
HOUSE BILL 2692

State of Washington

69th Legislature

2026 Regular Session

By Representatives Rule and Eslick

Read first time 01/28/26. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to maintaining the safety of children by
2 modifying the standard by which courts, law enforcement, and
3 hospitals may remove children based on child abuse or neglect and
4 authorizing courts to order certain conditions during child welfare
5 hearings to maintain the safety of children who are placed in the
6 care, custody, or control of a parent, guardian, or legal custodian;
7 and amending RCW 13.34.050, 13.34.065, 13.34.110, 26.44.050, and
8 26.44.056.

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

10 **Sec. 1.** RCW 13.34.050 and 2024 c 328 s 102 are each amended to
11 read as follows:

12 (1) The court may enter an order directing a law enforcement
13 officer, probation counselor, or child protective services official
14 to take a child into custody if: (a) A petition is filed with the
15 juvenile court with sufficient corroborating evidence to establish
16 that the child is dependent; (b) an affidavit or declaration is filed
17 by the department in support of the petition setting forth specific
18 factual information evidencing insufficient time to serve a parent
19 with a dependency petition and hold a hearing prior to removal; and
20 (c) the allegations contained in the petition, if true, establish
21 that there are reasonable grounds to believe that removal is

1 necessary to prevent (~~imminent physical~~) a substantial risk of
2 physical or emotional harm to the child due to child abuse or
3 neglect, including that which results from sexual abuse, sexual
4 exploitation, a pattern of severe neglect, or a high-potency
5 synthetic opioid. The court shall give great weight to the lethality
6 of high-potency synthetic opioids and public health guidance from the
7 department of health related to high-potency synthetic opioids in
8 determining whether removal is necessary to prevent (~~imminent~~
9 ~~physical~~) a substantial risk of physical or emotional harm to the
10 child due to child abuse or neglect.

11 (2) Any petition that does not have the necessary affidavit or
12 declaration demonstrating a (~~risk of imminent~~) substantial risk of
13 physical or emotional harm requires that the parents are provided
14 notice and an opportunity to be heard before the order may be
15 entered.

16 (3) The petition and supporting documentation must be served on
17 the parent, and if the child is in custody at the time the child is
18 removed, on the entity with custody other than the parent. If the
19 court orders that a child be taken into custody under subsection (1)
20 of this section, the petition and supporting documentation must be
21 served on the parent at the time of the child's removal unless, after
22 diligent efforts, the parents cannot be located at the time of
23 removal. If the parent is not served at the time of removal, the
24 department shall make diligent efforts to personally serve the
25 parent. Failure to effect service does not invalidate the petition if
26 service was attempted and the parent could not be found.

27 **Sec. 2.** RCW 13.34.065 and 2024 c 328 s 103 are each amended to
28 read as follows:

29 (1)(a) When a child is removed or when the petitioner is seeking
30 the removal of a child from the child's parent, guardian, or legal
31 custodian, the court shall hold a shelter care hearing within 72
32 hours, excluding Saturdays, Sundays, and holidays. The primary
33 purpose of the shelter care hearing is to determine whether the child
34 can be immediately and safely returned home while the adjudication of
35 the dependency is pending. The court shall hold an additional shelter
36 care hearing within 72 hours, excluding Saturdays, Sundays, and
37 holidays if the child is removed from the care of a parent, guardian,
38 or legal custodian at any time after an initial shelter care hearing
39 under this section.

1 (b) Any child's attorney, parent, guardian, or legal custodian
2 who for good cause is unable to attend or adequately prepare for the
3 shelter care hearing may request that the initial shelter care
4 hearing be continued or that a subsequent shelter care hearing be
5 scheduled. The request shall be made to the clerk of the court where
6 the petition is filed prior to the initial shelter care hearing. Upon
7 the request of the child's attorney, parent, guardian, or legal
8 custodian, the court shall schedule the hearing within 72 hours of
9 the request, excluding Saturdays, Sundays, and holidays. The clerk
10 shall notify all other parties of the hearing by any reasonable
11 means. If the parent, guardian, or legal custodian is not represented
12 by counsel, the clerk shall provide information to the parent,
13 guardian, or legal custodian regarding how to obtain counsel.

