

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6109

Chapter 328, Laws of 2024

68th Legislature
2024 Regular Session

CHILD WELFARE AND DEPENDENCY—HIGH-POTENCY SYNTHETIC OPIOIDS

EFFECTIVE DATE: June 6, 2024

Passed by the Senate March 5, 2024
Yeas 46 Nays 3

DENNY HECK

President of the Senate

Passed by the House February 28, 2024
Yeas 94 Nays 0

LURIE JINKINS

**Speaker of the House of
Representatives**

Approved March 28, 2024 10:49 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 6109** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

March 29, 2024

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6109

AS AMENDED BY THE HOUSE

Passed Legislature - 2024 Regular Session

State of Washington

68th Legislature

2024 Regular Session

By Senate Ways & Means (originally sponsored by Senators C. Wilson, Boehnke, Braun, Gildon, Hasegawa, Kuderer, Liiias, Lovelett, Lovick, Nguyen, Nobles, Saldaña, Short, Warnick, and J. Wilson)

READ FIRST TIME 02/05/24.

1 AN ACT Relating to supporting children, families, and child
2 welfare workers by improving services and clarifying the child
3 removal process in circumstances involving high-potency synthetic
4 opioids; amending RCW 13.34.050, 13.34.130, 26.44.050, 26.44.056, and
5 2.56.230; reenacting and amending RCW 13.34.030 and 13.34.065; adding
6 new sections to chapter 43.216 RCW; adding a new section to chapter
7 43.70 RCW; adding a new section to chapter 2.56 RCW; adding a new
8 section to chapter 41.05 RCW; adding new sections to chapter 74.13
9 RCW; creating new sections; and providing expiration dates.

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

11 NEW SECTION. **Sec. 1.** (1) The legislature finds that since 2018
12 there has been a significant increase in the number of child
13 fatalities and near fatalities involving fentanyl.

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

1 (3) The legislature intends to provide clarity to judges, social
2 workers, advocates, and families about the safety threat that high-
3 potency synthetic opioids pose to vulnerable children. The
4 legislature declares that the lethality of high-potency synthetic
5 opioids and public health guidance from the department of health
6 related to high-potency synthetic opioids should be given great
7 weight in determining whether a child is at risk of imminent physical
8 harm due to child abuse or neglect.

9 (4) The legislature recognizes the challenges for recovery and
10 rehabilitation regarding opioid use and resolves to increase services
11 and supports. The legislature further resolves to increase training
12 and resources for state and judicial employees to accomplish their
13 mission and goals in a safe and effective manner.

14 (5) The legislature recognizes that supporting families in crisis
15 with interventions and services, including preventative services,
16 voluntary services, and family assessment response, minimizes child
17 trauma from further child welfare involvement and strengthens
18 families.

19 **PART I**

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

21 **Sec. 101.** RCW 13.34.030 and 2021 c 304 s 1 and 2021 c 67 s 2 are
22 each reenacted and amended to read as follows:

23 The definitions in this section apply throughout this chapter
24 unless the context clearly requires otherwise.

25 (1) "Abandoned" means when the child's parent, guardian, or other
26 custodian has expressed, either by statement or conduct, an intent to
27 forego, for an extended period, parental rights or responsibilities
28 despite an ability to exercise such rights and responsibilities. If
29 the court finds that the petitioner has exercised due diligence in
30 attempting to locate the parent, no contact between the child and the
31 child's parent, guardian, or other custodian for a period of three
32 months creates a rebuttable presumption of abandonment, even if there
33 is no expressed intent to abandon.

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

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

36 (b) Any individual age eighteen to twenty-one years who is
37 eligible to receive and who elects to receive the extended foster
38 care services authorized under RCW 74.13.031. A youth who remains

1 dependent and who receives extended foster care services under RCW
2 74.13.031 shall not be considered a "child" under any other statute
3 or for any other purpose.

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

11 (4) "Department" means the department of children, youth, and
12 families.

13 (5) "Dependency guardian" means the person, nonprofit
14 corporation, or Indian tribe appointed by the court pursuant to this
15 chapter for the limited purpose of assisting the court in the
16 supervision of the dependency.

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

18 (a) Has been abandoned;

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

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

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

27 (7) "Developmental disability" means a disability attributable to
28 intellectual disability, cerebral palsy, epilepsy, autism, or another
29 neurological or other condition of an individual found by the
30 secretary of the department of social and health services to be
31 closely related to an intellectual disability or to require treatment
32 similar to that required for individuals with intellectual
33 disabilities, which disability originates before the individual
34 attains age eighteen, which has continued or can be expected to
35 continue indefinitely, and which constitutes a substantial limitation
36 to the individual.

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

39 (9) "Experiencing homelessness" means lacking a fixed, regular,
40 and adequate nighttime residence, including circumstances such as

1 sharing the housing of other persons due to loss of housing, economic
2 hardship, fleeing domestic violence, or a similar reason as described
3 in the federal McKinney-Vento homeless assistance act (Title 42
4 U.S.C., chapter 119, subchapter I) as it existed on January 1, 2021.

