
Early Learning & Human Services Committee

HB 2660

Brief Description: Authorizing the court to order certain conditions during child welfare shelter care hearings.

Sponsors: Representatives Ortiz-Self, Santos, Taylor and Gregerson.

Brief Summary of Bill

- Authorizes the court to order a parent to comply with conditions necessary to maintain the safety of a child who is under age 5 in the home if the court finds that there is reasonable cause to believe that these conditions are necessary to maintain the safety of the child when the child is released to the care of a parent following a shelter care hearing.

Hearing Date: 1/27/26

Staff: Luke Wickham (786-7146).

Background:

Child Welfare (Dependency) Court Proceedings.

Anyone, including the Department of Children, Youth, and Families (DCYF), may file a petition in court alleging that a child should be a dependent of the state due to abandonment, abuse or neglect, or because there is no parent, guardian, or custodian capable of adequately caring for the child. These petitions must be verified and contain a statement of facts that constitute a dependency and the names and residence of the parents, if known.

When a child is taken into custody, the court is to hold a shelter care hearing within 72 hours. The primary purpose of the shelter care hearing is to determine whether the child can be

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immediately and safely returned home while the dependency case is being resolved.

The child may only be placed out of the parent's care if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal, that prevention services have been offered or provided, and that:

- there is no parent or guardian available to care for the child;
- removal of the child is necessary to prevent imminent physical harm due to child abuse or neglect; or
- the parent, guardian, or custodian has been charged with Custodial Interference in the first or second degrees.

If a court makes a finding that removal of the child is necessary to prevent imminent physical harm due to child abuse or neglect, the court must further consider:

- whether participation of the parents in prevention services would prevent or eliminate the need for removal and if a parent agrees to participate in these services, the court must place the child with the parent; and
- whether a temporary order of protection ordering the removal of a person or persons from the child's residence would prevent the need for removal of the child.

If a court finds the need to maintain a child out of the home, the shelter care status remains until a dependency fact-finding hearing is held or the parties enter an agreed order of dependency. The fact-finding hearing must be held within 75 days after the filing of the petition, unless exceptional reasons for a continuance are found.

The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing, unless the parent agrees.

If a court determines that a child is dependent, the court will hold a dispositional hearing to determine whether the child may remain in the home or be removed from the home and be cared for by a relative, other suitable person, or the DCYF.

Following a fact-finding and dispositional hearing, the court will conduct periodic reviews and make determinations regarding the child's placement, the provision of services by the DCYF, compliance of the parents, and whether progress has been made by the parents.

Under certain circumstances after a child has been removed from the custody of a parent for at least six months pursuant to a finding of dependency, a petition may be filed seeking termination of parental rights. The court must order the DCYF to file a petition seeking termination of parental rights if the child has been in out-of-home care for 15 of the last 22 months since the date the dependency petition was filed, unless the court makes a good cause exception as to why the filing of a termination of parental rights petition is not appropriate.

Summary of Bill:

If a child is under age 5 at the time of filing a dependency petition and the court releases the child to the care of a parent, guardian, or legal custodian following a shelter care hearing, the court may order the parent, guardian, or legal custodian to comply with conditions necessary to maintain the safety of the child in the home if the court finds that there is reasonable cause to believe that these conditions are necessary to maintain the safety of the child.

If the court ordered conditions described above involve the participation of the parent, guardian, or legal custodian in a service or evaluation, the parent, guardian, or legal custodian must sign a release of information allowing the Department of Children, Youth, and Families (DYCF) to make a referral and receive any related results and the DCYF must provide all necessary referrals to that service or evaluation within seven days of signing this release. Failure by the DYCF to provide timely referrals or access to service conditions may not be used as a basis for removal, continued shelter care, or a finding of dependency.

The court may only order the conditions described above that the DYCF identifies as:

- culturally appropriate;
- reasonably available to the parent, guardian, or legal custodian; and
- reasonably accessible to the parent, guardian, or legal custodian.

The fact that the parent participated in prevention services, safety planning, or conditions necessary to maintain the safety of the child under the conditions described above may not be construed as an admission of abuse or neglect during a dependency fact-finding hearing.

Appropriation: None.

Fiscal Note: Requested on January 23, 2026.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.