
HOUSE BILL 2259

State of Washington

68th Legislature

2024 Regular Session

By Representatives Rule and Caldier

Read first time 01/10/24. Referred to Committee on Human Services, Youth, & Early Learning.

1 AN ACT Relating to addressing threats of harm to children by
2 modifying the child removal standard related to another person's use
3 or possession of a high potency synthetic opioid, modifying home
4 visiting programs, and modifying the risk assessment process for at-
5 risk families; amending RCW 13.34.130, 26.44.030, 43.216.130,
6 43.216.157, and 43.216.159; reenacting and amending RCW 13.34.030 and
7 13.34.065; creating new sections; and providing an expiration date.

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

9 NEW SECTION. **Sec. 1.** (1) The legislature finds that since 2018
10 there has been a significant increase in the number of child
11 fatalities and near fatalities involving fentanyl within 12 months of
12 the family's involvement in the child welfare system in Washington.
13 According to the office of the family and children's ombuds, the
14 majority of these fatalities and near fatalities involving fentanyl
15 included accidental ingestion by children 11 years of age or younger
16 or accidental overdoses of youth aged 11 to 20 years while using
17 substances.

18 (2) The legislature finds that fentanyl is a high potency
19 synthetic opioid. When illegally made or unprescribed, high potency
20 synthetic opioids, such as fentanyl, are highly addictive and very
21 dangerous.

1 (3) The legislature finds that a substance use disorder is a
2 medical condition. Many individuals have multiple substance use
3 disorders, as well as histories of trauma, developmental
4 disabilities, or mental health conditions. Individuals experiencing
5 opioid use disorder need access to effective treatment, including
6 medications and psychosocial counseling. Individuals with substance
7 use disorders deserve compassion and not blame for their illness.

8 (4) The legislature finds that high potency synthetic opioids,
9 even small quantities, in the form of pills, powder, or residue may
10 be fatal to vulnerable children. A parent or guardian's use or
11 possession of high potency synthetic opioids in the vicinity of
12 vulnerable children creates a risk that a child will be exposed to,
13 ingest, inhale, or have contact with a high potency synthetic opioid.

14 (5) The legislature intends to clarify the risk of imminent
15 physical harm and manifest danger that a parent or guardian's use or
16 possession of high potency synthetic opioids presents when courts
17 decide whether a child should be removed from the home or placed out-
18 of-home in child welfare proceedings.

19 (6) The legislature finds that home visiting programs established
20 under chapter 43.216 RCW have been shown to enhance child development
21 and well-being by reducing the incidence of child abuse and neglect,
22 promoting connection to community-based supports, and increasing
23 school readiness for young children and their families.

24 (7) The legislature further finds that targeted home visiting
25 slots for families experiencing substance use disorder promotes
26 expedited access to supports that enhance strengthened parenting
27 skills and allow home visiting providers to have predictable funding.

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

30 The definitions in this section apply throughout this chapter
31 unless the context clearly requires otherwise.

32 (1) "Abandoned" means when the child's parent, guardian, or other
33 custodian has expressed, either by statement or conduct, an intent to
34 forego, for an extended period, parental rights or responsibilities
35 despite an ability to exercise such rights and responsibilities. If
36 the court finds that the petitioner has exercised due diligence in
37 attempting to locate the parent, no contact between the child and the
38 child's parent, guardian, or other custodian for a period of three

1 months creates a rebuttable presumption of abandonment, even if there
2 is no expressed intent to abandon.

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

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

5 (b) Any individual age eighteen to twenty-one years who is
6 eligible to receive and who elects to receive the extended foster
7 care services authorized under RCW 74.13.031. A youth who remains
8 dependent and who receives extended foster care services under RCW
9 74.13.031 shall not be considered a "child" under any other statute
10 or for any other purpose.

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

18 (4) "Department" means the department of children, youth, and
19 families.

20 (5) "Dependency guardian" means the person, nonprofit
21 corporation, or Indian tribe appointed by the court pursuant to this
22 chapter for the limited purpose of assisting the court in the
23 supervision of the dependency.

24 (6) "Dependent child" means any child who:

25 (a) Has been abandoned;

26 (b) Is abused or neglected as defined in chapter 26.44 RCW by a
27 person legally responsible for the care of the child;

28 (c) Has no parent, guardian, or custodian capable of adequately
29 caring for the child, such that the child is in circumstances which
30 constitute a danger of substantial damage to the child's
31 psychological or physical development; or

32 (d) Is receiving extended foster care services, as authorized by
33 RCW 74.13.031.

34 (7) "Developmental disability" means a disability attributable to
35 intellectual disability, cerebral palsy, epilepsy, autism, or another
36 neurological or other condition of an individual found by the
37 secretary of the department of social and health services to be
38 closely related to an intellectual disability or to require treatment
39 similar to that required for individuals with intellectual
40 disabilities, which disability originates before the individual

1 attains age eighteen, which has continued or can be expected to
2 continue indefinitely, and which constitutes a substantial limitation
3 to the individual.

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

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

12 (10) "Extended foster care services" means residential and other
13 support services the department is authorized to provide under RCW
14 74.13.031. These services may include placement in licensed,
15 relative, or otherwise approved care, or supervised independent
16 living settings; assistance in meeting basic needs; independent
17 living services; medical assistance; and counseling or treatment.

18 (11) "Guardian" means the person or agency that: (a) Has been
19 appointed as the guardian of a child in a legal proceeding, including
20 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the
21 legal right to custody of the child pursuant to such appointment. The
22 term "guardian" does not include a "dependency guardian" appointed
23 pursuant to a proceeding under this chapter.

