

E2SSB 6109 - H AMD TO APP COMM AMD (H-3454.2/24) **1164**

By Representative Couture

NOT ADOPTED 02/28/2024

1 On page 1, beginning on line 16 of the striking amendment, after
2 "that" strike all material through "neglect" on line 20 and insert
3 "there is a rebuttable presumption that removal of the child is
4 necessary to prevent imminent physical harm when a parent's use or
5 possession of a high-potency synthetic opioid, or failure to protect
6 a child from another individual's use or possession of a high-
7 potency synthetic opioid, creates a risk that a child will be
8 exposed to, ingest, inhale, or have contact with a high-potency
9 synthetic opioid"

10

11 On page 7, beginning on line 3 of the striking amendment, strike
12 all of sections 102, 103, and 104 and insert the following:

13

14 **"Sec. 102.** RCW 13.34.050 and 2021 c 211 s 6 are each amended to
15 read as follows:

16 (1)(a) The court may enter an order directing a law enforcement
17 officer, probation counselor, or child protective services official
18 to take a child into custody if: ~~((a))~~ (i) A petition is filed
19 with the juvenile court with sufficient corroborating evidence to
20 establish that the child is dependent; ~~((b))~~ (ii) the allegations
21 contained in the petition, if true, establish that there are
22 reasonable grounds to believe that removal is necessary to prevent
23 imminent physical harm to the child due to child abuse or neglect(~~(~~
24 ~~including that which results from sexual abuse, sexual exploitation,~~
25 ~~or a pattern of severe neglect))~~); and ~~((c))~~ (iii) an affidavit or
26 declaration is filed by the department in support of the petition
27 setting forth specific factual information evidencing insufficient

1 time to serve a parent with a dependency petition and hold a hearing
2 prior to removal.

3 (b) The child abuse or neglect establishing the basis for a
4 determination of imminent physical harm under (a) of this subsection
5 may include, but is not limited to, child abuse or neglect resulting
6 from:

7 (i) Sexual abuse;

8 (ii) Sexual exploitation;

9 (iii) A high-potency synthetic opioid; or

10 (iv) A pattern of severe neglect.

11 (c) There is a rebuttable presumption that removal of the child
12 is necessary to prevent imminent physical harm when a parent's use
13 or possession of a high-potency synthetic opioid or failure to
14 protect a child from another individual's use or possession of a
15 high-potency synthetic opioid creates a risk that a child will be
16 exposed to, ingest, inhale, or have contact with a high-potency
17 synthetic opioid. A parent's promise to secure high-potency
18 synthetic opioids or use them only when the child is not in the
19 vicinity is not sufficient to overcome this rebuttable presumption.

20 (2) Any petition that does not have the necessary affidavit or
21 declaration demonstrating a risk of imminent harm requires that the
22 parents are provided notice and an opportunity to be heard before
23 the order may be entered.

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

1 **Sec. 103.** RCW 13.34.065 and 2021 c 211 s 9, 2021 c 208 s 1, and
2 2021 c 67 s 4 are each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

10 (iii) If the parent, guardian, or custodian is not represented
11 by counsel, the right to be represented. If the parent, guardian, or
12 custodian is indigent, the court shall appoint counsel as provided
13 in RCW 13.34.090; and

14 (b) If a parent, guardian, or legal custodian desires to waive
15 the shelter care hearing, the court shall determine, on the record
16 and with the parties present, whether such waiver is knowing and
17 voluntary. A parent may not waive his or her right to the shelter
18 care hearing unless he or she appears in court, in person, or by
19 remote means, and the court determines that the waiver is knowing
20 and voluntary. Regardless of whether the court accepts the parental
21 waiver of the shelter care hearing, the court must provide notice to
22 the parents of their rights required under (a) of this subsection
23 and make the finding required under subsection (4) of this section.