5 (10) "Extended foster care services" means residential and other
6 support services the department is authorized to provide under RCW
7 74.13.031. These services may include placement in licensed,
8 relative, or otherwise approved care, or supervised independent
9 living settings; assistance in meeting basic needs; independent
10 living services; medical assistance; and counseling or treatment.

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

17 (12) "Guardian ad litem" means a person, appointed by the court
18 to represent the best interests of a child in a proceeding under this
19 chapter, or in any matter which may be consolidated with a proceeding
20 under this chapter. A "court-appointed special advocate" appointed by
21 the court to be the guardian ad litem for the child, or to perform
22 substantially the same duties and functions as a guardian ad litem,
23 shall be deemed to be guardian ad litem for all purposes and uses of
24 this chapter.

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

32 (14) "Guardianship" means a guardianship pursuant to chapter
33 13.36 RCW or a limited guardianship of a minor pursuant to RCW
34 11.130.215 or equivalent laws of another state or a federally
35 recognized Indian tribe.

36 (15) "High-potency synthetic opioid" means an unprescribed
37 synthetic opioid classified as a schedule II controlled substance or
38 controlled substance analog in chapter 69.50 RCW or by the pharmacy
39 quality assurance commission in rule including, but not limited to,
40 fentanyl.

1 ~~(16)~~ (16) "Housing assistance" means appropriate referrals by the
2 department or other agencies to federal, state, local, or private
3 agencies or organizations, assistance with forms, applications, or
4 financial subsidies or other monetary assistance for housing. For
5 purposes of this chapter, "housing assistance" is not a remedial
6 service or family reunification service as described in RCW
7 13.34.025(2).

8 ~~((16))~~ (17) "Indigent" means a person who, at any stage of a
9 court proceeding, is:

10 (a) Receiving one of the following types of public assistance:
11 Temporary assistance for needy families, aged, blind, or disabled
12 assistance benefits, medical care services under RCW 74.09.035,
13 pregnant women assistance benefits, poverty-related veterans'
14 benefits, food stamps or food stamp benefits transferred
15 electronically, refugee resettlement benefits, medicaid, or
16 supplemental security income; or

17 (b) Involuntarily committed to a public mental health facility;
18 or

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

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

25 ~~((17))~~ (18) "Nonminor dependent" means any individual age
26 eighteen to twenty-one years who is participating in extended foster
27 care services authorized under RCW 74.13.031.

28 ~~((18))~~ (19) "Out-of-home care" means placement in a foster
29 family home or group care facility licensed pursuant to chapter 74.15
30 RCW or placement in a home, other than that of the child's parent,
31 guardian, or legal custodian, not required to be licensed pursuant to
32 chapter 74.15 RCW.

33 ~~((19))~~ (20) "Parent" means the biological or adoptive parents
34 of a child, or an individual who has established a parent-child
35 relationship under RCW 26.26A.100, unless the legal rights of that
36 person have been terminated by a judicial proceeding pursuant to this
37 chapter, chapter 26.33 RCW, or the equivalent laws of another state
38 or a federally recognized Indian tribe.

39 ~~((20))~~ (21) "Prevention and family services and programs" means
40 specific mental health prevention and treatment services, substance

1 abuse prevention and treatment services, and in-home parent skill-
2 based programs that qualify for federal funding under the federal
3 family first prevention services act, P.L. 115-123. For purposes of
4 this chapter, prevention and family services and programs are not
5 remedial services or family reunification services as described in
6 RCW 13.34.025(2).

7 ~~((21))~~ (22) "Prevention services" means preservation services,
8 as defined in chapter 74.14C RCW, and other reasonably available
9 services, including housing assistance, capable of preventing the
10 need for out-of-home placement while protecting the child. Prevention
11 services include, but are not limited to, prevention and family
12 services and programs as defined in this section.

13 ~~((22))~~ (23) "Qualified residential treatment program" means a
14 program that meets the requirements provided in RCW 13.34.420,
15 qualifies for funding under the family first prevention services act
16 under 42 U.S.C. Sec. 672(k), and, if located within Washington state,
17 is licensed as a group care facility under chapter 74.15 RCW.

18 ~~((23))~~ (24) "Relative" includes persons related to a child in
19 the following ways:

20 (a) Any blood relative, including those of half-blood, and
21 including first cousins, second cousins, nephews or nieces, and
22 persons of preceding generations as denoted by prefixes of grand,
23 great, or great-great;

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

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

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

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

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

1 ~~((24))~~ (25) "Shelter care" means temporary physical care in a
2 facility licensed pursuant to RCW 74.15.030 or in a home not required
3 to be licensed pursuant to RCW 74.15.030.

4 ~~((25))~~ (26) "Sibling" means a child's birth brother, birth
5 sister, adoptive brother, adoptive sister, half-brother, or half-
6 sister, or as defined by the law or custom of the Indian child's
7 tribe for an Indian child as defined in RCW 13.38.040.

8 ~~((26))~~ (27) "Social study" means a written evaluation of
9 matters relevant to the disposition of the case that contains the
10 information required by RCW 13.34.430.