24 (12) "Guardian ad litem" means a person, appointed by the court
25 to represent the best interests of a child in a proceeding under this
26 chapter, or in any matter which may be consolidated with a proceeding
27 under this chapter. A "court-appointed special advocate" appointed by
28 the court to be the guardian ad litem for the child, or to perform
29 substantially the same duties and functions as a guardian ad litem,
30 shall be deemed to be guardian ad litem for all purposes and uses of
31 this chapter.

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

39 (14) "Guardianship" means a guardianship pursuant to chapter
40 13.36 RCW or a limited guardianship of a minor pursuant to RCW

1 11.130.215 or equivalent laws of another state or a federally
2 recognized Indian tribe.

3 (15) "High potency synthetic opioid" means an illicitly used or
4 unprescribed synthetic opioid classified as a schedule I or II
5 controlled substance or controlled substance analog in chapter 69.50
6 RCW and federal law or listed by the pharmacy quality assurance
7 commission in chapter 246-945 WAC on the effective date of this
8 section including, but not limited to, fentanyl.

9 (16) "Housing assistance" means appropriate referrals by the
10 department or other agencies to federal, state, local, or private
11 agencies or organizations, assistance with forms, applications, or
12 financial subsidies or other monetary assistance for housing. For
13 purposes of this chapter, "housing assistance" is not a remedial
14 service or family reunification service as described in RCW
15 13.34.025(2).

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

18 (a) Receiving one of the following types of public assistance:
19 Temporary assistance for needy families, aged, blind, or disabled
20 assistance benefits, medical care services under RCW 74.09.035,
21 pregnant women assistance benefits, poverty-related veterans'
22 benefits, food stamps or food stamp benefits transferred
23 electronically, refugee resettlement benefits, medicaid, or
24 supplemental security income; or

25 (b) Involuntarily committed to a public mental health facility;
26 or

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

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

33 (~~(17)~~) (18) "Nonminor dependent" means any individual age
34 eighteen to twenty-one years who is participating in extended foster
35 care services authorized under RCW 74.13.031.

36 (~~(18)~~) (19) "Out-of-home care" means placement in a foster
37 family home or group care facility licensed pursuant to chapter 74.15
38 RCW or placement in a home, other than that of the child's parent,
39 guardian, or legal custodian, not required to be licensed pursuant to
40 chapter 74.15 RCW.

1 (~~(19)~~) (20) "Parent" means the biological or adoptive parents
2 of a child, or an individual who has established a parent-child
3 relationship under RCW 26.26A.100, unless the legal rights of that
4 person have been terminated by a judicial proceeding pursuant to this
5 chapter, chapter 26.33 RCW, or the equivalent laws of another state
6 or a federally recognized Indian tribe.

7 (~~(20)~~) (21) "Prevention and family services and programs" means
8 specific mental health prevention and treatment services, substance
9 abuse prevention and treatment services, and in-home parent skill-
10 based programs that qualify for federal funding under the federal
11 family first prevention services act, P.L. 115-123. For purposes of
12 this chapter, prevention and family services and programs are not
13 remedial services or family reunification services as described in
14 RCW 13.34.025(2).

15 (~~(21)~~) (22) "Prevention services" means preservation services,
16 as defined in chapter 74.14C RCW, and other reasonably available
17 services, including housing assistance, capable of preventing the
18 need for out-of-home placement while protecting the child. Prevention
19 services include, but are not limited to, prevention and family
20 services and programs as defined in this section.

21 (~~(22)~~) (23) "Qualified residential treatment program" means a
22 program that meets the requirements provided in RCW 13.34.420,
23 qualifies for funding under the family first prevention services act
24 under 42 U.S.C. Sec. 672(k), and, if located within Washington state,
25 is licensed as a group care facility under chapter 74.15 RCW.

26 (~~(23)~~) (24) "Relative" includes persons related to a child in
27 the following ways:

28 (a) Any blood relative, including those of half-blood, and
29 including first cousins, second cousins, nephews or nieces, and
30 persons of preceding generations as denoted by prefixes of grand,
31 great, or great-great;

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

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

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

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

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

8 ~~((24))~~ (25) "Shelter care" means temporary physical care in a
9 facility licensed pursuant to RCW 74.15.030 or in a home not required
10 to be licensed pursuant to RCW 74.15.030.

11 ~~((25))~~ (26) "Sibling" means a child's birth brother, birth
12 sister, adoptive brother, adoptive sister, half-brother, or half-
13 sister, or as defined by the law or custom of the Indian child's
14 tribe for an Indian child as defined in RCW 13.38.040.

15 ~~((26))~~ (27) "Social study" means a written evaluation of
16 matters relevant to the disposition of the case that contains the
17 information required by RCW 13.34.430.

18 ~~((27))~~ (28) "Supervised independent living" includes, but is
19 not limited to, apartment living, room and board arrangements,
20 college or university dormitories, and shared roommate settings.
21 Supervised independent living settings must be approved by the
22 department or the court.

23 ~~((28))~~ (29) "Voluntary placement agreement" means, for the
24 purposes of extended foster care services, a written voluntary
25 agreement between a nonminor dependent who agrees to submit to the
26 care and authority of the department for the purposes of
27 participating in the extended foster care program.

28 **Sec. 3.** RCW 13.34.065 and 2021 c 211 s 9, 2021 c 208 s 1, and
29 2021 c 67 s 4 are each reenacted and amended to read as follows:

30 (1)(a) When a child is removed or when the petitioner is seeking
31 the removal of a child from the child's parent, guardian, or legal
32 custodian, the court shall hold a shelter care hearing within 72
33 hours, excluding Saturdays, Sundays, and holidays. The primary
34 purpose of the shelter care hearing is to determine whether the child
35 can be immediately and safely returned home while the adjudication of
36 the dependency is pending. The court shall hold an additional shelter
37 care hearing within 72 hours, excluding Saturdays, Sundays, and
38 holidays if the child is removed from the care of a parent, guardian,

1 or legal custodian at any time after an initial shelter care hearing
2 under this section.

