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**SUBSTITUTE SENATE BILL 6308**

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**State of Washington**

**69th Legislature**

**2026 Regular Session**

**By** Senate Human Services (originally sponsored by Senators C. Wilson, Nobles, and Saldaña)

READ FIRST TIME 02/04/26.

1 AN ACT Relating to authorizing the court to order certain  
2 conditions during child welfare shelter care hearings to maintain the  
3 safety of children under age five who are placed in the care,  
4 custody, or control of a parent, guardian, or legal custodian;  
5 amending RCW 13.34.065 and 13.34.110; and creating new sections.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that critical  
8 incidents, maltreatment-related child fatalities or near fatalities  
9 involving families with an open child welfare case within one year of  
10 the incident, increased by 70 percent from 2021 to 2024. In the first  
11 quarter of 2025, there were 22 critical incidents compared to nine  
12 critical incidents in the first quarter of 2024.

13 (2) The legislature intends to address the concerning rise in  
14 critical incidents by increasing court oversight of child welfare  
15 cases during the shelter care phase for children under age five.

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

18 (1)(a) When a child is removed or when the petitioner is seeking  
19 the removal of a child from the child's parent, guardian, or legal  
20 custodian, the court shall hold a shelter care hearing within 72

1 hours, excluding Saturdays, Sundays, and holidays. The primary  
2 purpose of the shelter care hearing is to determine whether the child  
3 can be immediately and safely returned home while the adjudication of  
4 the dependency is pending. The court shall hold an additional shelter  
5 care hearing within 72 hours, excluding Saturdays, Sundays, and  
6 holidays if the child is removed from the care of a parent, guardian,  
7 or legal custodian at any time after an initial shelter care hearing  
8 under this section.

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

22 (2) (a) If it is likely that the child will remain in shelter care  
23 longer than 72 hours, the department shall submit a recommendation to  
24 the court as to the further need for shelter care in all cases in  
25 which the child will remain in shelter care longer than the 72 hour  
26 period. In all other cases, the recommendation shall be submitted by  
27 the juvenile court probation counselor.

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

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

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

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

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

39 (iii) If the parent, guardian, or custodian is not represented by  
40 counsel, the right to be represented. If the parent, guardian, or

1 custodian is indigent, the court shall appoint counsel as provided in  
2 RCW 13.34.090; and

3 (b) If a parent, guardian, or legal custodian desires to waive  
4 the shelter care hearing, the court shall determine, on the record  
5 and with the parties present, whether such waiver is knowing and  
6 voluntary. A parent may not waive his or her right to the shelter  
7 care hearing unless he or she appears in court, in person, or by  
8 remote means, and the court determines that the waiver is knowing and  
9 voluntary. Regardless of whether the court accepts the parental  
10 waiver of the shelter care hearing, the court must provide notice to  
11 the parents of their rights required under (a) of this subsection and  
12 make the finding required under subsection (4) of this section.

13 (4) At the shelter care hearing the court shall examine the need  
14 for shelter care and inquire into the status of the case. The  
15 paramount consideration for the court shall be the health, welfare,  
16 and safety of the child. At a minimum, the court shall inquire into  
17 the following:

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

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

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

35 (d) What services were provided to the family to prevent or  
36 eliminate the need for removal of the child from the child's home. If  
37 the dependency petition or other information before the court alleges  
38 that experiencing homelessness or the lack of suitable housing was a  
39 significant factor contributing to the removal of the child, the  
40 court shall inquire as to whether housing assistance was provided to

1 the family to prevent or eliminate the need for removal of the child  
2 or children;

3 (e) Is the placement proposed by the department the least  
4 disruptive and most family-like setting that meets the needs of the  
5 child;

6 (f) Whether it is in the best interest of the child to remain  
7 enrolled in the school, developmental program, or child care the  
8 child was in prior to placement and what efforts have been made to  
9 maintain the child in the school, program, or child care if it would  
10 be in the best interest of the child to remain in the same school,  
11 program, or child care;

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

13 (h) Whether the child is or may be an Indian child as defined in  
14 RCW 13.38.040, whether the provisions of the federal Indian child  
15 welfare act or chapter 13.38 RCW apply, and whether there is  
16 compliance with the federal Indian child welfare act and chapter  
17 13.38 RCW, including notice to the child's tribe;

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

22 (j) Whether any orders for examinations, evaluations, or  
23 immediate services are needed. ~~((The))~~ Except as provided in  
24 subsection (5)(c) of this section, the court may not order a parent  
25 to undergo examinations, evaluation, or services at the shelter care  
26 hearing unless the parent agrees to the examination, evaluation, or  
27 service;

28 (k) The terms and conditions for parental, sibling, and family  
29 visitation.