24 (4) At the shelter care hearing the court shall examine the need
25 for shelter care and inquire into the status of the case. The
26 paramount consideration for the court shall be the health, welfare,
27 and safety of the child. At a minimum, the court shall inquire into
28 the following:

29 (a) Whether the notice required under RCW 13.34.062 was given to
30 all known parents, guardians, or legal custodians of the child. The
31 court shall make an express finding as to whether the notice
32 required under RCW 13.34.062 was given to the parent, guardian, or
33 legal custodian. If actual notice was not given to the parent,
34 guardian, or legal custodian and the whereabouts of such person is

1 known or can be ascertained, the court shall order the department to
2 make diligent efforts to advise the parent, guardian, or legal
3 custodian of the status of the case, including the date and time of
4 any subsequent hearings, and their rights under RCW 13.34.090;

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

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

12 (d) What services were provided to the family to prevent or
13 eliminate the need for removal of the child from the child's home.
14 If the dependency petition or other information before the court
15 alleges that experiencing homelessness or the lack of suitable
16 housing was a significant factor contributing to the removal of the
17 child, the court shall inquire as to whether housing assistance was
18 provided to the family to prevent or eliminate the need for removal
19 of the child or children;

20 (e) Is the placement proposed by the department the least
21 disruptive and most family-like setting that meets the needs of the
22 child;

23 (f) Whether it is in the best interest of the child to remain
24 enrolled in the school, developmental program, or child care the
25 child was in prior to placement and what efforts have been made to
26 maintain the child in the school, program, or child care if it would
27 be in the best interest of the child to remain in the same school,
28 program, or child care;

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

30 (h) Whether the child is or may be an Indian child as defined in
31 RCW 13.38.040, whether the provisions of the federal Indian child
32 welfare act or chapter 13.38 RCW apply, and whether there is
33 compliance with the federal Indian child welfare act and chapter
34 13.38 RCW, including notice to the child's tribe;

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

5 (j) Whether any orders for examinations, evaluations, or
6 immediate services are needed. The court may not order a parent to
7 undergo examinations, evaluation, or services at the shelter care
8 hearing unless the parent agrees to the examination, evaluation, or
9 service;

10 (k) The terms and conditions for parental, sibling, and family
11 visitation.

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

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

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

22 (B)(I) Removal of the child is necessary to prevent imminent
23 physical harm due to child abuse or neglect, including that which
24 results from sexual abuse, sexual exploitation, a high-potency
25 synthetic opioid, or a pattern of severe neglect, notwithstanding an
26 order entered pursuant to RCW 26.44.063. There is a rebuttable
27 presumption that removal of the child is necessary to prevent
28 imminent physical harm when a parent's use or possession of a high-
29 potency synthetic opioid or failure to protect a child from another
30 individual's use or possession of a high-potency synthetic opioid
31 creates a risk that a child will be exposed to, ingest, inhale, or
32 have contact with a high-potency synthetic opioid. A parent's
33 promise to secure high-potency synthetic opioids or use them only
34 when the child is not in the vicinity is not sufficient to overcome

1 this rebuttable presumption. The evidence must show a causal
2 relationship between the particular conditions in the home and
3 imminent physical harm to the child. The existence of community or
4 family poverty, isolation, single parenthood, age of the parent,
5 crowded or inadequate housing, substance abuse, prenatal drug or
6 alcohol exposure, mental illness, disability or special needs of the
7 parent or child, or nonconforming social behavior does not by itself
8 constitute imminent physical harm;

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

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

14 (C) The parent, guardian, or custodian to whom the child could
15 be released has been charged with violating RCW 9A.40.060 or 9A.
16 40.070.

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

20 (i) Whether participation by the parents, guardians, or legal
21 custodians in any prevention services would prevent or eliminate the
22 need for removal and, if so, shall inquire of the parent whether
23 they are willing to participate in such services. When a parent's
24 use or possession of a high-potency synthetic opioid, or failure to
25 protect a child from another individual's use or possession of a
26 high-potency synthetic opioid, creates a risk that a child will be
27 exposed to, ingest, inhale, or have contact with a high-potency
28 synthetic opioid, prevention services that would prevent or
29 eliminate the need for removal are only those that are immediately
30 available and provide for 24-hour supervision of the child. If the
31 parent agrees to participate in the prevention services identified
32 by the court that would prevent or eliminate the need for removal,
33 the court shall place the child with the parent. The court shall not
34 order a parent to participate in prevention services over the

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

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

8 (c)(i) If the court does not release the child to his or her
9 parent, guardian, or legal custodian, the court shall order
10 placement with a relative or other suitable person as described in
11 RCW 13.34.130(1)(b), unless the petitioner establishes that there is
12 reasonable cause to believe that:

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

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

20 (ii) In making the determination in (c)(i) of this subsection,
21 the court shall:

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

26 (I) Has expressed an interest in becoming a caregiver for the
27 child;

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

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

31 (IV) Supports reunification of the parent and child once
32 reunification can safely occur; and

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

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

7 (A) An incomplete department or fingerprint-based background
8 check, if such relative or other suitable person appears otherwise
9 suitable and competent to provide care and treatment, but the
10 background checks must be completed as soon as possible after
11 placement;

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

14 (C) Disbelief on the part of the relative or other suitable
15 person that the parent, guardian, or legal custodian presents a
16 danger to the child, provided the caregiver will protect the safety
17 of the child and comply with court orders regarding contact with a
18 parent, guardian, or legal custodian; or

19 (D) The conditions of the relative or other suitable person's
20 home are not sufficient to satisfy the requirements of a licensed
21 foster home. The court may order the department to provide financial
22 or other support to the relative or other suitable person necessary
23 to ensure safe conditions in the home.

24 (d) If the child was not initially placed with a relative or
25 other suitable person, and the court does not release the child to
26 his or her parent, guardian, or legal custodian, the department
27 shall make reasonable efforts to locate a relative or other suitable
28 person pursuant to RCW 13.34.060(1).

29 (e) If the court does not order placement with a relative or
30 other suitable person, the court shall place the child in licensed
31 foster care and shall set forth its reasons for the order. If the
32 court orders placement of the child with a person not related to the
33 child and not licensed to provide foster care, the placement is
34

1 subject to all terms and conditions of this section that apply to
2 relative placements.

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

12 (g) If the child is placed in a qualified residential treatment
13 program as defined in this chapter, the court shall, within 60 days
14 of placement, hold a hearing to:

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

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

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

23 (h) Uncertainty by a parent, guardian, legal custodian,
24 relative, or other suitable person that the alleged abuser has in
25 fact abused the child shall not, alone, be the basis upon which a
26 child is removed from the care of a parent, guardian, or legal
27 custodian under (a) of this subsection, nor shall it be a basis,
28 alone, to preclude placement with a relative or other suitable
29 person under (c) of this subsection.

30 (i) If the court places with a relative or other suitable
31 person, and that person has indicated a desire to become a licensed
32 foster parent, the court shall order the department to commence an
33 assessment of the home of such relative or other suitable person
34 within 10 days and thereafter issue an initial license as provided

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

9 (j) If the court places the child in licensed foster care:

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

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

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

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

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

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

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

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

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

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

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

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

34

1 (A) Failure to comply with court orders while a child is in
2 shelter care will be considered when determining whether reasonable
3 efforts have been made by the department during a hearing under RCW
4 13.34.110; and

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

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

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

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

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

30 (ii) If the court previously ordered that visitation between a
31 parent and child be supervised or monitored, there shall be a
32 presumption that such supervision or monitoring will no longer be
33 necessary following a continued shelter care order under (a)(i) of
34 this subsection. To overcome this presumption, a party must provide

1 a report to the court including evidence establishing that removing
2 visit supervision or monitoring would create a risk to the child's
3 safety, and the court shall make a determination as to whether visit
4 supervision or monitoring must continue.

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

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

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

17 (9)(a) If a child is placed out of the home of a parent,
18 guardian, or legal custodian following a shelter care hearing, the
19 court shall order the petitioner to provide regular visitation with
20 the parent, guardian, or legal custodian, and siblings. Early,
21 consistent, and frequent visitation is crucial for maintaining
22 parent-child relationships and allowing family reunification. The
23 court shall order a visitation plan individualized to the needs of
24 the family with a goal of providing the maximum parent, child, and
25 sibling contact possible.

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

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

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

34

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

4
5 **Sec. 104.** RCW 13.34.130 and 2019 c 172 s 12 are each amended to
6 read as follows:

7 If, after a fact-finding hearing pursuant to RCW 13.34.110, it
8 has been proven by a preponderance of the evidence that the child is
9 dependent within the meaning of RCW 13.34.030 after consideration of
10 the social study prepared pursuant to RCW 13.34.110 and after a
11 disposition hearing has been held pursuant to RCW 13.34.110, the
12 court shall enter an order of disposition pursuant to this section.