11 ~~((27))~~ (28) "Supervised independent living" includes, but is
12 not limited to, apartment living, room and board arrangements,
13 college or university dormitories, and shared roommate settings.
14 Supervised independent living settings must be approved by the
15 department or the court.

16 ~~((28))~~ (29) "Voluntary placement agreement" means, for the
17 purposes of extended foster care services, a written voluntary
18 agreement between a nonminor dependent who agrees to submit to the
19 care and authority of the department for the purposes of
20 participating in the extended foster care program.

21 **Sec. 102.** RCW 13.34.050 and 2021 c 211 s 6 are each amended to
22 read as follows:

23 (1) The court may enter an order directing a law enforcement
24 officer, probation counselor, or child protective services official
25 to take a child into custody if: (a) A petition is filed with the
26 juvenile court with sufficient corroborating evidence to establish
27 that the child is dependent; (b) ~~((the allegations contained in the
28 petition, if true, establish that there are reasonable grounds to
29 believe that removal is necessary to prevent imminent physical harm
30 to the child due to child abuse or neglect, including that which
31 results from sexual abuse, sexual exploitation, or a pattern of
32 severe neglect; and (c))~~ an affidavit or declaration is filed by the
33 department in support of the petition setting forth specific factual
34 information evidencing insufficient time to serve a parent with a
35 dependency petition and hold a hearing prior to removal; and (c) the
36 allegations contained in the petition, if true, establish that there
37 are reasonable grounds to believe that removal is necessary to
38 prevent imminent physical harm to the child due to child abuse or
39 neglect, including that which results from sexual abuse, sexual

1 exploitation, a pattern of severe neglect, or a high-potency
2 synthetic opioid. The court shall give great weight to the lethality
3 of high-potency synthetic opioids and public health guidance from the
4 department of health related to high-potency synthetic opioids in
5 determining whether removal is necessary to prevent imminent physical
6 harm to the child due to child abuse or neglect.

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

11 (3) The petition and supporting documentation must be served on
12 the parent, and if the child is in custody at the time the child is
13 removed, on the entity with custody other than the parent. If the
14 court orders that a child be taken into custody under subsection (1)
15 of this section, the petition and supporting documentation must be
16 served on the parent at the time of the child's removal unless, after
17 diligent efforts, the parents cannot be located at the time of
18 removal. If the parent is not served at the time of removal, the
19 department shall make diligent efforts to personally serve the
20 parent. Failure to effect service does not invalidate the petition if
21 service was attempted and the parent could not be found.

22 **Sec. 103.** RCW 13.34.065 and 2021 c 211 s 9, 2021 c 208 s 1, and
23 2021 c 67 s 4 are each reenacted and amended to read as follows:

24 (1)(a) When a child is removed or when the petitioner is seeking
25 the removal of a child from the child's parent, guardian, or legal
26 custodian, the court shall hold a shelter care hearing within 72
27 hours, excluding Saturdays, Sundays, and holidays. The primary
28 purpose of the shelter care hearing is to determine whether the child
29 can be immediately and safely returned home while the adjudication of
30 the dependency is pending. The court shall hold an additional shelter
31 care hearing within 72 hours, excluding Saturdays, Sundays, and
32 holidays if the child is removed from the care of a parent, guardian,
33 or legal custodian at any time after an initial shelter care hearing
34 under this section.

35 (b) Any child's attorney, parent, guardian, or legal custodian
36 who for good cause is unable to attend or adequately prepare for the
37 shelter care hearing may request that the initial shelter care
38 hearing be continued or that a subsequent shelter care hearing be
39 scheduled. The request shall be made to the clerk of the court where

1 the petition is filed prior to the initial shelter care hearing. Upon
2 the request of the child's attorney, parent, guardian, or legal
3 custodian, the court shall schedule the hearing within 72 hours of
4 the request, excluding Saturdays, Sundays, and holidays. The clerk
5 shall notify all other parties of the hearing by any reasonable
6 means. If the parent, guardian, or legal custodian is not represented
7 by counsel, the clerk shall provide information to the parent,
8 guardian, or legal custodian regarding how to obtain counsel.

9 (2) (a) If it is likely that the child will remain in shelter care
10 longer than 72 hours, the department shall submit a recommendation to
11 the court as to the further need for shelter care in all cases in
12 which the child will remain in shelter care longer than the 72 hour
13 period. In all other cases, the recommendation shall be submitted by
14 the juvenile court probation counselor.

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

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

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

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

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

26 (iii) If the parent, guardian, or custodian is not represented by
27 counsel, the right to be represented. If the parent, guardian, or
28 custodian is indigent, the court shall appoint counsel as provided in
29 RCW 13.34.090; and

30 (b) If a parent, guardian, or legal custodian desires to waive
31 the shelter care hearing, the court shall determine, on the record
32 and with the parties present, whether such waiver is knowing and
33 voluntary. A parent may not waive his or her right to the shelter
34 care hearing unless he or she appears in court, in person, or by
35 remote means, and the court determines that the waiver is knowing and
36 voluntary. Regardless of whether the court accepts the parental
37 waiver of the shelter care hearing, the court must provide notice to
38 the parents of their rights required under (a) of this subsection and
39 make the finding required under subsection (4) of this section.