14 (2) (a) If it is likely that the child will remain in shelter care
15 longer than 72 hours, the department shall submit a recommendation to
16 the court as to the further need for shelter care in all cases in
17 which the child will remain in shelter care longer than the 72 hour
18 period. In all other cases, the recommendation shall be submitted by
19 the juvenile court probation counselor.

20 (b) All parties have the right to present testimony to the court
21 regarding the need or lack of need for shelter care.

22 (c) Hearsay evidence before the court regarding the need or lack
23 of need for shelter care must be supported by sworn testimony,
24 affidavit, or declaration of the person offering such evidence.

25 (3) (a) At the commencement of the hearing, the court shall notify
26 the parent, guardian, or custodian of the following:

27 (i) The parent, guardian, or custodian has the right to a shelter
28 care hearing;

29 (ii) The nature of the shelter care hearing, the rights of the
30 parents, and the proceedings that will follow; and

31 (iii) If the parent, guardian, or custodian is not represented by
32 counsel, the right to be represented. If the parent, guardian, or
33 custodian is indigent, the court shall appoint counsel as provided in
34 RCW 13.34.090; and

35 (b) If a parent, guardian, or legal custodian desires to waive
36 the shelter care hearing, the court shall determine, on the record
37 and with the parties present, whether such waiver is knowing and
38 voluntary. A parent may not waive his or her right to the shelter
39 care hearing unless he or she appears in court, in person, or by
40 remote means, and the court determines that the waiver is knowing and

1 voluntary. Regardless of whether the court accepts the parental
2 waiver of the shelter care hearing, the court must provide notice to
3 the parents of their rights required under (a) of this subsection and
4 make the finding required under subsection (4) of this section.

5 (4) At the shelter care hearing the court shall examine the need
6 for shelter care and inquire into the status of the case. The
7 paramount consideration for the court shall be the health, welfare,
8 and safety of the child. At a minimum, the court shall inquire into
9 the following:

10 (a) Whether the notice required under RCW 13.34.062 was given to
11 all known parents, guardians, or legal custodians of the child. The
12 court shall make an express finding as to whether the notice required
13 under RCW 13.34.062 was given to the parent, guardian, or legal
14 custodian. If actual notice was not given to the parent, guardian, or
15 legal custodian and the whereabouts of such person is known or can be
16 ascertained, the court shall order the department to make diligent
17 efforts to advise the parent, guardian, or legal custodian of the
18 status of the case, including the date and time of any subsequent
19 hearings, and their rights under RCW 13.34.090;

20 (b) Whether the child can be safely returned home while the
21 adjudication of the dependency is pending;

22 (c) What efforts have been made to place the child with a
23 relative. The court shall ask the parents whether the department
24 discussed with them the placement of the child with a relative or
25 other suitable person described in RCW 13.34.130(1)(b) and shall
26 determine what efforts have been made toward such a placement;

27 (d) What services were provided to the family to prevent or
28 eliminate the need for removal of the child from the child's home. If
29 the dependency petition or other information before the court alleges
30 that experiencing homelessness or the lack of suitable housing was a
31 significant factor contributing to the removal of the child, the
32 court shall inquire as to whether housing assistance was provided to
33 the family to prevent or eliminate the need for removal of the child
34 or children;

35 (e) Is the placement proposed by the department the least
36 disruptive and most family-like setting that meets the needs of the
37 child;

38 (f) Whether it is in the best interest of the child to remain
39 enrolled in the school, developmental program, or child care the
40 child was in prior to placement and what efforts have been made to

1 maintain the child in the school, program, or child care if it would
2 be in the best interest of the child to remain in the same school,
3 program, or child care;

4 (g) Appointment of a guardian ad litem or attorney;

