasonable efforts to accommodate
18 the child's wishes. Unless the child objects, the department or law
19 enforcement agency shall make reasonable efforts to include a third
20 party in any interview so long as the presence of the third party
21 will not jeopardize the course of the investigation; and

22 (ii) Shall have access to all relevant records of the child in
23 the possession of mandated reporters and their employees.

24 (b) The Washington state school directors' association shall
25 adopt a model policy addressing protocols when an interview, as
26 authorized by this subsection, is conducted on school premises. In
27 formulating its policy, the association shall consult with the
28 department and the Washington association of sheriffs and police
29 chiefs.

30 (16) If a report of alleged abuse or neglect is founded and
31 constitutes the third founded report received by the department
32 within the last twelve months involving the same child or family, the
33 department shall promptly notify the office of the family and
34 children's ombuds of the contents of the report. The department shall
35 also notify the ombuds of the disposition of the report.

36 (17) In investigating and responding to allegations of child
37 abuse and neglect, the department may conduct background checks as
38 authorized by state and federal law.

39 (18)(a) The department shall maintain investigation records and
40 conduct timely and periodic reviews of all founded cases of abuse and

1 neglect. The department shall maintain a log of screened-out
2 nonabusive cases.

3 (b) In the family assessment response, the department shall not
4 make a finding as to whether child abuse or neglect occurred. No one
5 shall be named as a perpetrator and no investigative finding shall be
6 entered in the department's child abuse or neglect database.

7 (19)(a) The department shall use a risk assessment process when
8 investigating alleged child abuse and neglect referrals. The
9 department shall present the risk factors at all hearings in which
10 the placement of a dependent child is an issue. Substance abuse must
11 be a risk factor.

12 (b) The department shall also make available to department staff
13 high-potency synthetic opioid testing strips that can detect the
14 presence of high-potency synthetic opioids that may be used when
15 investigating alleged child abuse and neglect referrals and otherwise
16 as appropriate.

17 (20) Upon receipt of a report of alleged abuse or neglect the law
18 enforcement agency may arrange to interview the person making the
19 report and any collateral sources to determine if any malice is
20 involved in the reporting.

21 (21) Upon receiving a report of alleged abuse or neglect
22 involving a child under the court's jurisdiction under chapter 13.34
23 RCW, the department shall promptly notify the child's guardian ad
24 litem of the report's contents. The department shall also notify the
25 guardian ad litem of the disposition of the report. For purposes of
26 this subsection, "guardian ad litem" has the meaning provided in RCW
27 13.34.030.

28 (22) The department shall make efforts as soon as practicable to
29 determine the military status of parents whose children are subject
30 to abuse or neglect allegations. If the department determines that a
31 parent or guardian is in the military, the department shall notify a
32 department of defense family advocacy program that there is an
33 allegation of abuse and neglect that is screened in and open for
34 investigation that relates to that military parent or guardian.

35 (23) The department shall make available on its public website a
36 downloadable and printable poster that includes the reporting
37 requirements included in this section. The poster must be no smaller
38 than eight and one-half by eleven inches with all information on one
39 side. The poster must be made available in both the English and
40 Spanish languages. Organizations that include employees or volunteers

1 subject to the reporting requirements of this section must clearly
2 display this poster in a common area. At a minimum, this poster must
3 include the following:

- 4 (a) Who is required to report child abuse and neglect;
- 5 (b) The standard of knowledge to justify a report;
- 6 (c) The definition of reportable crimes;
- 7 (d) Where to report suspected child abuse and neglect; and
- 8 (e) What should be included in a report and the appropriate
9 timing.

10 **PART II**

11 **SERVICES FOR FAMILIES**

12 **Sec. 201.** RCW 2.56.230 and 2008 c 279 s 2 are each amended to
13 read as follows:

14 (1) A superior court may apply for grants from the family and
15 juvenile court improvement grant program by submitting a local
16 improvement plan with the administrator for the courts. To be
17 eligible for grant funds, a superior court's local improvement plan
18 must meet the criteria developed by the administrator for the courts
19 and approved by the board for judicial administration. The criteria
20 must be consistent with the principles adopted for unified family
21 courts. At a minimum, the criteria must require that the court's
22 local improvement plan meet the following requirements:

23 (a) Commit to a chief judge assignment to the family and juvenile
24 court for a minimum of two years;

25 (b) Implementation of the principle of one judicial team hearing
26 all of the proceedings in a case involving one family, especially in
27 dependency cases;

28 (c) Require court commissioners and judges assigned to family and
29 juvenile court to receive a minimum of thirty hours specialized
30 training in topics related to family and juvenile matters within six
31 months of assuming duties in family and juvenile court. Where
32 possible, courts should utilize local, statewide, and national
33 training forums. A judicial officer's recorded educational history
34 may be applied toward the thirty-hour requirement. The topics for
35 training must include:

- 36 (i) Parentage;
- 37 (ii) Adoption;
- 38 (iii) Domestic relations;

- 1 (iv) Dependency and termination of parental rights;
2 (v) Child development;
3 (vi) The impact of child abuse and neglect;
4 (vii) Domestic violence;
5 (viii) Substance abuse;
6 (ix) Mental health;
7 (x) Juvenile status offenses;
8 (xi) Juvenile offenders;
9 (xii) Self-representation issues;
10 (xiii) Cultural competency;
11 (xiv) Roles of family and juvenile court judges and
12 commissioners;
13 (xv) The risk and danger presented to children and youth by
14 high-potency synthetic opioids;
15 (xvi) Policies and procedures of the department of children,
16 youth, and families regarding safety and service planning including
17 the differences between safety plans and service plans; and
18 (xvii) The legal standards for removal of a child based on abuse
19 or neglect; and

20 (d) As part of the application for grant funds, submit a spending
21 proposal detailing how the superior court would use the grant funds.

22 (2) Courts receiving grant money must use the funds to improve
23 and support family and juvenile court operations based on standards
24 developed by the administrator for the courts and approved by the
25 board for judicial administration. The standards may allow courts to
26 use the funds to:

27 (a) Pay for family and juvenile court training of commissioners
28 and judges or pay for pro tem commissioners and judges to assist the
29 court while the commissioners and judges receive training;

30 (b) Pay for the training of other professionals involved in child
31 welfare court proceedings including, but not limited to, attorneys
32 and guardians ad litem;

33 (c) Increase judicial and nonjudicial staff, including
34 administrative staff to improve case coordination and referrals in
35 family and juvenile cases, guardian ad litem volunteers or
36 court-appointed special advocates, security, and other staff;

37 ~~((e))~~ (d) Improve the court facility to better meet the needs
38 of children and families;

39 ~~((d))~~ (e) Improve referral and treatment options for court
40 participants, including enhancing court facilitator programs and

1 family treatment court and increasing the availability of alternative
2 dispute resolution;

3 ~~((e))~~ (f) Enhance existing family and children support services
4 funded by the courts and expand access to social service programs for
5 families and children ordered by the court; and

6 ~~((f))~~ (g) Improve or support family and juvenile court
7 operations in any other way deemed appropriate by the administrator
8 for the courts.

9 (3) The administrator for the courts shall allocate available
10 grant moneys based upon the needs of the court as expressed in their
11 local improvement plan.

12 (4) Money received by the superior court under this program must
13 be used to supplement, not supplant, any other local, state, and
14 federal funds for the court.

15 (5) Upon receipt of grant funds, the superior court shall submit
16 to the administrator for the courts a spending plan detailing the use
17 of funds. At the end of the fiscal year, the superior court shall
18 submit to the administrator for the courts a financial report
19 comparing the spending plan to actual expenditures. The administrator
20 for the courts shall compile the financial reports and submit them to
21 the appropriate committees of the legislature.

22 NEW SECTION. **Sec. 202.** A new section is added to chapter 43.216
23 RCW to read as follows:

24 Subject to the availability of amounts appropriated for this
25 specific purpose, the department shall establish a pilot program for
26 contracted child care slots for infants in child protective services
27 in locales with the historically highest rates of child welfare
28 screened-in intake due to the exposure or presence of high-potency
29 synthetic opioids in the home, which may be used as part of a safety
30 plan.

31 NEW SECTION. **Sec. 203.** A new section is added to chapter 43.216
32 RCW to read as follows:

33 (1) Home visiting established by RCW 43.216.130 has been shown to
34 enhance child development and well-being by reducing the incidence of
35 child abuse and neglect, promoting connection to community-based
36 supports, and increasing school readiness for young children and
37 their families.

1 (2) Subject to the availability of amounts appropriated for this
2 specific purpose, the department shall enter into targeted contracts
3 with existing home visiting programs established by RCW 43.216.130 in
4 locales with the historically highest rates of child welfare
5 screened-in intake to serve up to 150 families.

6 (3) Targeted contracted home visiting slots for families
7 experiencing high-potency synthetic opioid-related substance use
8 disorder promotes expedited access to supports that enhance
9 strengthened parenting skills and allows home visiting providers to
10 have predictable funding. Any targeted contracted slots the
11 department creates under this section must meet the requirements as
12 provided for in this act.

13 (4) Only existing home visiting providers are eligible to be
14 awarded targeted contracted slots. The targeted contracted slots are
15 reserved for programs in locales with the historically highest rates
16 of child welfare screened-in intakes.

17 (5) The department shall provide training specific to substance
18 use disorders for the home visiting providers selected for this
19 program.

20 (6) Families referred to home visiting services via the process
21 established in subsection (8) of this section must be contacted by
22 the contracted program within seven days of referral.