1 (4) At the shelter care hearing the court shall examine the need
2 for shelter care and inquire into the status of the case. The
3 paramount consideration for the court shall be the health, welfare,
4 and safety of the child. At a minimum, the court shall inquire into
5 the following:

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

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

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

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

31 (e) Is the placement proposed by the department the least
32 disruptive and most family-like setting that meets the needs of the
33 child;

34 (f) Whether it is in the best interest of the child to remain
35 enrolled in the school, developmental program, or child care the
36 child was in prior to placement and what efforts have been made to
37 maintain the child in the school, program, or child care if it would
38 be in the best interest of the child to remain in the same school,
39 program, or child care;

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

1 (h) Whether the child is or may be an Indian child as defined in
2 RCW 13.38.040, whether the provisions of the federal Indian child
3 welfare act or chapter 13.38 RCW apply, and whether there is
4 compliance with the federal Indian child welfare act and chapter
5 13.38 RCW, including notice to the child's tribe;

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

10 (j) Whether any orders for examinations, evaluations, or
11 immediate services are needed. The court may not order a parent to
12 undergo examinations, evaluation, or services at the shelter care
13 hearing unless the parent agrees to the examination, evaluation, or
14 service;

15 (k) The terms and conditions for parental, sibling, and family
16 visitation.

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

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

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

27 (B) (I) Removal of the child is necessary to prevent imminent
28 physical harm due to child abuse or neglect, including that which
29 results from sexual abuse, sexual exploitation, a high-potency
30 synthetic opioid, or a pattern of severe neglect, notwithstanding an
31 order entered pursuant to RCW 26.44.063. The evidence must show a
32 causal relationship between the particular conditions in the home and
33 imminent physical harm to the child. The existence of community or
34 family poverty, isolation, single parenthood, age of the parent,
35 crowded or inadequate housing, substance abuse, prenatal drug or
36 alcohol exposure, mental illness, disability or special needs of the
37 parent or child, or nonconforming social behavior does not by itself
38 constitute imminent physical harm. The court shall give great weight
39 to the lethality of high-potency synthetic opioids and public health
40 guidance from the department of health related to high-potency

1 synthetic opioids when determining whether removal of the child is
2 necessary to prevent imminent physical harm due to child abuse or
3 neglect;

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

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

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

11 (b) If the court finds that the elements of (a)(ii)(B) of this
12 subsection require removal of the child, the court shall further
13 consider:

14 (i) Whether participation by the parents, guardians, or legal
15 custodians in any prevention services would prevent or eliminate the
16 need for removal and, if so, shall inquire of the parent whether they
17 are willing to participate in such services. If the parent agrees to
18 participate in the prevention services identified by the court that
19 would prevent or eliminate the need for removal, the court shall
20 place the child with the parent. The court shall give great weight to
21 the lethality of high-potency synthetic opioids and public health
22 guidance from the department of health related to high-potency
23 synthetic opioids when deciding whether to place the child with the
24 parent. The court shall not order a parent to participate in
25 prevention services over the objection of the parent, however,
26 parents shall have the opportunity to consult with counsel prior to
27 deciding whether to agree to proposed prevention services as a
28 condition of having the child return to or remain in the care of the
29 parent; and

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

33 (c)(i) If the court does not release the child to his or her
34 parent, guardian, or legal custodian, the court shall order placement
35 with a relative or other suitable person as described in RCW
36 13.34.130(1)(b), unless the petitioner establishes that there is
37 reasonable cause to believe that:

38 (A) Placement in licensed foster care is necessary to prevent
39 imminent physical harm to the child due to child abuse or neglect,
40 including that which results from sexual abuse, sexual exploitation,

1 a high-potency synthetic opioid, or a pattern of severe neglect,
2 because no relative or other suitable person is capable of ensuring
3 the basic safety of the child; or

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

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

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

11 (I) Has expressed an interest in becoming a caregiver for the
12 child;

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

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

16 (IV) Supports reunification of the parent and child once
17 reunification can safely occur; and

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

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

25 (A) An incomplete department or fingerprint-based background
26 check, if such relative or other suitable person appears otherwise
27 suitable and competent to provide care and treatment, but the
28 background checks must be completed as soon as possible after
29 placement;

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

32 (C) Disbelief on the part of the relative or other suitable
33 person that the parent, guardian, or legal custodian presents a
34 danger to the child, provided the caregiver will protect the safety
35 of the child and comply with court orders regarding contact with a
36 parent, guardian, or legal custodian; or

37 (D) The conditions of the relative or other suitable person's
38 home are not sufficient to satisfy the requirements of a licensed
39 foster home. The court may order the department to provide financial

1 or other support to the relative or other suitable person necessary
2 to ensure safe conditions in the home.