5 (h) Whether the child is or may be an Indian child as defined in
6 RCW 13.38.040, whether the provisions of the federal Indian child
7 welfare act or chapter 13.38 RCW apply, and whether there is
8 compliance with the federal Indian child welfare act and chapter
9 13.38 RCW, including notice to the child's tribe;

10 (i) Whether, as provided in RCW 26.44.063, restraining orders, or
11 orders expelling an allegedly abusive household member from the home
12 of a nonabusive parent, guardian, or legal custodian, will allow the
13 child to safely remain in the home;

14 (j) Whether any orders for examinations, evaluations, or
15 immediate services are needed. ~~((The))~~ Except as provided in
16 subsection (5)(c) of this section, the court may not order a parent
17 to undergo examinations, evaluation, or services at the shelter care
18 hearing unless the parent agrees to the examination, evaluation, or
19 service;

20 (k) The terms and conditions for parental, sibling, and family
21 visitation.

22 (5)(a) The court shall release a child alleged to be dependent to
23 the care, custody, and control of the child's parent, guardian, or
24 legal custodian unless the court finds there is reasonable cause to
25 believe that:

26 (i) After consideration of the specific services that have been
27 provided, reasonable efforts have been made to prevent or eliminate
28 the need for removal of the child from the child's home and to make
29 it possible for the child to return home; and

30 (ii)(A) The child has no parent, guardian, or legal custodian to
31 provide supervision and care for such child; or

32 (B)(I) Removal of the child is necessary to prevent ~~((imminent~~
33 ~~physical))~~ a substantial risk of physical or emotional harm due to
34 child abuse or neglect, including that which results from sexual
35 abuse, sexual exploitation, a high-potency synthetic opioid, or a
36 pattern of severe neglect, notwithstanding an order entered pursuant
37 to RCW 26.44.063. The evidence must show a causal relationship
38 between the particular conditions in the home and ~~((imminent~~
39 ~~physical))~~ a substantial risk of physical or emotional harm to the
40 child. The existence of community or family poverty, isolation,

1 single parenthood, age of the parent, crowded or inadequate housing,
2 substance abuse, prenatal drug or alcohol exposure, mental illness,
3 disability or special needs of the parent or child, or nonconforming
4 social behavior does not by itself constitute (~~imminent physical~~) a
5 substantial risk of physical or emotional harm. The court shall give
6 great weight to the lethality of high-potency synthetic opioids and
7 public health guidance from the department of health related to high-
8 potency synthetic opioids when determining whether removal of the
9 child is necessary to prevent (~~imminent physical~~) a substantial
10 risk of physical or emotional harm due to child abuse or neglect;

11 (II) It is contrary to the welfare of the child to be returned
12 home; and

13 (III) After considering the particular circumstances of the
14 child, (~~any imminent physical~~) a substantial risk of physical or
15 emotional harm to the child outweighs the harm the child will
16 experience as a result of removal; or

17 (C) The parent, guardian, or custodian to whom the child could be
18 released has been charged with violating RCW 9A.40.060 or 9A.40.070.

19 (b) If the court finds that the elements of (a)(ii)(B) of this
20 subsection require removal of the child, the court shall further
21 consider:

22 (i) Whether participation by the parents, guardians, or legal
23 custodians in any prevention services would prevent or eliminate the
24 need for removal and, if so, shall inquire of the parent whether they
25 are willing to participate in such services. If the parent agrees to
26 participate in the prevention services identified by the court that
27 would prevent or eliminate the need for removal, the court shall
28 place the child with the parent. The court shall give great weight to
29 the lethality of high-potency synthetic opioids and public health
30 guidance from the department of health related to high-potency
31 synthetic opioids when deciding whether to place the child with the
32 parent. The court shall not order a parent to participate in
33 prevention services over the objection of the parent, however,
34 parents shall have the opportunity to consult with counsel prior to
35 deciding whether to agree to proposed prevention services as a
36 condition of having the child return to or remain in the care of the
37 parent; and

38 (ii) Whether the issuance of a temporary order of protection
39 directing the removal of a person or persons from the child's
40 residence would prevent the need for removal of the child.