3 (b) Any child's attorney, parent, guardian, or legal custodian
4 who for good cause is unable to attend or adequately prepare for the
5 shelter care hearing may request that the initial shelter care
6 hearing be continued or that a subsequent shelter care hearing be
7 scheduled. The request shall be made to the clerk of the court where
8 the petition is filed prior to the initial shelter care hearing. Upon
9 the request of the child's attorney, parent, guardian, or legal
10 custodian, the court shall schedule the hearing within 72 hours of
11 the request, excluding Saturdays, Sundays, and holidays. The clerk
12 shall notify all other parties of the hearing by any reasonable
13 means. If the parent, guardian, or legal custodian is not represented
14 by counsel, the clerk shall provide information to the parent,
15 guardian, or legal custodian regarding how to obtain counsel.

16 (2) (a) If it is likely that the child will remain in shelter care
17 longer than 72 hours, the department shall submit a recommendation to
18 the court as to the further need for shelter care in all cases in
19 which the child will remain in shelter care longer than the 72 hour
20 period. In all other cases, the recommendation shall be submitted by
21 the juvenile court probation counselor.

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

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

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

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

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

33 (iii) If the parent, guardian, or custodian is not represented by
34 counsel, the right to be represented. If the parent, guardian, or
35 custodian is indigent, the court shall appoint counsel as provided in
36 RCW 13.34.090; and

37 (b) If a parent, guardian, or legal custodian desires to waive
38 the shelter care hearing, the court shall determine, on the record
39 and with the parties present, whether such waiver is knowing and
40 voluntary. A parent may not waive his or her right to the shelter

1 care hearing unless he or she appears in court, in person, or by
2 remote means, and the court determines that the waiver is knowing and
3 voluntary. Regardless of whether the court accepts the parental
4 waiver of the shelter care hearing, the court must provide notice to
5 the parents of their rights required under (a) of this subsection and
6 make the finding required under subsection (4) of this section.

7 (4) At the shelter care hearing the court shall examine the need
8 for shelter care and inquire into the status of the case. The
9 paramount consideration for the court shall be the health, welfare,
10 and safety of the child. At a minimum, the court shall inquire into
11 the following:

12 (a) Whether the notice required under RCW 13.34.062 was given to
13 all known parents, guardians, or legal custodians of the child. The
14 court shall make an express finding as to whether the notice required
15 under RCW 13.34.062 was given to the parent, guardian, or legal
16 custodian. If actual notice was not given to the parent, guardian, or
17 legal custodian and the whereabouts of such person is known or can be
18 ascertained, the court shall order the department to make diligent
19 efforts to advise the parent, guardian, or legal custodian of the
20 status of the case, including the date and time of any subsequent
21 hearings, and their rights under RCW 13.34.090;

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

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

29 (d) What services were provided to the family to prevent or
30 eliminate the need for removal of the child from the child's home. If
31 the dependency petition or other information before the court alleges
32 that experiencing homelessness or the lack of suitable housing was a
33 significant factor contributing to the removal of the child, the
34 court shall inquire as to whether housing assistance was provided to
35 the family to prevent or eliminate the need for removal of the child
36 or children;

37 (e) Is the placement proposed by the department the least
38 disruptive and most family-like setting that meets the needs of the
39 child;

1 (f) Whether it is in the best interest of the child to remain
2 enrolled in the school, developmental program, or child care the
3 child was in prior to placement and what efforts have been made to
4 maintain the child in the school, program, or child care if it would
5 be in the best interest of the child to remain in the same school,
6 program, or child care;

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

8 (h) Whether the child is or may be an Indian child as defined in
9 RCW 13.38.040, whether the provisions of the federal Indian child
10 welfare act or chapter 13.38 RCW apply, and whether there is
11 compliance with the federal Indian child welfare act and chapter
12 13.38 RCW, including notice to the child's tribe;

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

17 (j) Whether any orders for examinations, evaluations, or
18 immediate services are needed. The court may not order a parent to
19 undergo examinations, evaluation, or services at the shelter care
20 hearing unless the parent agrees to the examination, evaluation, or
21 service;

22 (k) The terms and conditions for parental, sibling, and family
23 visitation.

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

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

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

34 (B) (I) Removal of the child is necessary to prevent imminent
35 physical harm due to child abuse or neglect, including that which
36 results from sexual abuse, sexual exploitation, or a pattern of
37 severe neglect, notwithstanding an order entered pursuant to RCW
38 26.44.063. There is a rebuttable presumption that removal of the
39 child is necessary to prevent imminent physical harm when a parent's
40 use or possession of a high potency synthetic opioid, or failure to

1 protect a child from another individual's use or possession of a high
2 potency synthetic opioid, creates a risk that a child will be exposed
3 to, ingest, inhale, or have contact with a high potency synthetic
4 opioid. A parent's promise to secure high potency synthetic opioids
5 or use them only when the child is not in the vicinity is not
6 sufficient to overcome this presumption. The evidence must show a
7 causal relationship between the particular conditions in the home and
8 imminent physical harm to the child. The existence of community or
9 family poverty, isolation, single parenthood, age of the parent,
10 crowded or inadequate housing, substance abuse, prenatal drug or
11 alcohol exposure, mental illness, disability or special needs of the
12 parent or child, or nonconforming social behavior does not by itself
13 constitute imminent physical harm;

