
HOUSE BILL 2511

State of Washington

69th Legislature

2026 Regular Session

By Representatives Dent, Eslick, Reeves, and Barnard

Read first time 01/15/26. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to providing a definition for imminent physical
2 harm in the context of child welfare; and reenacting and amending RCW
3 13.34.030.

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

5 **Sec. 1.** RCW 13.34.030 and 2024 c 328 s 101, 2024 c 298 s 4, and
6 2024 c 192 s 2 are each reenacted and amended to read as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Abandoned" means when the child's parent, guardian, or other
10 custodian has expressed, either by statement or conduct, an intent to
11 forego, for an extended period, parental rights or responsibilities
12 despite an ability to exercise such rights and responsibilities. If
13 the court finds that the petitioner has exercised due diligence in
14 attempting to locate the parent, no contact between the child and the
15 child's parent, guardian, or other custodian for a period of three
16 months creates a rebuttable presumption of abandonment, even if there
17 is no expressed intent to abandon.

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

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

20 (b) Any individual age 18 to 21 years who is eligible to receive
21 and who elects to receive the extended foster care services

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

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

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

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

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

19 (a) Has been abandoned;

20 (b) Is abused or neglected as defined in RCW 26.44.020 by a
21 person legally responsible for the care of the child;

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

26 (d) Is receiving extended foster care services, as authorized by
27 RCW 74.13.031; or

28 (e) Is a victim of sex trafficking or severe forms of trafficking
29 in persons under the trafficking victims protection act of 2000, 22
30 U.S.C. Sec. 7101 et seq., when the parent is involved in the
31 trafficking, facilitating the trafficking, or should have known that
32 the child is being trafficked.

33 (7) "Developmental disability" means a disability attributable to
34 intellectual disability, cerebral palsy, epilepsy, autism, or another
35 neurological or other condition of an individual found by the
36 secretary of the department of social and health services to be
37 closely related to an intellectual disability or to require treatment
38 similar to that required for individuals with intellectual
39 disabilities, which disability originates before the individual
40 attains age eighteen, which has continued or can be expected to

1 continue indefinitely, and which constitutes a substantial limitation
2 to the individual.

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

5 (9) "Experiencing homelessness" means lacking a fixed, regular,
6 and adequate nighttime residence, including circumstances such as
7 sharing the housing of other persons due to loss of housing, economic
8 hardship, fleeing domestic violence, or a similar reason as described
9 in the federal McKinney-Vento homeless assistance act (Title 42
10 U.S.C., chapter 119, subchapter I) as it existed on January 1, 2021.

11 (10) "Extended foster care services" means residential and other
12 support services the department is authorized to provide under RCW
13 74.13.031. These services may include placement in licensed,
14 relative, or otherwise approved care, or supervised independent
15 living settings; assistance in meeting basic needs; independent
16 living services; supervised independent living subsidy; medical
17 assistance; and counseling or treatment.

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

24 (12) "Guardian ad litem" means a person, appointed by the court
25 to represent the best interests of a child in a proceeding under this
26 chapter, or in any matter which may be consolidated with a proceeding
27 under this chapter. A "court-appointed special advocate" appointed by
28 the court to be the guardian ad litem for the child, or to perform
29 substantially the same duties and functions as a guardian ad litem,
30 shall be deemed to be guardian ad litem for all purposes and uses of
31 this chapter.

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

39 (14) "Guardianship" means a guardianship pursuant to chapter
40 13.36 RCW or a limited guardianship of a minor pursuant to RCW

1 11.130.215 or equivalent laws of another state or a federally
2 recognized Indian tribe.

3 (15) "High-potency synthetic opioid" means an unprescribed
4 synthetic opioid classified as a Schedule II controlled substance or
5 controlled substance analog in chapter 69.50 RCW or by the pharmacy
6 quality assurance commission in rule including, but not limited to,
7 fentanyl.

8 (16) "Housing assistance" means appropriate referrals by the
9 department or other agencies to federal, state, local, or private
10 agencies or organizations, assistance with forms, applications, or
11 financial subsidies or other monetary assistance for housing. For
12 purposes of this chapter, "housing assistance" is not a remedial
13 service or family reunification service as described in RCW
14 13.34.025(2).