1 (c) If the court releases the child to the care, custody, and
2 control of a parent, guardian, or legal custodian under (a) of this
3 subsection, the court may order the parent, guardian, or legal
4 custodian to comply with conditions necessary to maintain the safety
5 of the child in the home if the court finds that there is reasonable
6 cause to believe that these conditions are necessary to maintain the
7 safety of the child. If these conditions involve the participation of
8 the parent, guardian, or legal custodian in a service or evaluation,
9 the parent, guardian, or legal custodian shall sign a release of
10 information allowing the department to make a referral and receive
11 any related results and the department shall provide all necessary
12 referrals to that service or evaluation within seven days of signing
13 this release. Failure by the department to provide timely referrals
14 or access to service conditions may not be used as a basis for
15 removal, continued shelter care, or a finding of dependency. The
16 court may only order conditions under this subsection (5)(c) that the
17 department identifies as:

18 (i) Culturally appropriate;

19 (ii) Reasonably available to the parent, guardian, or legal
20 custodian; and

21 (iii) Reasonably accessible to the parent, guardian, or legal
22 custodian.

23 (d)(i) If the court does not release the child to his or her
24 parent, guardian, or legal custodian, the court shall order placement
25 with a relative or other suitable person as described in RCW
26 13.34.130(1)(b), unless the petitioner establishes that there is
27 reasonable cause to believe that:

28 (A) Placement in licensed foster care is necessary to prevent
29 ~~((imminent physical))~~ a substantial risk of physical or emotional
30 harm to the child due to child abuse or neglect, including that which
31 results from sexual abuse, sexual exploitation, a high-potency
32 synthetic opioid, or a pattern of severe neglect, because no relative
33 or other suitable person is capable of ensuring the basic safety of
34 the child; or

35 (B) The efforts to reunite the parent and child will be hindered.

36 (ii) In making the determination in ~~((e))~~ (d)(i) of this
37 subsection, the court shall:

38 (A) Inquire of the petitioner and any other person present at the
39 hearing for the child whether there are any relatives or other

1 suitable persons who are willing to care for the child. This inquiry
2 must include whether any relative or other suitable person:

3 (I) Has expressed an interest in becoming a caregiver for the
4 child;

5 (II) Is able to meet any special needs of the child;

6 (III) Is willing to facilitate the child's sibling and parent
7 visitation if such visitation is ordered by the court; and

8 (IV) Supports reunification of the parent and child once
9 reunification can safely occur; and

10 (B) Give great weight to the stated preference of the parent,
11 guardian, or legal custodian, and the child.

12 (iii) If a relative or other suitable person expressed an
13 interest in caring for the child, can meet the child's special needs,
14 can support parent-child reunification, and will facilitate court-
15 ordered sibling or parent visitation, the following must not prevent
16 the child's placement with such relative or other suitable person:

17 (A) An incomplete department or fingerprint-based background
18 check, if such relative or other suitable person appears otherwise
19 suitable and competent to provide care and treatment, but the
20 background checks must be completed as soon as possible after
21 placement;

22 (B) Uncertainty on the part of the relative or other suitable
23 person regarding potential adoption of the child;

24 (C) Disbelief on the part of the relative or other suitable
25 person that the parent, guardian, or legal custodian presents a
26 danger to the child, provided the caregiver will protect the safety
27 of the child and comply with court orders regarding contact with a
28 parent, guardian, or legal custodian; or

29 (D) The conditions of the relative or other suitable person's
30 home are not sufficient to satisfy the requirements of a licensed
31 foster home. The court may order the department to provide financial
32 or other support to the relative or other suitable person necessary
33 to ensure safe conditions in the home.

34 (~~(d)~~) (e) If the child was not initially placed with a relative
35 or other suitable person, and the court does not release the child to
36 his or her parent, guardian, or legal custodian, the department shall
37 make reasonable efforts to locate a relative or other suitable person
38 pursuant to RCW 13.34.060(1).