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

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

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

21 (b) If the court finds that the elements of (a)(ii)(B) of this
22 subsection require removal of the child, the court shall further
23 consider:

24 (i) Whether participation by the parents, guardians, or legal
25 custodians in any prevention services would prevent or eliminate the
26 need for removal and, if so, shall inquire of the parent whether they
27 are willing to participate in such services. When a parent's use or
28 possession of a high potency synthetic opioid, or failure to protect
29 a child from another individual's use or possession of a high potency
30 synthetic opioid, creates a risk that a child will be exposed to,
31 ingest, inhale, or have contact with a high potency synthetic opioid,
32 prevention services that would prevent or eliminate the need for
33 removal are only those that are immediately available and provide for
34 24-hour supervision of the child. If the parent agrees to participate
35 in the prevention services identified by the court that would prevent
36 or eliminate the need for removal, the court shall place the child
37 with the parent. The court shall not order a parent to participate in
38 prevention services over the objection of the parent, however,
39 parents shall have the opportunity to consult with counsel prior to
40 deciding whether to agree to proposed prevention services as a

1 condition of having the child return to or remain in the care of the
2 parent; and

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

6 (c)(i) If the court does not release the child to his or her
7 parent, guardian, or legal custodian, the court shall order placement
8 with a relative or other suitable person as described in RCW
9 13.34.130(1)(b), unless the petitioner establishes that there is
10 reasonable cause to believe that:

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

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

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

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

23 (I) Has expressed an interest in becoming a caregiver for the
24 child;

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

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

28 (IV) Supports reunification of the parent and child once
29 reunification can safely occur; and

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

32 (iii) If a relative or other suitable person expressed an
33 interest in caring for the child, can meet the child's special needs,
34 can support parent-child reunification, and will facilitate court-
35 ordered sibling or parent visitation, the following must not prevent
36 the child's placement with such relative or other suitable person:

37 (A) An incomplete department or fingerprint-based background
38 check, if such relative or other suitable person appears otherwise
39 suitable and competent to provide care and treatment, but the

1 background checks must be completed as soon as possible after
2 placement;

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

5 (C) Disbelief on the part of the relative or other suitable
6 person that the parent, guardian, or legal custodian presents a
7 danger to the child, provided the caregiver will protect the safety
8 of the child and comply with court orders regarding contact with a
9 parent, guardian, or legal custodian; or

10 (D) The conditions of the relative or other suitable person's
11 home are not sufficient to satisfy the requirements of a licensed
12 foster home. The court may order the department to provide financial
13 or other support to the relative or other suitable person necessary
14 to ensure safe conditions in the home.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (6) (a) A shelter care order issued pursuant to this section shall
24 include the requirement for a case conference as provided in RCW
25 13.34.067. However, if the parent is not present at the shelter care
26 hearing, or does not agree to the case conference, the court shall
27 not include the requirement for the case conference in the shelter
28 care order.

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

33 (c) The court may order another conference, case staffing, or
34 hearing as an alternative to the case conference required under RCW
35 13.34.067 so long as the conference, case staffing, or hearing
36 ordered by the court meets all requirements under RCW 13.34.067,
37 including the requirement of a written agreement specifying the
38 services to be provided to the parent.

39 (7) (a) (i) A shelter care order issued pursuant to this section
40 may be amended at any time with notice and hearing thereon. The

1 shelter care decision of placement shall be modified only upon a
2 showing of change in circumstances. No child may be placed in shelter
3 care for longer than thirty days without an order, signed by the
4 judge, authorizing continued shelter care.

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

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

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

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

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

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

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

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

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

7 **Sec. 4.** RCW 13.34.130 and 2019 c 172 s 12 are each amended to
8 read as follows:

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

15 (1) The court shall order one of the following dispositions of
16 the case:

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

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

38 (ii) The department has the authority to place the child, subject
39 to review and approval by the court (A) with a relative as defined in

1 RCW 74.15.020(2)(a), (B) in the home of another suitable person if
2 the child or family has a preexisting relationship with that person,
3 and the person has completed all required criminal history background
4 checks and otherwise appears to the department to be suitable and
5 competent to provide care for the child, or (C) in a foster family
6 home or group care facility licensed pursuant to chapter 74.15 RCW.

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

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

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

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

34 (~~(i)~~—~~{(a)}~~) (a) Consider the assessment required under RCW
35 13.34.420 and submitted as part of the department's social study, and
36 any related documentation;

37 (~~(ii)~~—~~{(b)}~~) (b) Determine whether placement in foster care can
38 meet the child's needs or if placement in another available placement
39 setting best meets the child's needs in the least restrictive
40 environment; and

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

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

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

18 (a) There is no parent or guardian available to care for such
19 child. There is a rebuttable presumption that a parent is unavailable
20 if the parent has deficiencies that jeopardize the child's right to
21 be nurtured, physical health, mental health, or basic safety,
22 including that which results from substance abuse or a parent's use
23 or possession of a high potency synthetic opioid, or failure to
24 protect a child from another individual's use or possession of a high
25 potency synthetic opioid. A parent's promise to secure high potency
26 synthetic opioids or use them only when the child is not in the
27 vicinity is not sufficient to overcome this presumption;

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

30 (c) 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. There is a
34 rebuttable presumption that removal of the child is necessary and a
35 manifest danger exists that the child will suffer serious abuse or
36 neglect when a parent's use or possession of a high potency synthetic
37 opioid, or failure to protect a child from another individual's use
38 or possession of a high potency synthetic opioid, creates a risk that
39 a child will be exposed to, ingest, inhale, or have contact with a
40 high potency synthetic opioid. A parent's promise to secure high

1 potency synthetic opioids or use them only when the child is not in
2 the vicinity is not sufficient to overcome this presumption.

