
SENATE BILL 5979

State of Washington

69th Legislature

2026 Regular Session

By Senators Torres, Dozier, Gildon, and J. Wilson

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1 AN ACT Relating to improving state responses to dependent
2 children and the risk of harm from high-potency synthetic opioids and
3 caregiver substance abuse; amending RCW 13.34.040; adding a new
4 section to chapter 13.34 RCW; creating a new section; and declaring
5 an emergency.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that in November
8 2025, the department of children, youth, and families reported there
9 was a combined total of 45 critical incidents involving children in
10 2025. Additionally, 24 opioid-related critical incidents occurred,
11 compromising 53 percent of all critical incidents. The legislature
12 further finds that since 2020 there has been a precipitous rise in
13 both critical incidents and critical incidents involving high-potency
14 synthetic opioids, such as fentanyl.

15 The legislature further finds that also in 2025, the office of
16 the family and children's ombuds published its annual critical
17 incident report. In that report the ombuds observed during critical
18 incident reviews, the department of children, youth, and families
19 appeared to erroneously apply the same standard for seeking removal
20 as for filing a dependency. In addition, the ombuds noted the general

1 practice of the department was to only file dependencies when seeking
2 removal of a child.

3 The ombuds further recommended the expansion of dependencies as
4 an effective tool for engaging families and providing ongoing
5 services, support, and protective supervision. The legislature agrees
6 with the ombuds' recommendations and finds that the department of
7 children, youth, and families should coordinate with judicial
8 officers, court administrators, child welfare professionals, and
9 parents to develop policies and guidelines on the strategic use of
10 dependencies to improve Washington's response to the growing number
11 of opioid and fentanyl-related child fatalities and near fatalities.

12 **Sec. 2.** RCW 13.34.040 and 2021 c 211 s 3 are each amended to
13 read as follows:

14 (1) Any person may file with the clerk of the superior court a
15 petition showing that there is within the county, or residing within
16 the county, a dependent child and requesting that the superior court
17 deal with such child as provided in this chapter. There shall be no
18 fee for filing such petitions.

19 (2) Except where the department is the petitioner, in counties
20 having paid probation officers, these officers shall, to the extent
21 possible, first determine if a petition is reasonably justifiable.

22 (3) Every petition filed in proceedings under this chapter shall
23 contain a statement alleging whether there is a reason to know that
24 the child is or may be an Indian child as defined in RCW 13.38.040.
25 If there is a reason to know that the child is or may be an Indian
26 child chapter 13.38 RCW shall apply.

27 (4) Every order or decree entered under this chapter shall
28 contain a finding that the federal Indian child welfare act or
29 chapter 13.38 RCW does or does not apply. Where there is a finding
30 that the federal Indian child welfare act or chapter 13.38 RCW does
31 apply, the decree or order must also contain a finding that all
32 notice requirements and evidentiary requirements under the federal
33 Indian child welfare act and chapter 13.38 RCW have been satisfied.

34 (5) (a) Each petition shall be verified and contain a statement
35 constituting a dependency, including the names, residence, and
36 contact information, if known to the petitioner, of each parent,
37 guardian, or custodian of the alleged dependent child. If the
38 petitioner is seeking removal of the child from a parent, guardian,
39 or custodian the petition shall contain a clear and specific

1 statement as to the harm that will occur if the child remains in the
2 care of the parent, guardian, or custodian, and the facts that
3 support that conclusion.

4 (b) If the petitioner is not seeking removal of the child from a
5 parent, guardian, or custodian, the petition shall contain a clear
6 and specific statement as to the harm that will occur if the child or
7 family does not receive court-ordered services, and the facts that
8 support that conclusion.

9 (6) The department shall establish policies for the initiation of
10 dependency proceedings, giving great weight to the presence of high-
11 potency synthetic opioids; the lack of a parent, guardian, or
12 custodian capable of adequately caring for a child, such that the
13 child is in circumstances which constitute a danger of substantial
14 damage to the child's psychological or physical development; and a
15 parent's substance abuse as evidence of negligent treatment or
16 maltreatment under RCW 26.44.020(20); and the amount and frequency of
17 prior referrals within the preceding five years.

18 (7) Unless otherwise required by law, nothing shall preclude the
19 department from initiating a dependency proceeding where a child is
20 dependent as defined in RCW 13.34.030(6).

21 NEW SECTION. Sec. 3. A new section is added to chapter 13.34
22 RCW to read as follows:

23 (1) The department shall engage judicial officers, court
24 administrators, child welfare professionals, and parents impacted by
25 the child welfare system, to develop practice guidelines and training
26 focused on the use of in-home dependencies as an option to provide
27 ongoing services, support, and protective supervision in: (a)
28 Situations where a child is not at risk of imminent physical harm,
29 but the circumstances pose a danger of substantial damage to the
30 child's psychological or physical development; (b) situations where a
31 child is abused or neglected, as defined in RCW 26.44.020, by a
32 person legally responsible for the care of the child; (c) situations
33 where substance use or mental health issues, by a person legally
34 responsible for the child, may otherwise not fit the mandatory time
35 limits of a child protective services investigation or family
36 assessment response; and (d) repeated or frequent prior referrals.

37 (2) The department shall engage judicial officers, court
38 administrators, child welfare professionals, and parents impacted by
39 the child welfare system, to develop practice guidelines and training

1 focused on removing children from in-home dependencies when the
2 immediate danger to a child is not mitigated after a disposition
3 under RCW 13.34.130(1)(a). The department shall place great weight on
4 the presence of high-potency synthetic opioids in the child's
5 placement.

6 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
7 preservation of the public peace, health, or safety, or support of
8 the state government and its existing public institutions, and takes
9 effect immediately.

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