39 (~~(e)~~) (f) If the court does not order placement with a relative
40 or other suitable person, the court shall place the child in licensed

1 foster care and shall set forth its reasons for the order. If the
2 court orders placement of the child with a person not related to the
3 child and not licensed to provide foster care, the placement is
4 subject to all terms and conditions of this section that apply to
5 relative placements.

6 ~~((f))~~ (g) Any placement with a relative, or other suitable
7 person approved by the court pursuant to this section, shall be
8 contingent upon cooperation with the department's or agency's case
9 plan and compliance with court orders related to the care and
10 supervision of the child including, but not limited to, court orders
11 regarding parent-child contacts, sibling contacts, and any other
12 conditions imposed by the court. Noncompliance with the case plan or
13 court order is grounds for removal of the child from the home of the
14 relative or other suitable person, subject to review by the court.

15 ~~((g))~~ (h) If the child is placed in a qualified residential
16 treatment program as defined in this chapter, the court shall, within
17 60 days of placement, hold a hearing to:

18 (i) Consider the assessment required under RCW 13.34.420 and
19 submitted as part of the department's social study, and any related
20 documentation;

21 (ii) Determine whether placement in foster care can meet the
22 child's needs or if placement in another available placement setting
23 best meets the child's needs in the least restrictive environment;
24 and

25 (iii) Approve or disapprove the child's placement in the
26 qualified residential treatment program.

27 ~~((h))~~ (i) Uncertainty by a parent, guardian, legal custodian,
28 relative, or other suitable person that the alleged abuser has in
29 fact abused the child shall not, alone, be the basis upon which a
30 child is removed from the care of a parent, guardian, or legal
31 custodian under (a) of this subsection, nor shall it be a basis,
32 alone, to preclude placement with a relative or other suitable person
33 under ~~((e))~~ (d) of this subsection.

34 ~~((i))~~ (j) If the court places with a relative or other suitable
35 person, and that person has indicated a desire to become a licensed
36 foster parent, the court shall order the department to commence an
37 assessment of the home of such relative or other suitable person
38 within 10 days and thereafter issue an initial license as provided
39 under RCW 74.15.120 for such relative or other suitable person, if
40 qualified, as a foster parent. The relative or other suitable person

1 shall receive a foster care maintenance payment, starting on the date
2 the department approves the initial license. If such home is found to
3 be unqualified for licensure, the department shall report such fact
4 to the court within one week of that determination. The department
5 shall report on the status of the licensure process during the entry
6 of any dispositional orders in the case.

7 ~~((j))~~ (k) If the court places the child in licensed foster
8 care:

9 (i) The petitioner shall report to the court, at the shelter care
10 hearing, the location of the licensed foster placement the petitioner
11 has identified for the child and the court shall inquire as to
12 whether:

13 (A) The identified placement is the least restrictive placement
14 necessary to meet the needs of the child;

15 (B) The child will be able to remain in the same school and
16 whether any orders of the court are necessary to ensure educational
17 stability for the child;

18 (C) The child will be placed with a sibling or siblings, and
19 whether court-ordered sibling contact would promote the well-being of
20 the child;

21 (D) The licensed foster placement is able to meet the special
22 needs of the child;

23 (E) The location of the proposed foster placement will impede
24 visitation with the child's parent or parents;

25 (ii) The court may order the department to:

26 (A) Place the child in a less restrictive placement;

27 (B) Place the child in a location in closer proximity to the
28 child's parent, home, or school;

29 (C) Place the child with the child's sibling or siblings;

30 (D) Take any other necessary steps to ensure the child's health,
31 safety, and well-being;

32 (iii) The court shall advise the petitioner that:

33 (A) Failure to comply with court orders while a child is in
34 shelter care will be considered when determining whether reasonable
35 efforts have been made by the department during a hearing under RCW
36 13.34.110; and

37 (B) Placement moves while a child is in shelter care will be
38 considered when determining whether reasonable efforts have been made
39 by the department during a hearing under RCW 13.34.110.

1 (6) (a) A shelter care order issued pursuant to this section shall
2 include the requirement for a case conference as provided in RCW
3 13.34.067. However, if the parent is not present at the shelter care
4 hearing, or does not agree to the case conference, the court shall
5 not include the requirement for the case conference in the shelter
6 care order.

