

HOUSE BILL REPORT

HB 2660

As Reported by House Committee On:

Early Learning & Human Services

Title: An act relating to authorizing the court to order certain conditions during child welfare shelter care hearings to maintain the safety of children under age five who are placed in the care, custody, or control of a parent, guardian, or legal custodian.

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

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

Brief History:

Committee Activity:

Early Learning & Human Services: 1/27/26, 2/3/26 [DPS].

Brief Summary of Substitute Bill

- Authorizes the court to order a parent to comply with the least restrictive 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.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Bergquist, Chair; Cortes, Vice Chair; Eslick, Ranking Minority Member; Bernbaum, Dent, Goodman, Hill, Ortiz-Self and Taylor.

Minority Report: Without recommendation. Signed by 2 members: Representatives Burnett, Assistant Ranking Minority Member; Penner.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

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 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 Substitute 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 the least restrictive 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. Any of these conditions that are ordered must be reviewed by the court at least every 30 days to determine whether the conditions are still 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;
- consistent with and in compliance with the state and federal Indian Child Welfare Acts;
- 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.

Substitute Bill Compared to Original Bill:

The substitute bill modifies the conditions that the court is authorized to order in the underlying bill to require that these conditions are:

- the least restrictive conditions necessary to maintain the safety of the child in the home;
- reviewed every thirty days to determine whether the conditions are still necessary to maintain the safety of the child in the home; and
- identified by the Department of Children, Youth, and Families as consistent with and in compliance with the state and federal Indian Child Welfare Acts.

Appropriation: None.

Fiscal Note: Requested on January 23, 2026.

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

Staff Summary of Public Testimony:

(In support) The imminent physical harm standard mirrors the federal Child Abuse and Prevention and Treatment Act.

Action needs to be taken to address critical incidents. Looking at the critical incident data, 83 percent of the children involved in critical incidents are under age 3. Fifty percent of those were opioid-related.

There is a shortage of services, and additional services are needed to address critical incidents.

The data show that critical incidents are occurring within families that are at high or moderate risk, children under age 5, and with multiple contacts with the Department of Children, Youth, and Families (DCYF). The effectiveness of this approach depends on access to services.

There should be stronger partnerships with community organizations.

Every child fatality and near fatality is tragic, and it is especially tragic when it is due to child abuse and neglect. In about two-thirds of cases of child fatalities and near fatalities, parents are choosing not to participate in services.

If the court orders services and the parent does not comply with those services, the DCYF would have to prove that the child needed to be removed based on the removal standard in current law.

The rise in critical incidents requires quick action.

Children are safest when intervention occurs quickly. There is a responsibility to prioritize investments that keep kids safe.

Increasing reasonable support during the shelter care phase is appropriate. When courts mandate participation in services, it is critical to ensure timely referrals to services that are culturally appropriate, available, and accessible.

Additional funding should be provided to address the needs of parents with addictions, including expanded access to medications for opioid use disorder, residential treatment that makes it possible for parents and their children to remain together, and recovery support services.

The punitive and legalistic approach taken in these cases often keep people from accessing care. States that have criminalized substance use in pregnancy have worse outcomes than those with a treatment-focused approach. Peer supports are profoundly effective and should be expanded. The supply of opiates has changed the level of risk to children profoundly, not just in the sense of the potency of fentanyl, but actually in the formulation. There was a transition from black tar heroin, which looks like dirt, to little blue pills, which are very attractive to small children.

Providing families access to therapeutic services while children are in the home has a number of benefits. First, it makes it easier for family members to participate in the service, removing the challenge and cost of transportation and scheduling. It also allows the parents to implement the things they learn from these services daily.

(Opposed) The intent of this bill is to try and keep children safe. There are important liberty interests at stake in these cases, and there are serious concerns about the constitutionality of this bill. The evidentiary standard at shelter care is reasonable cause, while the standard at dependency fact-finding is preponderance of the evidence.

Some parents cannot get the treatment they need with kids in their care. Sometimes removal of a child is necessary for parents to get the help they need.

Protecting children must always be the first priority. This bill risks the appearance of providing safety for children but does not address the core drivers of harm to children. Adding procedural requirements does not make children safer and can divert attention away from what is needed. When systems become more complex, safety of children can suffer.

Critical incidents are a symptom of a larger problem in the child welfare system involving many children living in unsafe homes.

Families need help and accountability and are not receiving the necessary help.

This bill does not lower the bar for removal. This bill does nothing to fix the real problem. The bill focuses on children under age 5, but many older children face significant harm. This bill could not have saved the lost lives of numerous people where drug use was active in the home.

A child who dies will never return to their family.

This bill fixes nothing. There is nothing in this bill authorizing removal of a child if the court-ordered services are not followed. Children do not need additional safety planning. The only thing that can keep these children safe is removal from their parents.

Adverse childhood experiences should be addressed by the Legislature. Out-of-home care is protective of families. Keeping families together should be done when it is safe. Therapy and services do not keep fentanyl or meth out of homes.

This bill misunderstands the problem. There is a lack of services available to parents. In practice, parents often agree to services at shelter care but cannot receive them based on limited availability and funding.

It undermines treatment to require that treatment results are shared with the DCYF.

(Other) A court may not currently order services or evaluations, unless the parent agrees to these services or following a finding of dependency. Authorizing these services to be ordered at shelter care could lead to an earlier resolution of cases. This bill would result in an increase in the number of referrals for services.

Services are the best way to support children. Children will sometimes file their own dependency petitions, and these petitions are not denied by the court. When more family members engage in services, children are safer.

Child welfare is not clear cut, and the consequences are significant. When a caseworker files for removal and triggers a shelter care hearing, it is because of severe safety threats that cannot be immediately remediated. Safety plans are designed to immediately address the safety of a child while service plans address the short and long-term strategy to reduce risk and eliminate the safety threat.

If changes are made to the shelter care process, there should be a critical look at how the law assumes safety from services. Safety plans are immediately actionable, not contingent on a promise of following through, and are designed to control and manage impending danger. They are also not supposed to last more than 30 days.

When there cannot be a safety plan because harm to a child is not predictable, or is a 24-7 threat, services at a shelter care hearing cannot fix the immediate danger.

There should be tribal consultation on Indian child welfare cases. Whatever comes from this bill, the bill should align with the Indian Child Welfare Act and manual.

The court system has made the difficult job of being a DCYF caseworker even harder. There are cases where children are not removed because the imminent physical harm threshold was not met because fentanyl was removed and multiple bones of a sibling were broken.

Persons Testifying: (In support) Representative Lillian Ortiz-Self, prime sponsor; Shannon Selland, Family Impact Network; Kim Justice; Dr. Jim Walsh; Julie Watts, Department of Children, Youth and Families; and Susan Stoner, WA Parent-Child Assistance Program.

(Opposed) Sarah Akey; Kristina Johnson, Keeping Kids Safe; Amy Parks; Angela Kraemer; Amelia Watson, Supervising Attorney, Washington State Office of Public Defense; Christina Faucett; Tracie Jefferson; Kate Benward, King County Department of Public Defense; and Amanda Dragoo.

(Other) Annie Chung, Legal Counsel for Youth and Children; Dr. Daniele Lyman-Torres, Akin; Elizabeth Bokan, Office of the Family and Children's Ombuds; Vice Chairwoman Loni Greninger, Jamestown S'Klallam Tribe; Jeanette Obelcz, Washington Federation of State Employees; Amy Conklin, Washington Federation of State Employees; and Kati Durkin, Washington Federation of State Employees.

Persons Signed In To Testify But Not Testifying: None.