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

8 (e) If the court does not order placement with a relative or
9 other suitable person, the court shall place the child in licensed
10 foster care and shall set forth its reasons for the order. If the
11 court orders placement of the child with a person not related to the
12 child and not licensed to provide foster care, the placement is
13 subject to all terms and conditions of this section that apply to
14 relative placements.

15 (f) Any placement with a relative, or other suitable person
16 approved by the court pursuant to this section, shall be contingent
17 upon cooperation with the department's or agency's case plan and
18 compliance with court orders related to the care and supervision of
19 the child including, but not limited to, court orders regarding
20 parent-child contacts, sibling contacts, and any other conditions
21 imposed by the court. Noncompliance with the case plan or court order
22 is grounds for removal of the child from the home of the relative or
23 other suitable person, subject to review by the court.

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

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

30 (ii) Determine whether placement in foster care can meet the
31 child's needs or if placement in another available placement setting
32 best meets the child's needs in the least restrictive environment;
33 and

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

36 (h) Uncertainty by a parent, guardian, legal custodian, relative,
37 or other suitable person that the alleged abuser has in fact abused
38 the child shall not, alone, be the basis upon which a child is
39 removed from the care of a parent, guardian, or legal custodian under
40 (a) of this subsection, nor shall it be a basis, alone, to preclude

1 placement with a relative or other suitable person under (c) of this
2 subsection.

3 (i) If the court places with a relative or other suitable person,
4 and that person has indicated a desire to become a licensed foster
5 parent, the court shall order the department to commence an
6 assessment of the home of such relative or other suitable person
7 within 10 days and thereafter issue an initial license as provided
8 under RCW 74.15.120 for such relative or other suitable person, if
9 qualified, as a foster parent. The relative or other suitable person
10 shall receive a foster care maintenance payment, starting on the date
11 the department approves the initial license. If such home is found to
12 be unqualified for licensure, the department shall report such fact
13 to the court within one week of that determination. The department
14 shall report on the status of the licensure process during the entry
15 of any dispositional orders in the case.

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

17 (i) The petitioner shall report to the court, at the shelter care
18 hearing, the location of the licensed foster placement the petitioner
19 has identified for the child and the court shall inquire as to
20 whether:

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

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

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

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

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

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

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

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

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

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

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

1 (A) Failure to comply with court orders while a child is in
2 shelter care will be considered when determining whether reasonable
3 efforts have been made by the department during a hearing under RCW
4 13.34.110; and

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

8 (6) (a) A shelter care order issued pursuant to this section shall
9 include the requirement for a case conference as provided in RCW
10 13.34.067. However, if the parent is not present at the shelter care
11 hearing, or does not agree to the case conference, the court shall
12 not include the requirement for the case conference in the shelter
13 care order.

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

18 (c) The court may order another conference, case staffing, or
19 hearing as an alternative to the case conference required under RCW
20 13.34.067 so long as the conference, case staffing, or hearing
21 ordered by the court meets all requirements under RCW 13.34.067,
22 including the requirement of a written agreement specifying the
23 services to be provided to the parent.

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

30 (ii) If the court previously ordered that visitation between a
31 parent and child be supervised or monitored, there shall be a
32 presumption that such supervision or monitoring will no longer be
33 necessary following a continued shelter care order under (a)(i) of
34 this subsection. To overcome this presumption, a party must provide a
35 report to the court including evidence establishing that removing
36 visit supervision or monitoring would create a risk to the child's
37 safety, and the court shall make a determination as to whether visit
38 supervision or monitoring must continue.

39 (b) (i) An order releasing the child on any conditions specified
40 in this section may at any time be amended, with notice and hearing

1 thereon, so as to return the child to shelter care for failure of the
2 parties to conform to the conditions originally imposed.

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

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

11 (9)(a) If a child is placed out of the home of a parent,
12 guardian, or legal custodian following a shelter care hearing, the
13 court shall order the petitioner to provide regular visitation with
14 the parent, guardian, or legal custodian, and siblings. Early,
15 consistent, and frequent visitation is crucial for maintaining
16 parent-child relationships and allowing family reunification. The
17 court shall order a visitation plan individualized to the needs of
18 the family with a goal of providing the maximum parent, child, and
19 sibling contact possible.

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

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

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

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

31 **Sec. 104.** RCW 13.34.130 and 2019 c 172 s 12 are each amended to
32 read as follows:

33 If, after a fact-finding hearing pursuant to RCW 13.34.110, it
34 has been proven by a preponderance of the evidence that the child is
35 dependent within the meaning of RCW 13.34.030 after consideration of
36 the social study prepared pursuant to RCW 13.34.110 and after a
37 disposition hearing has been held pursuant to RCW 13.34.110, the
38 court shall enter an order of disposition pursuant to this section.

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

3 (a) Order a disposition that maintains the child in his or her
4 home, which shall provide a program designed to alleviate the
5 immediate danger to the child, to mitigate or cure any damage the
6 child has already suffered, and to aid the parents so that the child
7 will not be endangered in the future. In determining the disposition,
8 the court should choose services to assist the parents in maintaining
9 the child in the home, including housing assistance, if appropriate,
10 that least interfere with family autonomy and are adequate to protect
11 the child.