7 (b) If the court orders a case conference, the shelter care order
8 shall include notice to all parties and establish the date, time, and
9 location of the case conference which shall be no later than 30 days
10 before the fact-finding hearing.

11 (c) The court may order another conference, case staffing, or
12 hearing as an alternative to the case conference required under RCW
13 13.34.067 so long as the conference, case staffing, or hearing
14 ordered by the court meets all requirements under RCW 13.34.067,
15 including the requirement of a written agreement specifying the
16 services to be provided to the parent.

17 (7) (a) (i) A shelter care order issued pursuant to this section
18 may be amended at any time with notice and hearing thereon. The
19 shelter care decision of placement shall be modified only upon a
20 showing of change in circumstances. No child may be placed in shelter
21 care for longer than thirty days without an order, signed by the
22 judge, authorizing continued shelter care.

23 (ii) If the court previously ordered that visitation between a
24 parent and child be supervised or monitored, there shall be a
25 presumption that such supervision or monitoring will no longer be
26 necessary following a continued shelter care order under (a) (i) of
27 this subsection. To overcome this presumption, a party must provide a
28 report to the court including evidence establishing that removing
29 visit supervision or monitoring would create a risk to the child's
30 safety, and the court shall make a determination as to whether visit
31 supervision or monitoring must continue.

32 (b) (i) An order releasing the child on any conditions specified
33 in this section may at any time be amended, with notice and hearing
34 thereon, so as to return the child to shelter care for failure of the
35 parties to conform to the conditions originally imposed.

36 (ii) The court shall consider whether nonconformance with any
37 conditions resulted from circumstances beyond the control of the
38 parent, guardian, or legal custodian and give weight to that fact
39 before ordering return of the child to shelter care.

1 (8) The department and its employees shall not be held liable in
2 any civil action for complying with an order issued under this
3 section for placement: With a parent who has agreed to accept
4 services, a relative, or a suitable person.

5 (9)(a) If a child is placed out of the home of a parent,
6 guardian, or legal custodian following a shelter care hearing, the
7 court shall order the petitioner to provide regular visitation with
8 the parent, guardian, or legal custodian, and siblings. Early,
9 consistent, and frequent visitation is crucial for maintaining
10 parent-child relationships and allowing family reunification. The
11 court shall order a visitation plan individualized to the needs of
12 the family with a goal of providing the maximum parent, child, and
13 sibling contact possible.

14 (b) Visitation under this subsection shall not be limited as a
15 sanction for a parent's failure to comply with recommended services
16 during shelter care.

17 (c) Visitation under this subsection may only be limited where
18 necessary to ensure the health, safety, or welfare of the child.

19 (d) The first visit must take place within 72 hours of the child
20 being delivered into the custody of the department, unless the court
21 finds that extraordinary circumstances require delay.

22 (e) If the first visit under (d) of this subsection occurs in an
23 in-person format, this first visit must be supervised unless the
24 department determines that visit supervision is not necessary.

25 **Sec. 3.** RCW 13.34.110 and 2020 c 312 s 116 are each amended to
26 read as follows:

27 (1) The court shall hold a fact-finding hearing on the petition
28 and, unless the court dismisses the petition, shall make written
29 findings of fact, stating the reasons therefor. The rules of evidence
30 shall apply at the fact-finding hearing and the parent, guardian, or
31 legal custodian of the child shall have all of the rights provided in
32 RCW 13.34.090(1). The petitioner shall have the burden of
33 establishing by a preponderance of the evidence that the child is
34 dependent within the meaning of RCW 13.34.030.

35 (2)(a) The court in a fact-finding hearing may consider the
36 history of past involvement of child protective services or law
37 enforcement agencies with the family for the purpose of establishing
38 a pattern of conduct, behavior, or inaction with regard to the
39 health, safety, or welfare of the child on the part of the child's

1 parent, guardian, or legal custodian, or for the purpose of
2 establishing that reasonable efforts have been made by the department
3 to prevent or eliminate the need for removal of the child from the
4 child's home. No report of child abuse or neglect that has been
5 destroyed or expunged under RCW 26.44.031 may be used for such
6 purposes.

