

SENATE BILL REPORT

SB 6308

As of January 28, 2026

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: Senators Wilson, C., Nobles and Saldaña.

Brief History:

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

Brief Summary of Bill

- Permits the court to order that the parent, guardian, or legal custodian comply with the conditions necessary to maintain the safety of the child in the home if the court finds that there is reasonable cause to believe these conditions are necessary to maintain the safety of the child, in a Shelter Care hearing where the child is under the age of five at the time the dependency petition is filed.
- Directs the Department of Children, Youth, and Families to provide all necessary referrals within seven days of the release being signed by the parent, guardian, or legal custodian.
- Specifies the fact that the parent participated in prevention services, safety planning, or conditions necessary to maintain the safety of the child as ordered by the court at the Shelter Care Hearing may not be construed as an admission of abuse or neglect.

SENATE COMMITTEE ON HUMAN SERVICES

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: Alison Mendiola (786-7488)

Background: Dependency Proceeding. 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 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.

Shelter Care Hearing. When a child is taken into custody, or when the petitioner is seeking the removal of a child from the child's parent, guardian, or legal custodian, 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 court must release a child to a parent at the Shelter Care Hearing unless the court finds that removal of the child is necessary to prevent imminent physical harm, including that which results from sexual abuse, sexual exploitation, a high-potency synthetic opioid, or a pattern of severe neglect. The evidence must show a casual relationship between the particular conditions in the home and imminent physical harm to the child. The court must give great weight to the lethality of high-potency synthetic opioids and public health guidance from the Department of Health related to high-potency synthetic opioids when determining whether removal of the child is necessary to prevent imminent physical harm due to child abuse or neglect.

Fact-Finding Hearing. A fact-finding hearing on a dependency petition is to be held 75 days after the petition is filed. At this hearing, it is determined whether the child is dependent. 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.

Summary of Bill: Conditions of the Court. If a child is under the age of five at the time the dependency petition is filed and the court releases the child to the care, custody, and control of a parent, guardian, or legal custodian, the court may order that the parent, guardian, or

legal custodian comply with the conditions necessary to maintain the safety of the child in the home if the court finds that there is reasonable cause to believe these conditions are necessary to maintain the safety of the child. If these conditions involve the participation of the parent, guardian, or legal custodian in a service or evaluation, the parent, guardian, or legal custodian is to sign a release of information allowing DCYF to make a referral and receive any related results. DCYF is to provide all necessary referrals within seven days of the release being signed. If DCYF fails to make a timely referral or access to services, these conditions may not be used as a basis for removal, continued shelter care, or a finding of dependency. The court may only order conditions that DCYF identifies as culturally appropriate; reasonably available and accessible to the parent, guardian, or legal custodian.

Fact-Finding Hearing. The fact that the parent participated in prevention services, safety planning, or conditions necessary to maintain the safety of the child as ordered by the court at the Shelter Care hearing may not be construed as an admission of abuse or neglect.

Appropriation: None.

Fiscal Note: Requested on January 25, 2026.

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

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Some situations require a higher level of oversight. The added safety and keeping a child in the home is appreciate but more services are needed. In about two-thirds of the critical incidents parents were refusing services at the time that DCYF was involved in the case. Participation in services is voluntary, and in a vast majority of situations, it really should be. However, there are situations when the services and evaluations are necessary to maintain the safety of the child in the home. Policy alone is not enough. The effectiveness of this approach depends on access to services, such as substance use treatment and in-home supports. This bill would be a natural extension of therapeutic services while a child remains in the home and it is easier to work with both the parent and the child they are in the same home. When a parent is demonized, they will not seek services. An increase in overdose death is not due to legislative changes, it's due to the increase in the availability of drugs. The needs legislature to direct additional funding to address the needs of parents with addictions, including continuing to expand access to medications, substance use disorder, residential treatment where parents and children remain together, and recovery support for services.

CON: This bill doesn't have a service component. This bill leaves children over the age of four from receiving help. In-home providers are constantly being left out of the process. We should be at the table. Same with the social workers union, foster parents, and kinship. When services are mandated during the dependency process, parents have a right to contest. There's due process, notice, and opportunity to respond that happens at the dependency

jurisdiction. And after that point, when their child is in the jurisdiction of the state, they can be court order to do services and evaluations against their objection. Moving this process up to shelter care is too soon.

OTHER: We urge our state leaders to focus on funding robust community based services, including pregnant and parenting services, substance use disorder treatment opportunities, public health nurses and intensive case management.

Persons Testifying: PRO: Senator Claire Wilson, Prime Sponsor; Shannon Selland, Family Impact Network; Dr. Jim Walsh; Susan Stoner, WA Parent-Child Assistance Program; Kim Justice, Partners for Our Children; Julie Watts, Department of Children, Youth and Families.

CON: Amelia Watson, Supervising Attorney, Washington State Office of Public Defense; Kristina Johnson, Keeping Kids Safe; Amy Parks.

OTHER: Annie Chung, Legal Counsel for Youth and Children; Dr. Daniele Lyman-Torres, Akin.

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