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

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

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

1 (B)(I) Removal of the child is necessary to prevent imminent  
2 physical harm due to child abuse or neglect, including that which  
3 results from sexual abuse, sexual exploitation, a high-potency  
4 synthetic opioid, or a pattern of severe neglect, notwithstanding an  
5 order entered pursuant to RCW 26.44.063. The evidence must show a  
6 causal relationship between the particular conditions in the home and  
7 imminent physical harm to the child. The existence of community or  
8 family poverty, isolation, single parenthood, age of the parent,  
9 crowded or inadequate housing, substance abuse, prenatal drug or  
10 alcohol exposure, mental illness, disability or special needs of the  
11 parent or child, or nonconforming social behavior does not by itself  
12 constitute imminent physical harm. The court shall give great weight  
13 to the lethality of high-potency synthetic opioids and public health  
14 guidance from the department of health related to high-potency  
15 synthetic opioids when determining whether removal of the child is  
16 necessary to prevent imminent physical harm due to child abuse or  
17 neglect;

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

20 (III) After considering the particular circumstances of the  
21 child, any imminent physical harm to the child outweighs the harm the  
22 child will experience as a result of removal; or

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

25 (b) If the court finds that the elements of (a)(ii)(B) of this  
26 subsection require removal of the child, the court shall further  
27 consider:

28 (i) Whether participation by the parents, guardians, or legal  
29 custodians in any prevention services would prevent or eliminate the  
30 need for removal and, if so, shall inquire of the parent whether they  
31 are willing to participate in such services. If the parent agrees to  
32 participate in the prevention services identified by the court that  
33 would prevent or eliminate the need for removal, the court shall  
34 place the child with the parent. The court shall give great weight to  
35 the lethality of high-potency synthetic opioids and public health  
36 guidance from the department of health related to high-potency  
37 synthetic opioids when deciding whether to place the child with the  
38 parent. ~~((The))~~ Except as provided in (c) of this subsection, the  
39 court shall not order a parent to participate in prevention services  
40 over the objection of the parent, however, parents shall have the

1 opportunity to consult with counsel prior to deciding whether to  
2 agree to proposed prevention services as a condition of having the  
3 child return to or remain in the care of the parent; and

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

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

25 (i) Culturally appropriate;

26 (ii) Reasonably available to the parent, guardian, or legal  
27 custodian; and

28 (iii) Reasonably accessible to the parent, guardian, or legal  
29 custodian.

30 (d)(i) If the court does not release the child to his or her  
31 parent, guardian, or legal custodian, the court shall order placement  
32 with a relative or other suitable person as described in RCW  
33 13.34.130(1)(b), unless the petitioner establishes that there is  
34 reasonable cause to believe that:

35 (A) Placement in licensed foster care is necessary to prevent  
36 imminent physical harm to the child due to child abuse or neglect,  
37 including that which results from sexual abuse, sexual exploitation,  
38 a high-potency synthetic opioid, or a pattern of severe neglect,  
39 because no relative or other suitable person is capable of ensuring  
40 the basic safety of the child; or

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

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

4 (A) Inquire of the petitioner and any other person present at the  
5 hearing for the child whether there are any relatives or other  
6 suitable persons who are willing to care for the child. This inquiry  
7 must include whether any relative or other suitable person:

8 (I) Has expressed an interest in becoming a caregiver for the  
9 child;

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

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

13 (IV) Supports reunification of the parent and child once  
14 reunification can safely occur; and

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

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

22 (A) An incomplete department or fingerprint-based background  
23 check, if such relative or other suitable person appears otherwise  
24 suitable and competent to provide care and treatment, but the  
25 background checks must be completed as soon as possible after  
26 placement;

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

29 (C) Disbelief on the part of the relative or other suitable  
30 person that the parent, guardian, or legal custodian presents a  
31 danger to the child, provided the caregiver will protect the safety  
32 of the child and comply with court orders regarding contact with a  
33 parent, guardian, or legal custodian; or

34 (D) The conditions of the relative or other suitable person's  
35 home are not sufficient to satisfy the requirements of a licensed  
36 foster home. The court may order the department to provide financial  
37 or other support to the relative or other suitable person necessary  
38 to ensure safe conditions in the home.

39 ~~((d))~~ (e) If the child was not initially placed with a relative  
40 or other suitable person, and the court does not release the child to

1 his or her parent, guardian, or legal custodian, the department shall  
2 make reasonable efforts to locate a relative or other suitable person  
3 pursuant to RCW 13.34.060(1).