7 (b) The fact that the parent participated in prevention services,
8 safety planning, or conditions necessary to maintain the safety of
9 the child under RCW 13.34.065(5)(c) may not be construed as an
10 admission of abuse or neglect.

11 (3) (a) The parent, guardian, or legal custodian of the child may
12 waive his or her right to a fact-finding hearing by stipulating or
13 agreeing to the entry of an order of dependency establishing that the
14 child is dependent within the meaning of RCW 13.34.030. The parent,
15 guardian, or legal custodian may also stipulate or agree to an order
16 of disposition pursuant to RCW 13.34.130 at the same time. Any
17 stipulated or agreed order of dependency or disposition must be
18 signed by the parent, guardian, or legal custodian and his or her
19 attorney, unless the parent, guardian, or legal custodian has waived
20 his or her right to an attorney in open court, and by the petitioner
21 and the attorney, guardian ad litem, or court-appointed special
22 advocate for the child, if any. If the department is not the
23 petitioner and is required by the order to supervise the placement of
24 the child or provide services to any party, the department must also
25 agree to and sign the order.

26 (b) Entry of any stipulated or agreed order of dependency or
27 disposition is subject to approval by the court. The court shall
28 receive and review a social study before entering a stipulated or
29 agreed order and shall consider whether the order is consistent with
30 the allegations of the dependency petition and the problems that
31 necessitated the child's placement in out-of-home care. No social
32 file or social study may be considered by the court in connection
33 with the fact-finding hearing or prior to factual determination,
34 except as otherwise admissible under the rules of evidence.

35 (c) Prior to the entry of any stipulated or agreed order of
36 dependency, the parent, guardian, or legal custodian of the child and
37 his or her attorney must appear before the court and the court within
38 available resources must inquire and establish on the record that:

39 (i) The parent, guardian, or legal custodian understands the
40 terms of the order or orders he or she has signed, including his or

1 her responsibility to participate in remedial services as provided in
2 any disposition order;

3 (ii) The parent, guardian, or legal custodian understands that
4 entry of the order starts a process that could result in the filing
5 of a petition to terminate his or her relationship with the child
6 within the time frames required by state and federal law if he or she
7 fails to comply with the terms of the dependency or disposition
8 orders or fails to substantially remedy the problems that
9 necessitated the child's placement in out-of-home care;

10 (iii) The parent, guardian, or legal custodian understands that
11 the entry of the stipulated or agreed order of dependency is an
12 admission that the child is dependent within the meaning of RCW
13 13.34.030 and shall have the same legal effect as a finding by the
14 court that the child is dependent by at least a preponderance of the
15 evidence, and that the parent, guardian, or legal custodian shall not
16 have the right in any subsequent proceeding for termination of
17 parental rights pursuant to this chapter or guardianship pursuant to
18 (~~chapters—[chapter]~~) chapter 13.36 or 11.130 RCW to challenge or
19 dispute the fact that the child was found to be dependent; and

20 (iv) The parent, guardian, or legal custodian knowingly and
21 willingly stipulated and agreed to and signed the order or orders,
22 without duress, and without misrepresentation or fraud by any other
23 party.

24 If a parent, guardian, or legal custodian fails to appear before
25 the court after stipulating or agreeing to entry of an order of
26 dependency, the court may enter the order upon a finding that the
27 parent, guardian, or legal custodian had actual notice of the right
28 to appear before the court and chose not to do so. The court may
29 require other parties to the order, including the attorney for the
30 parent, guardian, or legal custodian, to appear and advise the court
31 of the parent's, guardian's, or legal custodian's notice of the right
32 to appear and understanding of the factors specified in this
33 subsection. A parent, guardian, or legal custodian may choose to
34 waive his or her presence at the in-court hearing for entry of the
35 stipulated or agreed order of dependency by submitting to the court
36 through counsel a completed stipulated or agreed dependency fact-
37 finding/disposition statement in a form determined by the Washington
38 state supreme court pursuant to General Rule GR 9.