12 (b) (i) Order the child to be removed from his or her home and
13 into the custody, control, and care of a relative or other suitable
14 person, the department, or agency responsible for supervision of the
15 child's placement. If the court orders that the child be placed with
16 a caregiver over the objections of the parent or the department, the
17 court shall articulate, on the record, his or her reasons for
18 ordering the placement. The court may not order an Indian child, as
19 defined in RCW 13.38.040, to be removed from his or her home unless
20 the court finds, by clear and convincing evidence including testimony
21 of qualified expert witnesses, that the continued custody of the
22 child by the parent or Indian custodian is likely to result in
23 serious emotional or physical damage to the child.

24 (ii) The department has the authority to place the child, subject
25 to review and approval by the court (A) with a relative as defined in
26 RCW 74.15.020(2)(a), (B) in the home of another suitable person if
27 the child or family has a preexisting relationship with that person,
28 and the person has completed all required criminal history background
29 checks and otherwise appears to the department to be suitable and
30 competent to provide care for the child, or (C) in a foster family
31 home or group care facility licensed pursuant to chapter 74.15 RCW.

32 (iii) The department may also consider placing the child, subject
33 to review and approval by the court, with a person with whom the
34 child's sibling or half-sibling is residing or a person who has
35 adopted the sibling or half-sibling of the child being placed as long
36 as the person has completed all required criminal history background
37 checks and otherwise appears to the department to be competent to
38 provide care for the child.

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

4 (3) The department may only place a child with a person not
5 related to the child as defined in RCW 74.15.020(2)(a), including a
6 placement provided for in subsection (1)(b)(iii) of this section,
7 when the court finds that such placement is in the best interest of
8 the child. Unless there is reasonable cause to believe that the
9 health, safety, or welfare of the child would be jeopardized or that
10 efforts to reunite the parent and child will be hindered, the child
11 shall be placed with a person who is willing, appropriate, and
12 available to care for the child, and who is: (I) Related to the child
13 as defined in RCW 74.15.020(2)(a) with whom the child has a
14 relationship and is comfortable; or (II) a suitable person as
15 described in subsection (1)(b) of this section. The court shall
16 consider the child's existing relationships and attachments when
17 determining placement.

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

21 ~~((i) [(a)])~~ (a) Consider the assessment required under RCW
22 13.34.420 and submitted as part of the department's social study, and
23 any related documentation;

24 ~~((ii) [(b)])~~ (b) Determine whether placement in foster care can
25 meet the child's needs or if placement in another available placement
26 setting best meets the child's needs in the least restrictive
27 environment; and

28 ~~((iii) [(c)])~~ (c) Approve or disapprove the child's placement
29 in the qualified residential treatment program.

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

33 (6) Placement of the child with a relative or other suitable
34 person as described in subsection (1)(b) of this section shall be
35 given preference by the court. An order for out-of-home placement may
36 be made only if the court finds that reasonable efforts have been
37 made to prevent or eliminate the need for removal of the child from
38 the child's home and to make it possible for the child to return
39 home, specifying the services, including housing assistance, that
40 have been provided to the child and the child's parent, guardian, or

1 legal custodian, and that prevention services have been offered or
2 provided and have failed to prevent the need for out-of-home
3 placement, unless the health, safety, and welfare of the child cannot
4 be protected adequately in the home, and that:

5 (a) There is no parent or guardian available to care for such
6 child;

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

9 (c) The court finds, by clear, cogent, and convincing evidence, a
10 manifest danger exists that the child will suffer serious abuse or
11 neglect if the child is not removed from the home and an order under
12 RCW 26.44.063 would not protect the child from danger. The court
13 shall give great weight to the lethality of high-potency synthetic
14 opioids and public health guidance from the department of health
15 related to high-potency synthetic opioids, including fentanyl, when
16 deciding whether a manifest danger exists.

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

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

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

27 (ii) There is no reasonable cause to believe that the health,
28 safety, or welfare of any child subject to the order of placement,
29 contact, or visitation would be jeopardized or that efforts to
30 reunite the parent and child would be hindered by such placement,
31 contact, or visitation. In no event shall parental visitation time be
32 reduced in order to provide sibling visitation.

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

37 (8) If the court has ordered a child removed from his or her home
38 pursuant to subsection (1)(b) of this section and placed into
39 nonparental or nonrelative care, the court shall order a placement
40 that allows the child to remain in the same school he or she attended

1 prior to the initiation of the dependency proceeding when such a
2 placement is practical and in the child's best interest.

