

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE SENATE BILL 5331

67th Legislature
2021 Regular Session

Passed by the Senate April 20, 2021
Yeas 47 Nays 1

President of the Senate

Passed by the House April 11, 2021
Yeas 87 Nays 11

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5331** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SECOND SUBSTITUTE SENATE BILL 5331

AS AMENDED BY THE HOUSE

Passed Legislature - 2021 Regular Session

State of Washington

67th Legislature

2021 Regular Session

By Senate Ways & Means (originally sponsored by Senators Gildon, Darneille, Dhingra, Hasegawa, Nguyen, Nobles, Warnick, Wellman, and Wilson, C.)

READ FIRST TIME 02/19/21.

1 AN ACT Relating to establishing an early childhood court program
2 for young children and their families involved in Washington's child
3 welfare system; adding new sections to chapter 2.30 RCW; and creating
4 a new section.

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

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

19 (2) The legislature further finds that early childhood court
20 programs provide timely, evidence-based, evidence-informed, and
21 trauma-informed interventions. Early childhood court programs reduce

1 maltreatment recurrence, number of placements, and the time it takes
2 to achieve permanency, while increasing equitable access to services.

3 (3) The legislature further finds that statewide standards are
4 necessary to ensure the quality, accountability, and fidelity to
5 evidence-based and evidence-informed interventions of early childhood
6 court programs. Statewide standards will also promote equitable
7 access to these programs, especially among children and families of
8 color.

9 (4) The legislature further finds that early childhood court
10 programs that de-emphasize termination of parental rights and focus
11 on the safe reunification of children with parents or maintain
12 children with family or other suitable persons promote the long-term
13 emotional and psychological health of children and minimize the
14 trauma and racial disproportionality experienced by children and
15 families of color who are involved in the dependency court system.

16 (5) The legislature further finds that the administrative office
17 of the courts has secured funding for the first year of the early
18 childhood court program to support their evaluation efforts. While
19 funding is not mandated through this act, the legislature
20 acknowledges that the administrative office of the courts is not able
21 to complete its required responsibilities as provided for in this act
22 without dedicated funding. The legislature finds and declares that in
23 the future, the office may seek funding through public and/or private
24 funding opportunities, and it may partner with local organizations to
25 seek further funding, although it is not required to do so.

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

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

32 (b) An early childhood court program is a therapeutic court as
33 defined in this chapter that provides an intensive court process for
34 families with a child under age three who has been found dependent
35 pursuant to chapter 13.34 RCW. To be eligible for the early childhood
36 court program, a parent must have a child under age three that is
37 dependent pursuant to chapter 13.34 RCW at the time the case enters
38 the early childhood court program. The case may remain in the early

1 childhood court program after the child is age three or older if the
2 child is still dependent pursuant to chapter 13.34 RCW.

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

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

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

14 (i) Facilitating real-time information sharing and collaboration
15 among cross-sector professionals participating in the early childhood
16 court program;

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

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

20 (iv) Building relationships and forming new partnerships across
21 traditional and nontraditional services and systems;

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

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

25 (vii) Performing the tasks outlined in this subsection describing
26 the core components of an early childhood court program unless
27 otherwise specified.

28 (c) A community team established by the court and consisting of
29 stakeholders to the court that serve as an advisory body to the court
30 and who implement the early childhood court program. The community
31 team shall include diverse membership to include, but not be limited
32 to, former parent participants, foster parents, parent and child
33 advocates, an attorney for parents, a department of children, youth,
34 and families caseworker, and a judicial officer. The community team
35 aims to:

36 (i) Foster a learning environment and encourage an
37 interdisciplinary approach to meeting the needs of young children and
38 families;

39 (ii) Identify and respond to challenges to accessing resources
40 and needed systems reforms;

1 (iii) Support multidisciplinary trainings; and

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

5 (d) More frequent status hearings than the review hearings
6 required under RCW 13.34.138 established by the judicial officer,
7 these status hearings are separate from the review hearings required
8 under RCW 13.34.138 and are intended to provide additional support to
9 the family.

10 (e) A community coordinator that serves as a liaison between the
11 court and community-based resources to identify community-based
12 resources, identify barriers to engagement, and collaborate with
13 stakeholders to connect families to assessments and referrals. The
14 community coordinator shall facilitate connecting parents with
15 informal and formal social supports, including but not limited to
16 peer, community, and cultural supports.

17 (f) Family team meetings neutrally facilitated by the community
18 coordinator. The family team may include all parties to the case and
19 other people or other service providers identified by the parent to
20 be part of the support system for the parent involved. The family
21 team engages the parents, and the attorney for the parent, in their
22 case plan and expediently addresses family needs and access to
23 services and support.

24 (g) Ensuring that parents are critical participants in the early
25 childhood court program. Having experienced and culturally informed
26 professionals supporting and working with families involved in the
27 dependency court system is critical to successful reunification of
28 families. The court shall aim to foster an environment in which all
29 professionals involved in the early childhood court program increase
30 their awareness of different forms of bias and the trauma and
31 adversity that often accompany poverty, mental health, and substance
32 use by identifying or developing training that increases such
33 awareness.

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

39 (i) The court shall ensure that the individualized case plan for
40 parents involved in the early childhood court program address

1 protective factors that mitigate or eliminate safety risks to the
2 child.

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

6 (k) The court shall support the development of agreements that
7 encourage:

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

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

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

15 (l) Each early childhood court program must collect and review
16 its data, including data related to race and ethnicity of program
17 participants, to assess its effectiveness and share this data with
18 the oversight board for children, youth, and families established
19 under RCW 43.216.015. The oversight board for children, youth, and
20 families established under RCW 43.216.015 shall share this data and
21 hold or offer to assist in holding statewide meetings to support
22 alignment to the core components and statewide consistency.

23 (m) The caseworker assigned to an early childhood court program
24 must have received training and competency related to cultural
25 antbias, and antiracism.

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

29 (i) Black, Indigenous, and persons of color;

30 (ii) Lesbian, gay, bisexual, transgender, and queer; and

31 (iii) Experiencing disabilities.

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

34 (p) Ensuring that parents voluntarily participating in the early
35 childhood court program receive all available and appropriate
36 services.

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

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

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

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

7 (ii) A trauma-informed approach;

8 (iii) The importance of maintaining children within their
9 biological connections;

10 (iv) The importance of reunification of children with their
11 families;

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

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

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

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

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

22 (1) Subject to the availability of amounts appropriated for this
23 specific purpose, the administrative office of the courts shall
24 perform, or contract for, an evaluation of the early childhood court
25 program to ensure the quality, accountability, and fidelity of the
26 programs' evidence-based treatment. Any evaluation of the early
27 childhood court program shall be posted on the administrative office
28 of the courts website.

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

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

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

--- **END** ---