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

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

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

13 (ii) There is no reasonable cause to believe that the health,
14 safety, or welfare of any child subject to the order of placement,
15 contact, or visitation would be jeopardized or that efforts to
16 reunite the parent and child would be hindered by such placement,
17 contact, or visitation. In no event shall parental visitation time be
18 reduced in order to provide sibling visitation.

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

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

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

33 (10) If there is insufficient information at the time of the
34 disposition hearing upon which to base a determination regarding the
35 suitability of a proposed placement with a relative or other suitable
36 person, the child shall remain in foster care and the court shall
37 direct the department to conduct necessary background investigations
38 as provided in chapter 74.15 RCW and report the results of such
39 investigation to the court within thirty days. However, if such
40 relative or other person appears otherwise suitable and competent to

1 provide care and treatment, the criminal history background check
2 need not be completed before placement, but as soon as possible after
3 placement. Any placements with relatives or other suitable persons,
4 pursuant to this section, shall be contingent upon cooperation by the
5 relative or other suitable person with the agency case plan and
6 compliance with court orders related to the care and supervision of
7 the child including, but not limited to, court orders regarding
8 parent-child contacts, sibling contacts, and any other conditions
9 imposed by the court. Noncompliance with the case plan or court order
10 shall be grounds for removal of the child from the relative's or
11 other suitable person's home, subject to review by the court.

12 **Sec. 5.** RCW 26.44.030 and 2019 c 172 s 6 are each amended to
13 read as follows:

14 (1)(a) When any practitioner, county coroner or medical examiner,
15 law enforcement officer, professional school personnel, registered or
16 licensed nurse, social service counselor, psychologist, pharmacist,
17 employee of the department of children, youth, and families, licensed
18 or certified child care providers or their employees, employee of the
19 department of social and health services, juvenile probation officer,
20 placement and liaison specialist, responsible living skills program
21 staff, HOPE center staff, state family and children's ombuds or any
22 volunteer in the ombuds's office, or host home program has reasonable
23 cause to believe that a child has suffered abuse or neglect, he or
24 she shall report such incident, or cause a report to be made, to the
25 proper law enforcement agency or to the department as provided in RCW
26 26.44.040.

27 (b) When any person, in his or her official supervisory capacity
28 with a nonprofit or for-profit organization, has reasonable cause to
29 believe that a child has suffered abuse or neglect caused by a person
30 over whom he or she regularly exercises supervisory authority, he or
31 she shall report such incident, or cause a report to be made, to the
32 proper law enforcement agency, provided that the person alleged to
33 have caused the abuse or neglect is employed by, contracted by, or
34 volunteers with the organization and coaches, trains, educates, or
35 counsels a child or children or regularly has unsupervised access to
36 a child or children as part of the employment, contract, or voluntary
37 service. No one shall be required to report under this section when
38 he or she obtains the information solely as a result of a privileged
39 communication as provided in RCW 5.60.060.

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

3 For the purposes of this subsection, the following definitions
4 apply:

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

11 (ii) "Organization" includes a sole proprietor, partnership,
12 corporation, limited liability company, trust, association, financial
13 institution, governmental entity, other than the federal government,
14 and any other individual or group engaged in a trade, occupation,
15 enterprise, governmental function, charitable function, or similar
16 activity in this state whether or not the entity is operated as a
17 nonprofit or for-profit entity.

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

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

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

25 (c) The reporting requirement also applies to department of
26 corrections personnel who, in the course of their employment, observe
27 offenders or the children with whom the offenders are in contact. If,
28 as a result of observations or information received in the course of
29 his or her employment, any department of corrections personnel has
30 reasonable cause to believe that a child has suffered abuse or
31 neglect, he or she shall report the incident, or cause a report to be
32 made, to the proper law enforcement agency or to the department as
33 provided in RCW 26.44.040.

34 (d) The reporting requirement shall also apply to any adult who
35 has reasonable cause to believe that a child who resides with them,
36 has suffered severe abuse, and is able or capable of making a report.
37 For the purposes of this subsection, "severe abuse" means any of the
38 following: Any single act of abuse that causes physical trauma of
39 sufficient severity that, if left untreated, could cause death; any
40 single act of sexual abuse that causes significant bleeding, deep

1 bruising, or significant external or internal swelling; or more than
2 one act of physical abuse, each of which causes bleeding, deep
3 bruising, significant external or internal swelling, bone fracture,
4 or unconsciousness.

5 (e) The reporting requirement also applies to guardians ad litem,
6 including court-appointed special advocates, appointed under Titles
7 11 and 13 RCW and this title, who in the course of their
8 representation of children in these actions have reasonable cause to
9 believe a child has been abused or neglected.

10 (f) The reporting requirement in (a) of this subsection also
11 applies to administrative and academic or athletic department
12 employees, including student employees, of institutions of higher
13 education, as defined in RCW 28B.10.016, and of private institutions
14 of higher education.

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

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

26 (3) Any other person who has reasonable cause to believe that a
27 child has suffered abuse or neglect may report such incident to the
28 proper law enforcement agency or to the department as provided in RCW
29 26.44.040.

30 (4) The department, upon receiving a report of an incident of
31 alleged abuse or neglect pursuant to this chapter, involving a child
32 who has died or has had physical injury or injuries inflicted upon
33 him or her other than by accidental means or who has been subjected
34 to alleged sexual abuse, shall report such incident to the proper law
35 enforcement agency, including military law enforcement, if
36 appropriate. In emergency cases, where the child's welfare is
37 endangered, the department shall notify the proper law enforcement
38 agency within twenty-four hours after a report is received by the
39 department. In all other cases, the department shall notify the law
40 enforcement agency within seventy-two hours after a report is

1 received by the department. If the department makes an oral report, a
2 written report must also be made to the proper law enforcement agency
3 within five days thereafter.