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

17 (a) Receiving one of the following types of public assistance:
18 Temporary assistance for needy families, aged, blind, or disabled
19 assistance benefits, medical care services under RCW 74.09.035,
20 pregnant women assistance benefits, poverty-related veterans'
21 benefits, food stamps or food stamp benefits transferred
22 electronically, refugee resettlement benefits, medicaid, or
23 supplemental security income; or

24 (b) Involuntarily committed to a public mental health facility;
25 or

26 (c) Receiving an annual income, after taxes, of 125 percent or
27 less of the federally established poverty level; or

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

31 (18) "Nonminor dependent" means any individual age 18 to 21 years
32 who is participating in extended foster care services authorized
33 under RCW 74.13.031.

34 (19) "Out-of-home care" means placement in a foster family home
35 or group care facility licensed pursuant to chapter 74.15 RCW or
36 placement in a home, other than that of the child's parent, guardian,
37 or legal custodian, not required to be licensed pursuant to chapter
38 74.15 RCW.

39 (20) "Parent" means the biological or adoptive parents of a
40 child, or an individual who has established a parent-child

1 relationship under RCW 26.26A.100, unless the legal rights of that
2 person have been terminated by a judicial proceeding pursuant to this
3 chapter, chapter 26.33 RCW, or the equivalent laws of another state
4 or a federally recognized Indian tribe.

5 (21) "Prevention and family services and programs" means specific
6 mental health prevention and treatment services, substance abuse
7 prevention and treatment services, and in-home parent skill-based
8 programs that qualify for federal funding under the federal family
9 first prevention services act, P.L. 115-123. For purposes of this
10 chapter, prevention and family services and programs are not remedial
11 services or family reunification services as described in RCW
12 13.34.025(2).

13 (22) "Prevention services" means preservation services, as
14 defined in chapter 74.14C RCW, and other reasonably available
15 services, including housing assistance, capable of preventing the
16 need for out-of-home placement while protecting the child. Prevention
17 services include, but are not limited to, prevention and family
18 services and programs as defined in this section.

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

24 (24) "Relative" includes persons related to a child in the
25 following ways:

26 (a) Any blood relative, including those of half-blood, and
27 including first cousins, second cousins, nephews or nieces, and
28 persons of preceding generations as denoted by prefixes of grand,
29 great, or great-great;

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

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

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

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

39 (f) Extended family members, as defined by the law or custom of
40 the Indian child's tribe or, in the absence of such law or custom, a

1 person who has reached the age of 18 and who is the Indian child's
2 grandparent, aunt or uncle, brother or sister, brother-in-law or
3 sister-in-law, niece or nephew, first or second cousin, or stepparent
4 who provides care in the family abode on a 24 hour basis to an Indian
5 child as defined in 25 U.S.C. Sec. 1903(4).

6 (25) "Shelter care" means temporary physical care in a facility
7 licensed pursuant to RCW 74.15.030 or in a home not required to be
8 licensed pursuant to RCW 74.15.030.

9 (26) "Sibling" means a child's birth brother, birth sister,
10 adoptive brother, adoptive sister, half-brother, or half-sister, or
11 as defined by the law or custom of the Indian child's tribe for an
12 Indian child as defined in RCW 13.38.040.

13 (27) "Social study" means a written evaluation of matters
14 relevant to the disposition of the case that contains the information
15 required by RCW 13.34.430.

16 (28) "Supervised independent living setting" includes, but is not
17 limited to, apartment living, room and board arrangements, college or
18 university dormitories, and shared roommate settings. Supervised
19 independent living settings must be approved by the department or the
20 court.

21 (29) "Supervised independent living subsidy" has the same meaning
22 as in RCW 74.13.020.

23 (30) "Voluntary placement agreement" has, for the purposes of
24 extended foster care services, the same meaning as in RCW 74.13.336.

25 (31) "Imminent physical harm" means there exists a substantial
26 risk of serious harm to the child's safety or well-being. This risk
27 may arise from conditions in the home, the caregiving environment, or
28 caregiver conduct or omission, including, but not limited to:

29 (a) Physical abuse;

30 (b) Emotional harm or neglect;

31 (c) Exposure to chronic unsafe or hazardous conditions;

32 (d) Failure to provide necessary supervision, medical care, or
33 basic needs;

34 (e) Caregiver impairment due to substance use;

35 (f) The presence or use of illicit substances in the child's
36 environment; or

37 (g) Other circumstances reasonably likely to cause significant
38 developmental, psychological, or physical injury.

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