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

7 (10) If there is insufficient information at the time of the
8 disposition hearing upon which to base a determination regarding the
9 suitability of a proposed placement with a relative or other suitable
10 person, the child shall remain in foster care and the court shall
11 direct the department to conduct necessary background investigations
12 as provided in chapter 74.15 RCW and report the results of such
13 investigation to the court within thirty days. However, if such
14 relative or other person appears otherwise suitable and competent to
15 provide care and treatment, the criminal history background check
16 need not be completed before placement, but as soon as possible after
17 placement. Any placements with relatives or other suitable persons,
18 pursuant to this section, shall be contingent upon cooperation by the
19 relative or other suitable person with the agency case plan and
20 compliance with court orders related to the care and supervision of
21 the child including, but not limited to, court orders regarding
22 parent-child contacts, sibling contacts, and any other conditions
23 imposed by the court. Noncompliance with the case plan or court order
24 shall be grounds for removal of the child from the relative's or
25 other suitable person's home, subject to review by the court.

26 **Sec. 105.** RCW 26.44.050 and 2021 c 211 s 5 are each amended to
27 read as follows:

28 (1) Except as provided in RCW 26.44.030(12), upon the receipt of
29 a report alleging that abuse or neglect has occurred, the law
30 enforcement agency or the department must investigate and provide the
31 protective services section with a report in accordance with chapter
32 74.13 RCW, and where necessary to refer such report to the court.

33 (2) A law enforcement officer may take, or cause to be taken, a
34 child into custody without a court order if there is probable cause
35 to believe that taking the child into custody is necessary to prevent
36 imminent physical harm to the child due to child abuse or neglect,
37 including that which results from sexual abuse, sexual exploitation,
38 a high-potency synthetic opioid, or a pattern of severe neglect, and
39 the child would be seriously injured or could not be taken into

1 custody if it were necessary to first obtain a court order pursuant
2 to RCW 13.34.050. The law enforcement agency or the department
3 investigating such a report is hereby authorized to photograph such a
4 child for the purpose of providing documentary evidence of the
5 physical condition of the child.

6 **Sec. 106.** RCW 26.44.056 and 2021 c 211 s 4 are each amended to
7 read as follows:

8 (1) An administrator of a hospital or similar institution or any
9 physician, licensed pursuant to chapters 18.71 or 18.57 RCW, may
10 detain a child without consent of a person legally responsible for
11 the child whether or not medical treatment is required, if there is
12 probable cause to believe that detaining the child is necessary to
13 prevent imminent physical harm to the child due to child abuse or
14 neglect, including that which results from sexual abuse, sexual
15 exploitation, a high-potency synthetic opioid, or a pattern of severe
16 neglect, and the child would be seriously injured or could not be
17 taken into custody if it were necessary to first obtain a court order
18 under RCW 13.34.050: PROVIDED, That such administrator or physician
19 shall notify or cause to be notified the appropriate law enforcement
20 agency or child protective services pursuant to RCW 26.44.040. Such
21 notification shall be made as soon as possible and in no case longer
22 than ~~((seventy-two))~~ 72 hours. Such temporary protective custody by
23 an administrator or doctor shall not be deemed an arrest. Child
24 protective services may detain the child until the court assumes
25 custody, but in no case longer than ~~((seventy-two))~~ 72 hours,
26 excluding Saturdays, Sundays, and holidays.

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

31 NEW SECTION. **Sec. 107.** A new section is added to chapter 43.216
32 RCW to read as follows:

33 (1) Subject to the availability of amounts appropriated for this
34 specific purpose, at least one legal liaison position shall be
35 established within the department in each of its regions to work with
36 both the department and the office of the attorney general for the
37 purpose of assisting with the preparation of child abuse and neglect
38 court cases.

1 (2) (a) To the extent possible, the workload of the legal liaisons
2 shall be geographically divided to reflect where the highest risk and
3 most vulnerable child abuse and neglect cases are filed.

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

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

10 **Sec. 108.** RCW 2.56.230 and 2008 c 279 s 2 are each amended to
11 read as follows:

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

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

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

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

34 (i) Parentage;

35 (ii) Adoption;

36 (iii) Domestic relations;

37 (iv) Dependency and termination of parental rights;

38 (v) Child development;

39 (vi) The impact of child abuse and neglect;

1 (vii) Domestic violence;

2 (viii) Substance (~~abuse~~) use disorder, including the risk and

3 danger presented to children and youth;

4 (ix) Mental health;

5 (x) Juvenile status offenses;

6 (xi) Juvenile offenders;

7 (xii) Self-representation issues;

8 (xiii) Cultural competency;

9 (xiv) Roles of family and juvenile court judges and

10 commissioners;

11 (xv) How to apply the child safety framework to crucial aspects

12 of dependency cases, including safety assessment, safety planning,

13 and case planning; and

14 (xvi) The legal standards for removal of a child based on abuse

15 or neglect; and

16 (d) As part of the application for grant funds, submit a spending

17 proposal detailing how the superior court would use the grant funds.