4 (5) Any law enforcement agency receiving a report of an incident
5 of alleged abuse or neglect pursuant to this chapter, involving a
6 child who has died or has had physical injury or injuries inflicted
7 upon him or her other than by accidental means, or who has been
8 subjected to alleged sexual abuse, shall report such incident in
9 writing as provided in RCW 26.44.040 to the proper county prosecutor
10 or city attorney for appropriate action whenever the law enforcement
11 agency's investigation reveals that a crime may have been committed.
12 The law enforcement agency shall also notify the department of all
13 reports received and the law enforcement agency's disposition of
14 them. In emergency cases, where the child's welfare is endangered,
15 the law enforcement agency shall notify the department within twenty-
16 four hours. In all other cases, the law enforcement agency shall
17 notify the department within seventy-two hours after a report is
18 received by the law enforcement agency.

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

24 (7) The department may conduct ongoing case planning and
25 consultation with those persons or agencies required to report under
26 this section, with consultants designated by the department, and with
27 designated representatives of Washington Indian tribes if the client
28 information exchanged is pertinent to cases currently receiving child
29 protective services. Upon request, the department shall conduct such
30 planning and consultation with those persons required to report under
31 this section if the department determines it is in the best interests
32 of the child. Information considered privileged by statute and not
33 directly related to reports required by this section must not be
34 divulged without a valid written waiver of the privilege.

35 (8) Any case referred to the department by a physician licensed
36 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
37 opinion that child abuse, neglect, or sexual assault has occurred and
38 that the child's safety will be seriously endangered if returned
39 home, the department shall file a dependency petition unless a second
40 licensed physician of the parents' choice believes that such expert

1 medical opinion is incorrect. If the parents fail to designate a
2 second physician, the department may make the selection. If a
3 physician finds that a child has suffered abuse or neglect but that
4 such abuse or neglect does not constitute imminent danger to the
5 child's health or safety, and the department agrees with the
6 physician's assessment, the child may be left in the parents' home
7 while the department proceeds with reasonable efforts to remedy
8 parenting deficiencies.

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

13 (10) Upon receiving a report that a child is a candidate for
14 foster care as defined in RCW 26.44.020, the department may provide
15 prevention and family services and programs to the child's parents,
16 guardian, or caregiver. The department may not be held civilly liable
17 for the decision regarding whether to provide prevention and family
18 services and programs, or for the provision of those services and
19 programs, for a child determined to be a candidate for foster care.

20 (11) Upon receiving a report of alleged abuse or neglect, the
21 department shall make reasonable efforts to learn the name, address,
22 and telephone number of each person making a report of abuse or
23 neglect under this section. The department shall provide assurances
24 of appropriate confidentiality of the identification of persons
25 reporting under this section. If the department is unable to learn
26 the information required under this subsection, the department shall
27 only investigate cases in which:

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

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

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

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

39 (i) Investigation; or

40 (ii) Family assessment.

1 (b) In making the response in (a) of this subsection the
2 department shall:

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

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

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

14 (iv) Provide a full investigation if a family refuses the initial
15 family assessment;

16 (v) Provide voluntary services to families based on the results
17 of the initial family assessment. If a family refuses voluntary
18 services, and the department cannot identify specific facts related
19 to risk or safety that warrant assignment to investigation under this
20 chapter, and there is not a history of reports of child abuse or
21 neglect related to the family, then the department must close the
22 family assessment response case. However, if at any time the
23 department identifies risk or safety factors that warrant an
24 investigation under this chapter, then the family assessment response
25 case must be reassigned to investigation;

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

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

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

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

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

37 (E) The child is an adjudicated dependent child as defined in RCW
38 13.34.030, or the child is in a facility that is licensed, operated,
39 or certified for care of children by the department under chapter
40 74.15 RCW.

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

6 (i) A child who is a candidate for foster care, as defined in RCW
7 26.44.020; and

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

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

15 (13)(a) For reports of alleged abuse or neglect that are accepted
16 for investigation by the department, the investigation shall be
17 conducted within time frames established by the department in rule.
18 In no case shall the investigation extend longer than ninety days
19 from the date the report is received, unless the investigation is
20 being conducted under a written protocol pursuant to RCW 26.44.180
21 and a law enforcement agency or prosecuting attorney has determined
22 that a longer investigation period is necessary. At the completion of
23 the investigation, the department shall make a finding that the
24 report of child abuse or neglect is founded or unfounded.

25 (b) If a court in a civil or criminal proceeding, considering the
26 same facts or circumstances as are contained in the report being
27 investigated by the department, makes a judicial finding by a
28 preponderance of the evidence or higher that the subject of the
29 pending investigation has abused or neglected the child, the
30 department shall adopt the finding in its investigation.

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

33 (a) Provide the family with a written explanation of the
34 procedure for assessment of the child and the family and its
35 purposes;

36 (b) Collaborate with the family to identify family strengths,
37 resources, and service needs, and develop a service plan with the
38 goal of reducing risk of harm to the child and improving or restoring
39 family well-being;

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

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

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

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

16 (e) Implement the family assessment response in a consistent and
17 cooperative manner;

18 (f) Have the parent or guardian agree to participate in services
19 before services are initiated. The department shall inform the
20 parents of their rights under family assessment response, all of
21 their options, and the options the department has if the parents do
22 not agree to participate in services.

