

SENATE BILL REPORT

SB 5979

As of January 28, 2026

Title: An act relating to improving state responses to dependent children and the risk of harm from high-potency synthetic opioids and caregiver substance abuse.

Brief Description: Improving state responses to dependent children and the risk of harm from high-potency synthetic opioids and caregiver substance abuse.

Sponsors: Senators Torres, Dozier, Gildon and Wilson, J..

Brief History:

Committee Activity: Human Services: 1/28/26.

Brief Summary of Bill

- Directs the Department of Children, Youth, and Families (DCYF) to establish policies for the initiation of dependency proceedings.
- Specifies that DCYF must engage with specific stakeholders to develop practice guidelines and training on the use of in-home dependencies when certain factors are present.
- Directs DCYF to work with specific stakeholders to develop guidelines on removing children from in-home dependencies when the immediate danger to a child is not mitigated after a disposition of a dependency.

SENATE COMMITTEE ON HUMAN SERVICES

Staff: Alison Mendiola (786-7488)

Background: Dependency Proceedings. Anyone, including the Department of Child, 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

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verified and contain a statement of facts that constitute a dependency and the names and residence of the parents, if known.

Child abuse or neglect means sexual abuse, sexual exploitation, female genital mutilation, trafficking, sex trafficking or severe forms of trafficking in persons as defined in federal law, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety.

A dependent child is one who:

- has been abandoned;
- is abused or neglected by a person legally responsible for the care of the child;
- has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development;
- is receiving extended foster care services; or
- is a victim of sex trafficking or severe forms of trafficking in persons as defined in federal law, when the parent is involved in the trafficking, facilitating the trafficking, or should have known that the child is being trafficked.

An in-home dependency is a dependency where there is no imminent physical harm identified for the child and the family receives court-ordered services.

Office of Family and Children's Ombuds. Established in 1996, the Washington State Office of the Family and Children's Ombuds (OFCO) is an independent and impartial office that helps citizens navigate Washington State agencies serving children, youth and families. OFCO also investigates complaints about a Washington State agency's actions or conduct that involve:

- any child at risk of abuse, neglect, or other harm;
- a child or parent involved with child protection or child welfare services; and
- the safety or welfare of children in state care.

When a complaint issue is substantiated, OFCO intervenes to correct a violation of law or policy, or to prevent harm to a child or family. OFCO also identifies system-wide issues, and recommends appropriate changes to improve outcomes for children and strengthen families.

As part of its oversight of the state child welfare system, OFCO examines critical incidents, such as child fatalities and near fatalities. OFCO also participates in executive child fatality and near fatality reviews, and reports on the implementation status of recommendations produced from these executive reviews. Through these processes, OFCO identifies issues related to critical incidents and facilitates systemic improvements.

In its June 2025 Child Fatality and Near Fatality Report, OFCO recommended that DCYF develop guidelines on the use of in-home dependencies. Specifically, OFCO

recommended DCYF must engage judicial officers, court administrators, child welfare professionals to develop practice guidelines and training on the use of in-home dependencies as an option to provide ongoing services, support, and protective supervision in situations where a child is not at risk of imminent physical harm, but the circumstances pose a danger of substantial damage to the child's psychological or physical development. The guidelines should recognize the different legal standards for removing a child from a parent's care—imminent physical harm from the legal standard for dependency—a danger of substantial damage to the child's psychological and physical development. The guidelines should describe how to incorporate prior involvement with child welfare services when assessing child safety and risk, and the need for court supervision.

Summary of Bill: In a dependency proceeding, if the petitioner is not seeking removal of the child from a parent, guardian, or custodian, the petition must contain a clear and specific statement as to the harm that will occur if the child or family does not receive court-ordered services, and the facts that support that conclusion.

DCYF is to establish policies for the initiation of dependency proceedings, giving great weight to the presence of high-potency synthetic opioids; the lack of a parent, guardian, or custodian capable of adequately caring for a child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; and a parent's substance use as evidence of negligent treatment or maltreatment as defined in state law; and the amount or frequency of prior referrals within the preceding five years.

Unless otherwise required by law, nothing is to preclude DCYF from initiating a dependency proceeding where a child is dependent in state statute.

DCYF must engage judicial officers, court administrators, child welfare professionals, and parents impacted by the child welfare system, to develop practice guidelines and training on the use of in-home dependencies as an option to provide ongoing services, support, and protective supervision in:

- situations where a child is not at risk of imminent physical harm, but the circumstances pose a danger of substantial damage to the child's psychological or physical development;
- situations where a child is abused or neglected by a person legally responsible for the care of the child;
- situations where substance use or mental health issues, by a person legally responsible for the child, may not otherwise fit the mandatory time limits of a child protective services investigation or family assessment response; and
- repeated or frequent prior referrals.

DCYF is also to engage the same group of stakeholders to develop practice guidelines and training focused on removing children from in-home dependencies when the immediate danger to a child is not mitigated after a disposition of a dependency. DCYF is to place

great weight on the presence of high-potency synthetic opioids in the child's placement.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony: PRO: The goal is to keep a family together when possible and safe for the child. This bill focuses on strengthening tools without removing a child. Too often we focus on removing a child or closing cases. This focuses on how and when to file however there are some concerns—will submit suggestions for changes in writing. Some counties do this, others do not. Strengthening child welfare systems can be used earlier. This bill provides guidance and training consistency when children are exposed to high potency synthetic opioids, before tragedy occurs.

Other: The tools this bill will provide will have the best chance of reducing critical incidents, but there are access to justice issues. DCYF already has a process, safe child consults and this bill requires DCYF to do more. To file for a dependency the standard of evidence is preponderance of the evidence. An in-home dependency is not always advisable. DCYF will submit concerns in writing.

Persons Testifying: PRO: Senator Nikki Torres, Prime Sponsor; Annie Chung, Legal Counsel for Youth and Children; Kim Justice, Partners for Our Children; Sarah Akey.

OTHER: Amelia Watson, Supervising Attorney, Washington State Office of Public Defense; Julie Watts, Department of Children, Youth and Families.

Persons Signed In To Testify But Not Testifying: No one.