13 (1) The court shall order one of the following dispositions of
14 the case:

15 (a) Order a disposition that maintains the child in his or her
16 home, which shall provide a program designed to alleviate the
17 immediate danger to the child, to mitigate or cure any damage the
18 child has already suffered, and to aid the parents so that the child
19 will not be endangered in the future. In determining the
20 disposition, the court should choose services to assist the parents
21 in maintaining the child in the home, including housing assistance,
22 if appropriate, that least interfere with family autonomy and are
23 adequate to protect the child.

24 (b)(i) Order the child to be removed from his or her home and
25 into the custody, control, and care of a relative or other suitable
26 person, the department, or agency responsible for supervision of the
27 child's placement. If the court orders that the child be placed with
28 a caregiver over the objections of the parent or the department, the
29 court shall articulate, on the record, his or her reasons for
30 ordering the placement. The court may not order an Indian child, as
31 defined in RCW 13.38.040, to be removed from his or her home unless
32 the court finds, by clear and convincing evidence including
33 testimony of qualified expert witnesses, that the continued custody
34

1 of the child by the parent or Indian custodian is likely to result
2 in serious emotional or physical damage to the child.

3 (ii) The department has the authority to place the child,
4 subject to review and approval by the court (A) with a relative as
5 defined in RCW 74.15.020(2)(a), (B) in the home of another suitable
6 person if the child or family has a preexisting relationship with
7 that person, and the person has completed all required criminal
8 history background checks and otherwise appears to the department to
9 be suitable and competent to provide care for the child, or (C) in a
10 foster family home or group care facility licensed pursuant to
11 chapter 74.15 RCW.

12 (iii) The department may also consider placing the child,
13 subject to review and approval by the court, with a person with whom
14 the child's sibling or half-sibling is residing or a person who has
15 adopted the sibling or half-sibling of the child being placed as
16 long as the person has completed all required criminal history
17 background checks and otherwise appears to the department to be
18 competent to provide care for the child.

19 (2) Absent good cause, the department shall follow the wishes of
20 the natural parent regarding the placement of the child in
21 accordance with RCW 13.34.260.

22 (3) The department may only place a child with a person not
23 related to the child as defined in RCW 74.15.020(2)(a), including a
24 placement provided for in subsection (1)(b)(iii) of this section,
25 when the court finds that such placement is in the best interest of
26 the child. Unless there is reasonable cause to believe that the
27 health, safety, or welfare of the child would be jeopardized or that
28 efforts to reunite the parent and child will be hindered, the child
29 shall be placed with a person who is willing, appropriate, and
30 available to care for the child, and who is: (I) Related to the
31 child as defined in RCW 74.15.020(2)(a) with whom the child has a
32 relationship and is comfortable; or (II) a suitable person as
33 described in subsection (1)(b) of this section. The court shall
34

1 consider the child's existing relationships and attachments when
2 determining placement.

3 (4) If the child is placed in a qualified residential treatment
4 program as defined in this chapter, the court shall, within sixty
5 days of placement, hold a hearing to:

6 (~~(i)-(a)~~) (a) Consider the assessment required under RCW
7 13.34.420 and submitted as part of the department's social study,
8 and any related documentation;

9 (~~(ii)-(b)~~) (b) Determine whether placement in foster care
10 can meet the child's needs or if placement in another available
11 placement setting best meets the child's needs in the least
12 restrictive environment; and

13 (~~(iii)-(c)~~) (c) Approve or disapprove the child's placement
14 in the qualified residential treatment program.

15 (5) When placing an Indian child in out-of-home care, the
16 department shall follow the placement preference characteristics in
17 RCW 13.38.180.