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

25 (i) May interview children. If the department determines that the
26 response to the allegation will be family assessment response, the
27 preferred practice is to request a parent's, guardian's, or
28 custodian's permission to interview the child before conducting the
29 child interview unless doing so would compromise the safety of the
30 child or the integrity of the assessment. The interviews may be
31 conducted on school premises, at day-care facilities, at the child's
32 home, or at other suitable locations outside of the presence of
33 parents. If the allegation is investigated, parental notification of
34 the interview must occur at the earliest possible point in the
35 investigation that will not jeopardize the safety or protection of
36 the child or the course of the investigation. Prior to commencing the
37 interview the department or law enforcement agency shall determine
38 whether the child wishes a third party to be present for the
39 interview and, if so, shall make reasonable efforts to accommodate
40 the child's wishes. Unless the child objects, the department or law

1 enforcement agency shall make reasonable efforts to include a third
2 party in any interview so long as the presence of the third party
3 will not jeopardize the course of the investigation; and

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

6 (b) The Washington state school directors' association shall
7 adopt a model policy addressing protocols when an interview, as
8 authorized by this subsection, is conducted on school premises. In
9 formulating its policy, the association shall consult with the
10 department and the Washington association of sheriffs and police
11 chiefs.

12 (16) If a report of alleged abuse or neglect is founded and
13 constitutes the third founded report received by the department
14 within the last twelve months involving the same child or family, the
15 department shall promptly notify the office of the family and
16 children's ombuds of the contents of the report. The department shall
17 also notify the ombuds of the disposition of the report.

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

21 (18)(a) The department shall maintain investigation records and
22 conduct timely and periodic reviews of all founded cases of abuse and
23 neglect. The department shall maintain a log of screened-out
24 nonabusive cases.

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

29 (19)(a) The department shall use a risk assessment process when
30 investigating alleged child abuse and neglect referrals. The
31 department shall present the risk factors at all hearings in which
32 the placement of a dependent child is an issue. Substance abuse must
33 be a risk factor.

34 (b) The risk assessment process must be certified at least every
35 three years based on current academic standards for assessment
36 validation, and can be certified by the office of innovation,
37 alignment, and accountability or an outside researcher.

38 (20) Upon receipt of a report of alleged abuse or neglect the law
39 enforcement agency may arrange to interview the person making the

1 report and any collateral sources to determine if any malice is
2 involved in the reporting.

3 (21) Upon receiving a report of alleged abuse or neglect
4 involving a child under the court's jurisdiction under chapter 13.34
5 RCW, the department shall promptly notify the child's guardian ad
6 litem of the report's contents. The department shall also notify the
7 guardian ad litem of the disposition of the report. For purposes of
8 this subsection, "guardian ad litem" has the meaning provided in RCW
9 13.34.030.

10 (22) The department shall make efforts as soon as practicable to
11 determine the military status of parents whose children are subject
12 to abuse or neglect allegations. If the department determines that a
13 parent or guardian is in the military, the department shall notify a
14 department of defense family advocacy program that there is an
15 allegation of abuse and neglect that is screened in and open for
16 investigation that relates to that military parent or guardian.

17 (23) The department shall make available on its public website a
18 downloadable and printable poster that includes the reporting
19 requirements included in this section. The poster must be no smaller
20 than eight and one-half by eleven inches with all information on one
21 side. The poster must be made available in both the English and
22 Spanish languages. Organizations that include employees or volunteers
23 subject to the reporting requirements of this section must clearly
24 display this poster in a common area. At a minimum, this poster must
25 include the following:

- 26 (a) Who is required to report child abuse and neglect;
- 27 (b) The standard of knowledge to justify a report;
- 28 (c) The definition of reportable crimes;
- 29 (d) Where to report suspected child abuse and neglect; and
- 30 (e) What should be included in a report and the appropriate
31 timing.

32 **Sec. 6.** RCW 43.216.130 and 2017 c 171 s 2 are each amended to
33 read as follows:

34 (1)(a) The home visiting services account is created in the state
35 treasury. Revenues to the account shall consist of appropriations by
36 the legislature and all other sources deposited in the account. All
37 federal funds received by the department for home visiting activities
38 must be deposited into the account.

1 (b) (i) Expenditures from the account shall be used for state
2 matching funds for the purposes of the program established in this
3 section and federally funded activities for the home visiting
4 program, including administrative expenses.

5 (ii) The department oversees the account and is the lead state
6 agency for home visiting system development. The nongovernmental
7 private-public partnership supports the home visiting service
8 delivery system and provides support functions to funded programs.

9 ~~(iii) ((It is the intent of the legislature that state funds
10 invested in the account be matched by the private-public partnership
11 each fiscal year.~~

12 ~~(iv))~~ Amounts used for program administration by the department
13 may not exceed an average of ten percent in any two consecutive
14 fiscal years.

15 ~~((v) Authorizations for expenditures may be given only after
16 private funds are committed. The nongovernmental private-public
17 partnership must report to the department quarterly to demonstrate
18 investment of private match funds.))~~

19 (c) Expenditures from the account are subject to appropriation
20 and the allotment provisions of chapter 43.88 RCW.

21 (2) The department must expend moneys from the account to provide
22 state matching funds for partnership activities to implement home
23 visiting services and administer the infrastructure necessary to
24 develop, support, and evaluate evidence-based, research-based, and
25 promising home visiting programs.

26 (3) Activities eligible for funding through the account include,
27 but are not limited to:

28 (a) Home visiting services that achieve one or more of the
29 following: (i) Enhancing child development and well-being by
30 alleviating the effects on child development of poverty and other
31 known risk factors; (ii) reducing the incidence of child abuse and
32 neglect; or (iii) promoting school readiness for young children and
33 their families; and

34 (b) Development and maintenance of the infrastructure for home
35 visiting programs, including training, quality improvement, and
36 evaluation.