23 (7) The department shall award the contracted slots via a
24 competitive process. The department shall pay providers for each
25 targeted contracted slot using the rate established by the
26 department.

27 (8) Eligible families shall be referred to the targeted
28 contracted slots through a referral process developed by the
29 department. The referral process shall include referrals from the
30 department's child welfare staff as well as community organizations
31 working with families meeting the criteria established in subsection
32 (9) of this section.

33 (9) Priority for targeted contracted home visiting slots shall be
34 given to:

- 35 (a) Families with child protective services open cases;
- 36 (b) Families with family assessment response open cases; and
- 37 (c) Families with family voluntary services open cases.

38 NEW SECTION. **Sec. 204.** A new section is added to chapter 74.14B
39 RCW to read as follows:

1 Subject to the availability of amounts appropriated for this
2 specific purpose, the department shall implement and maintain a
3 program that provides support to child welfare workers from public
4 health nurses. The support provided by public health nurses under
5 this section must include supporting child welfare workers in:

6 (1) Engaging and communicating with families about the risks of
7 high-potency synthetic opioids and child health and safety practices;

8 (2) Developing standardized risk assessment procedures related to
9 high-potency synthetic opioids; and

10 (3) Determining the level of risk presented to a child or
11 children in specific cases.

12 NEW SECTION. **Sec. 205.** A new section is added to chapter 41.05
13 RCW to read as follows:

14 (1) Subject to the availability of amounts appropriated for this
15 specific purpose, the authority shall establish a substance use
16 disorder inpatient program that specializes in treating pregnant and
17 parenting women using a family preservation model.

18 (2) The authority shall contract for the services authorized in
19 this section with behavioral health entities in a manner that allows
20 leveraging of federal medicaid funds to pay for a portion of the
21 costs. Funding provided under this section may be used for documented
22 start-up costs including the recruitment, hiring, and training of
23 staff.

24 (3) The authority shall consult with the department of children,
25 youth, and families in the implementation of the program and services
26 authorized under this section.

27 (4) Entities contracted to provide services authorized in
28 subsection (1) of this section must allow families to reside together
29 while a parent is receiving treatment.

30 NEW SECTION. **Sec. 206.** A new section is added to chapter 41.05
31 RCW to read as follows:

32 (1) Subject to the availability of amounts appropriated for this
33 specific purpose, the authority shall expand specific treatment and
34 services to children and youth with prenatal substance exposure who
35 would benefit from evidence-based services impacting their behavioral
36 and physical health.

37 (2) The authority shall contract for the services authorized in
38 this section with behavioral health entities in a manner that allows

1 leveraging of federal medicaid funds to pay for a portion of the
2 costs.

3 (3) The authority shall consult with the department of children,
4 youth, and families in the implementation of the program and services
5 authorized under this section.

6 NEW SECTION. **Sec. 207.** A new section is added to chapter 43.330
7 RCW to read as follows:

8 Subject to the availability of amounts appropriated for this
9 specific purpose, the department shall establish a grant program that
10 provides grant funding to a nonprofit organization to provide
11 supports, including behavioral health resources, housing services,
12 and parenting education, to parents with substance use disorders in
13 order to reduce the need for foster care placement or to shorten the
14 time that children remain in out-of-home care when placement is
15 necessary. The grant recipient must be a nonprofit organization that
16 provides a parent-child assistance program and focuses on building
17 parenting skills and confidence to ensure children have safe and
18 healthy childhoods.

19 NEW SECTION. **Sec. 208.** A new section is added to chapter 43.216
20 RCW to read as follows:

21 (1) Subject to the availability of amounts appropriated for this
22 specific purpose, four legal liaison positions shall be established
23 within the department to work with both the department and the office
24 of the attorney general for the purpose of assisting with the
25 preparation of child abuse and neglect court cases.

26 (2)(a) The workload of the legal liaisons shall be geographically
27 divided to reflect where the highest risk and most vulnerable child
28 abuse and neglect cases are filed.

29 (b) For the purpose of this subsection, "highest risk" and "most
30 vulnerable" are determined by the age of the child and whether the
31 child is particularly vulnerable given the child's medical or
32 developmental conditions.

33 (3) The department may determine the necessary qualifications for
34 the legal liaison positions established in this section.

35 NEW SECTION. **Sec. 209.** A new section is added to chapter 74.13
36 RCW to read as follows:

1 Subject to the availability of amounts appropriated for this
2 specific purpose, the department shall establish a pilot program to
3 include third-party safety plan participants and public health nurses
4 in child protective services safety planning. The pilot program
5 established in this section must:

6 (1) Include contracts in up to four department offices for third-
7 party safety plan participants and public health nurses to support
8 child protective services workers in safety planning; and

9 (2) Provide support for cases involving high-potency synthetic
10 opioids in families who do not have natural supports to aid in safety
11 planning.

--- END ---