4 ~~((e))~~ (f) If the court does not order placement with a relative  
5 or other suitable person, the court shall place the child in licensed  
6 foster care and shall set forth its reasons for the order. If the  
7 court orders placement of the child with a person not related to the  
8 child and not licensed to provide foster care, the placement is  
9 subject to all terms and conditions of this section that apply to  
10 relative placements.

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

20 ~~((g))~~ (h) If the child is placed in a qualified residential  
21 treatment program as defined in this chapter, the court shall, within  
22 60 days of placement, hold a hearing to:

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

26 (ii) Determine whether placement in foster care can meet the  
27 child's needs or if placement in another available placement setting  
28 best meets the child's needs in the least restrictive environment;  
29 and

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

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

39 ~~((i))~~ (j) If the court places with a relative or other suitable  
40 person, and that person has indicated a desire to become a licensed

1 foster parent, the court shall order the department to commence an  
2 assessment of the home of such relative or other suitable person  
3 within 10 days and thereafter issue an initial license as provided  
4 under RCW 74.15.120 for such relative or other suitable person, if  
5 qualified, as a foster parent. The relative or other suitable person  
6 shall receive a foster care maintenance payment, starting on the date  
7 the department approves the initial license. If such home is found to  
8 be unqualified for licensure, the department shall report such fact  
9 to the court within one week of that determination. The department  
10 shall report on the status of the licensure process during the entry  
11 of any dispositional orders in the case.

12 ~~((j))~~ (k) If the court places the child in licensed foster  
13 care:

14 (i) The petitioner shall report to the court, at the shelter care  
15 hearing, the location of the licensed foster placement the petitioner  
16 has identified for the child and the court shall inquire as to  
17 whether:

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

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

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

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

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

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

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

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

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

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

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

38 (A) Failure to comply with court orders while a child is in  
39 shelter care will be considered when determining whether reasonable

1 efforts have been made by the department during a hearing under RCW  
2 13.34.110; and

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

6 (6) (a) A shelter care order issued pursuant to this section shall  
7 include the requirement for a case conference as provided in RCW  
8 13.34.067. However, if the parent is not present at the shelter care  
9 hearing, or does not agree to the case conference, the court shall  
10 not include the requirement for the case conference in the shelter  
11 care order.

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

16 (c) The court may order another conference, case staffing, or  
17 hearing as an alternative to the case conference required under RCW  
18 13.34.067 so long as the conference, case staffing, or hearing  
19 ordered by the court meets all requirements under RCW 13.34.067,  
20 including the requirement of a written agreement specifying the  
21 services to be provided to the parent.

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

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

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

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

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

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

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

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

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

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

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

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

1           (2) (a) The court in a fact-finding hearing may consider the  
2 history of past involvement of child protective services or law  
3 enforcement agencies with the family for the purpose of establishing  
4 a pattern of conduct, behavior, or inaction with regard to the  
5 health, safety, or welfare of the child on the part of the child's  
6 parent, guardian, or legal custodian, or for the purpose of  
7 establishing that reasonable efforts have been made by the department  
8 to prevent or eliminate the need for removal of the child from the  
9 child's home. No report of child abuse or neglect that has been  
10 destroyed or expunged under RCW 26.44.031 may be used for such  
11 purposes.

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

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

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

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

5 (i) The parent, guardian, or legal custodian understands the  
6 terms of the order or orders he or she has signed, including his or  
7 her responsibility to participate in remedial services as provided in  
8 any disposition order;

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

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

26 (iv) The parent, guardian, or legal custodian knowingly and  
27 willingly stipulated and agreed to and signed the order or orders,  
28 without duress, and without misrepresentation or fraud by any other  
29 party.

30 If a parent, guardian, or legal custodian fails to appear before  
31 the court after stipulating or agreeing to entry of an order of  
32 dependency, the court may enter the order upon a finding that the  
33 parent, guardian, or legal custodian had actual notice of the right  
34 to appear before the court and chose not to do so. The court may  
35 require other parties to the order, including the attorney for the  
36 parent, guardian, or legal custodian, to appear and advise the court  
37 of the parent's, guardian's, or legal custodian's notice of the right  
38 to appear and understanding of the factors specified in this  
39 subsection. A parent, guardian, or legal custodian may choose to  
40 waive his or her presence at the in-court hearing for entry of the

1 stipulated or agreed order of dependency by submitting to the court  
2 through counsel a completed stipulated or agreed dependency fact-  
3 finding/disposition statement in a form determined by the Washington  
4 state supreme court pursuant to General Rule GR 9.

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

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

27 NEW SECTION. **Sec. 4.** Nothing in this act is intended to  
28 supersede any provisions of the Indian child welfare act, chapter  
29 13.38 RCW.

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