37 (4) Beginning July 1, 2010, the department shall contract with
38 the nongovernmental private-public partnership designated in RCW
39 ~~((43.215.070))~~ 43.216.065 to support programs funded through the home
40 visiting services account. The department shall monitor performance

1 and provide periodic reports on the uses and outcomes of the home
2 visiting services account.

3 (5) ~~((The))~~ Except for programs established under RCW 43.216.159,
4 the department shall, in the administration of the programs:

5 (a) Fund programs through a competitive bid process or in
6 compliance with the regulations of the funding source; and

7 (b) Convene an advisory committee of early learning and home
8 visiting experts, including one representative from the department,
9 to advise the partnership regarding research and the distribution of
10 funds from the account to eligible programs.

11 **Sec. 7.** RCW 43.216.157 and 2011 1st sp.s. c 32 s 6 are each
12 amended to read as follows:

13 The definitions in this section apply throughout this section and
14 RCW ~~((43.215.145, 43.215.147, and 43.121.185))~~ 43.216.155 and
15 43.216.159 unless the context clearly requires otherwise.

16 (1) "Evidence-based" means a program or practice that has had
17 multiple site random controlled trials across heterogeneous
18 populations demonstrating that the program or practice is effective
19 for the population.

20 (2) "Home ~~((visitation))~~ visiting" means providing services in
21 the permanent or temporary residence, or in other familiar
22 surroundings, of the family receiving such services.

23 (3) "Research-based" means a program or practice that has some
24 research demonstrating effectiveness, but that does not yet meet the
25 standard of evidence-based practices.

26 **Sec. 8.** RCW 43.216.159 and 2011 1st sp.s. c 32 s 7 are each
27 amended to read as follows:

28 (1) Within available funds, the department shall fund
29 evidence-based and research-based home ~~((visitation))~~ visiting
30 programs for improving parenting skills and outcomes for children.
31 Home ~~((visitation))~~ visiting programs must be voluntary and must
32 address the needs of families to alleviate the effect on child
33 development of factors such as poverty, single parenthood, parental
34 unemployment or underemployment, parental disability, or parental
35 lack of high school diploma, which research shows are risk factors
36 for child abuse and neglect and poor educational outcomes. In order
37 to maximize opportunities to obtain matching funds from private
38 entities, general funds intended to support home visiting funding

1 shall be appropriated to the home visiting services account
2 established in RCW (~~(43.215.130)~~) 43.216.130.

3 (2) The department shall work with the department of social and
4 health services, the department of health, the private-public
5 partnership created in RCW (~~(43.215.070)~~) 43.216.065, and key
6 partners and stakeholders to develop a plan to coordinate or
7 consolidate home (~~(visitation)~~) visiting services for children and
8 families to the extent practicable.

9 (3) (a) In addition to the programs described in subsection (1) of
10 this section, the department shall provide support for additional
11 home visiting programs for families receiving child protective
12 services as defined under RCW 26.44.020, families with a child who is
13 a candidate for foster care as defined under RCW 26.44.020, or
14 families receiving child welfare services as defined under RCW
15 74.13.020 by:

16 (i) Contracting with existing home visiting programs established
17 under RCW 43.216.130 to provide additional, targeted home visiting
18 programs in areas with the highest historical rates of child welfare
19 screened-in intakes to serve up to 150 families following a
20 competitive procurement process in accordance with chapter 39.26 RCW;
21 and

22 (ii) Providing payment to each selected home visiting program
23 using a rate established by the department.

24 (b) The additional, targeted home visiting programs created under
25 this subsection must meet the following requirements:

26 (i) The contracted providers must be existing home visiting
27 providers;

28 (ii) The areas served must have the highest historical rates of
29 child welfare screened-in intakes; and

30 (iii) The contracted providers must make arrangements to serve
31 families living in rural areas.

32 (c) Within amounts appropriated for this specific purpose, the
33 department shall provide training to home visiting providers selected
34 under this section specific to serving families impacted by substance
35 use disorders.

36 (d) Home visiting providers who are provided a referral to work
37 with a family through the process established in (e) of this
38 subsection must make efforts to contact those families within seven
39 days of receiving the referral.

1 (e) The department shall develop and implement a referral process
2 to refer eligible families to the home visiting programs established
3 under this subsection, which allows child welfare workers as defined
4 under RCW 74.14B.010 and community organizations working with
5 eligible families to make referrals.

6 (f) Priority for home visiting programs established under this
7 section must be given to a family when:

8 (i) The department is investigating a report of alleged abuse or
9 neglect under RCW 26.44.030 regarding that family;

10 (ii) Receiving a family assessment response under RCW 26.44.260;
11 or

12 (iii) Receiving voluntary services from the department.

13 NEW SECTION. Sec. 9. (1) The department of children, youth, and
14 families shall launch a pilot study to improve its risks, strengths,
15 and needs assessment tool to:

16 (a) Identify family risks, strengths, and needs at the time of
17 the initial child protective services investigation or family
18 assessment response to help inform the most appropriate service path
19 for the family;

20 (b) Identify the risk of harm to a child when substance use
21 disorder is a factor in the case of high potency synthetic opioids as
22 defined in RCW 13.34.030, is a condition in the home;

23 (c) Determine the service needs of the family and support
24 caseworkers to identify and transition families to appropriate,
25 available services quickly; and

26 (d) Support reassessment and monitoring of family progress.

27 (2) By November 1, 2024, the department of children, youth, and
28 families shall provide data and information to the legislature on the
29 department's efforts to improve its risks, strengths, and needs
30 assessment tool.

31 (3) This section expires August 1, 2025.

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