39 (4) Immediately after the entry of the findings of fact, the
40 court shall hold a disposition hearing, unless there is good cause

1 for continuing the matter for up to fourteen days. If good cause is
2 shown, the case may be continued for longer than fourteen days.
3 Notice of the time and place of the continued hearing may be given in
4 open court. If notice in open court is not given to a party, that
5 party shall be notified by certified mail of the time and place of
6 any continued hearing. Unless there is reasonable cause to believe
7 the health, safety, or welfare of the child would be jeopardized or
8 efforts to reunite the parent and child would be hindered, the court
9 shall direct the department to notify those adult persons who: (a)
10 Are related by blood or marriage to the child in the following
11 degrees: Parent, grandparent, brother, sister, stepparent,
12 stepbrother, stepsister, uncle, or aunt; (b) are known to the
13 department as having been in contact with the family or child within
14 the past twelve months; and (c) would be an appropriate placement for
15 the child. Reasonable cause to dispense with notification to a parent
16 under this section must be proved by clear, cogent, and convincing
17 evidence.

18 The parties need not appear at the fact-finding or dispositional
19 hearing if the parties, their attorneys, the guardian ad litem, and
20 court-appointed special advocates, if any, are all in agreement.

21 **Sec. 4.** RCW 26.44.050 and 2024 c 328 s 105 are each amended to
22 read as follows:

23 (1) Except as provided in RCW 26.44.030(12), upon the receipt of
24 a report alleging that abuse or neglect has occurred, the law
25 enforcement agency or the department must investigate and provide the
26 protective services section with a report in accordance with chapter
27 74.13 RCW, and where necessary to refer such report to the court.

28 (2) A law enforcement officer may take, or cause to be taken, a
29 child into custody without a court order if there is probable cause
30 to believe that taking the child into custody is necessary to prevent
31 (~~imminent physical~~) a substantial risk of physical or emotional
32 harm to the child due to child abuse or neglect, including that which
33 results from sexual abuse, sexual exploitation, a high-potency
34 synthetic opioid, or a pattern of severe neglect, and the child would
35 be seriously injured or could not be taken into custody if it were
36 necessary to first obtain a court order pursuant to RCW 13.34.050.
37 The law enforcement agency or the department investigating such a
38 report is hereby authorized to photograph such a child for the

1 purpose of providing documentary evidence of the physical condition
2 of the child.

3 **Sec. 5.** RCW 26.44.056 and 2024 c 328 s 106 are each amended to
4 read as follows:

5 (1) An administrator of a hospital or similar institution or any
6 physician, licensed pursuant to chapters 18.71 or 18.57 RCW, may
7 detain a child without consent of a person legally responsible for
8 the child whether or not medical treatment is required, if there is
9 probable cause to believe that detaining the child is necessary to
10 prevent (~~imminent physical~~) a substantial risk of physical or
11 emotional harm to the child due to child abuse or neglect, including
12 that which results from sexual abuse, sexual exploitation, a high-
13 potency synthetic opioid, or a pattern of severe neglect, and the
14 child would be seriously injured or could not be taken into custody
15 if it were necessary to first obtain a court order under RCW
16 13.34.050: PROVIDED, That such administrator or physician shall
17 notify or cause to be notified the appropriate law enforcement agency
18 or child protective services pursuant to RCW 26.44.040. Such
19 notification shall be made as soon as possible and in no case longer
20 than 72 hours. Such temporary protective custody by an administrator
21 or doctor shall not be deemed an arrest. Child protective services
22 may detain the child until the court assumes custody, but in no case
23 longer than 72 hours, excluding Saturdays, Sundays, and holidays.

24 (2) A child protective services employee, an administrator,
25 doctor, or law enforcement officer shall not be held liable in any
26 civil action for the decision for taking the child into custody, if
27 done in good faith under this section.

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