18 (2) Courts receiving grant money must use the funds to improve

19 and support family and juvenile court operations based on standards

20 developed by the administrator for the courts and approved by the

21 board for judicial administration. The standards may allow courts to

22 use the funds to:

23 (a) Pay for family and juvenile court training of commissioners

24 and judges or pay for pro tem commissioners and judges to assist the

25 court while the commissioners and judges receive training;

26 (b) Pay for the training of other professionals involved in child

27 welfare court proceedings including, but not limited to, attorneys

28 and guardians ad litem;

29 (c) Increase judicial and nonjudicial staff, including

30 administrative staff to improve case coordination and referrals in

31 family and juvenile cases, guardian ad litem volunteers or

32 court-appointed special advocates, security, and other staff;

33 ~~((e))~~ (d) Improve the court facility to better meet the needs

34 of children and families;

35 ~~((d))~~ (e) Improve referral and treatment options for court

36 participants, including enhancing court facilitator programs and

37 family treatment court and increasing the availability of alternative

38 dispute resolution;

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

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

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

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

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

20 NEW SECTION. **Sec. 109.** A new section is added to chapter 43.70
21 RCW to read as follows:

22 (1) The department, in collaboration with the department of
23 children, youth, and families and the poison information centers
24 described under chapter 18.76 RCW, shall convene a work group on
25 exposure of children to fentanyl to provide information for child
26 welfare workers, juvenile courts, caregivers, and families regarding
27 the risks of fentanyl exposure for children receiving child welfare
28 services defined under RCW 74.13.020 or child protective services
29 under RCW 26.44.020 and child welfare workers. The information shall
30 be made publicly available and distributed to child welfare court
31 professionals, including:

32 (a) Department of children, youth, and families employees
33 supporting or providing child welfare services as defined in RCW
34 74.13.020 or child protective services as defined in RCW 26.44.020;

35 (b) Attorneys;

36 (c) Judicial officers; and

37 (d) Guardians ad litem.

38 (2) This section expires July 1, 2025.

1 locales with the historically highest rates of child welfare
2 screened-in intake to serve families.

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

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

14 (5) The department shall provide training specific to substance
15 use disorders for the home visiting providers selected for this
16 program.

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

20 (7) The department shall award the contracted slots via a
21 competitive process. The department shall pay providers for each
22 targeted contracted slot using the rate provided to existing home
23 visiting providers.

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

30 (9) Priority for targeted contracted home visiting slots shall be
31 given to:

- 32 (a) Families with child protective services open cases;
- 33 (b) Families with family assessment response open cases; and
- 34 (c) Families with family voluntary services open cases.

35 NEW SECTION. **Sec. 203.** A new section is added to chapter 41.05
36 RCW to read as follows:

37 (1) Subject to the availability of amounts appropriated for this
38 specific purpose, the authority shall expand specific treatment and
39 services to children and youth with prenatal substance exposure who

1 would benefit from evidence-based services impacting their behavioral
2 and physical health.

3 (2) The authority shall contract for the services authorized in
4 this section with behavioral health entities in a manner that allows
5 leveraging of federal medicaid funds to pay for a portion of the
6 costs.

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

10 NEW SECTION. **Sec. 204.** (1) The department of children, youth,
11 and families shall provide funding and support for two pilot programs
12 to implement an evidence-based, comprehensive, intensive, in-home
13 parenting services support model to serve children and families from
14 birth to age 18 who are involved in child welfare, children's mental
15 health, or juvenile justice systems.

16 (2) The pilot programs established in this section are intended
17 to prevent or limit out-of-home placement through trauma-informed
18 support to the child, caregivers, and families with three in-person,
19 in-home sessions per week and provide on-call crisis support 24 hours
20 a day, seven days a week.

21 (3) One pilot program established in this section will serve
22 families west of the crest of the Cascade mountain range and one
23 pilot program established in this section will serve families east of
24 the crest of the Cascade mountain range. Each pilot program will
25 build upon existing programs to avoid duplication of existing
26 services available to children and families at risk of entering the
27 child welfare system.

28 (4) This section expires July 1, 2026.

29 NEW SECTION. **Sec. 205.** (1) Subject to the availability of funds
30 for this specific purpose, the department of health shall provide
31 funding to support promotoras in at least two communities. These
32 promotoras shall provide culturally sensitive, lay health education
33 for the Latinx community, and act as liaisons between their
34 community, health professionals, and human and social service
35 organizations.

36 (2) In determining which communities will be served by the
37 promotoras under this section, the department of health shall provide
38 funding to support one community west of the crest of the Cascade

1 mountain range and one community east of the crest of the Cascade
2 mountain range.

3 NEW SECTION. **Sec. 206.** A new section is added to chapter 74.13
4 RCW to read as follows:

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

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

13 (2) Provide support for cases involving high-potency synthetic
14 opioids and families who do not have natural supports to aid in
15 safety planning.

16 NEW SECTION. **Sec. 207.** A new section is added to chapter 74.13
17 RCW to read as follows:

18 The department shall make available to department staff high-
19 potency synthetic opioid testing strips that can detect the presence
20 of high-potency synthetic opioids that may be provided to families
21 for personal use or used by department staff to maintain their
22 safety.

23 NEW SECTION. **Sec. 208.** If specific funding for the purposes of
24 this act, referencing this act by bill or chapter number, is not
25 provided by June 30, 2024, in the omnibus appropriations act, this
26 act is null and void.

Passed by the Senate March 5, 2024.
Passed by the House February 28, 2024.
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Filed in Office of Secretary of State March 29, 2024.

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