18 (6) Placement of the child with a relative or other suitable
19 person as described in subsection (1)(b) of this section shall be
20 given preference by the court. An order for out-of-home placement
21 may be made only if the court finds that reasonable efforts have
22 been made to prevent or eliminate the need for removal of the child
23 from the child's home and to make it possible for the child to
24 return home, specifying the services, including housing assistance,
25 that have been provided to the child and the child's parent,
26 guardian, or legal custodian, and that prevention services have been
27 offered or provided and have failed to prevent the need for out-of-
28 home placement, unless the health, safety, and welfare of the child
29 cannot be protected adequately in the home, and that:

30 (a) There is no parent or guardian available to care for such
31 child. There is a rebuttable presumption that a parent is
32 unavailable if the parent has deficiencies that jeopardize the
33 child's right to be nurtured, physical health, mental health, or
34 basic safety, including that which results from substance abuse or a

1 parent's use or possession of a high-potency synthetic opioid, or
2 failure to protect a child from another individual's use or
3 possession of a high-potency synthetic opioid. A parent's promise to
4 secure high-potency synthetic opioids or use them only when the
5 child is not in the vicinity is not sufficient to overcome this
6 rebuttable presumption;

7 (b) The parent, guardian, or legal custodian is not willing to
8 take custody of the child; or

9 (c) The court finds, by clear, cogent, and convincing evidence,
10 a manifest danger exists that the child will suffer serious abuse or
11 neglect if the child is not removed from the home and an order under
12 RCW 26.44.063 would not protect the child from danger. There is a
13 rebuttable presumption that removal of the child is necessary and a
14 manifest danger exists that the child will suffer serious abuse or
15 neglect when a parent's use or possession of a high-potency
16 synthetic opioid, or failure to protect a child from another
17 individual's use or possession of a high-potency synthetic opioid,
18 creates a risk that a child will be exposed to, ingest, inhale, or
19 have contact with a high-potency synthetic opioid. A parent's
20 promise to secure high-potency synthetic opioids or use them only
21 when the child is not in the vicinity is not sufficient to overcome
22 this rebuttable presumption.

23 (7) If the court has ordered a child removed from his or her
24 home pursuant to subsection (1)(b) of this section, the court shall
25 consider whether it is in a child's best interest to be placed with,
26 have contact with, or have visits with siblings.

27 (a) There shall be a presumption that such placement, contact,
28 or visits are in the best interests of the child provided that:

29 (i) The court has jurisdiction over all siblings subject to the
30 order of placement, contact, or visitation pursuant to petitions
31 filed under this chapter or the parents of a child for whom there is
32 no jurisdiction are willing to agree; and

33 (ii) There is no reasonable cause to believe that the health,
34 safety, or welfare of any child subject to the order of placement,

1 contact, or visitation would be jeopardized or that efforts to
2 reunite the parent and child would be hindered by such placement,
3 contact, or visitation. In no event shall parental visitation time
4 be reduced in order to provide sibling visitation.

5 (b) The court may also order placement, contact, or visitation
6 of a child with a stepbrother or stepsister provided that in
7 addition to the factors in (a) of this subsection, the child has a
8 relationship and is comfortable with the stepsibling.

9 (8) If the court has ordered a child removed from his or her
10 home pursuant to subsection (1)(b) of this section and placed into
11 nonparental or nonrelative care, the court shall order a placement
12 that allows the child to remain in the same school he or she
13 attended prior to the initiation of the dependency proceeding when
14 such a placement is practical and in the child's best interest.

15 (9) If the court has ordered a child removed from his or her
16 home pursuant to subsection (1)(b) of this section, the court may
17 order that a petition seeking termination of the parent and child
18 relationship be filed if the requirements of RCW 13.34.132 are met.

19 (10) If there is insufficient information at the time of the
20 disposition hearing upon which to base a determination regarding the
21 suitability of a proposed placement with a relative or other suitable
22 person, the child shall remain in foster care and the court shall
23 direct the department to conduct necessary background investigations
24 as provided in chapter 74.15 RCW and report the results of such
25 investigation to the court within thirty days. However, if such
26 relative or other person appears otherwise suitable and competent to
27 provide care and treatment, the criminal history background check need
28 not be completed before placement, but as soon as possible after
29 placement. Any placements with relatives or other suitable persons,
30 pursuant to this section, shall be contingent upon cooperation by the
31 relative or other suitable person with the agency case plan and
32 compliance with court orders related to the care and supervision of
33 the child including, but not limited to, court orders regarding
34 parent-child contacts, sibling contacts, and any other conditions

1 imposed by the court. Noncompliance with the case plan or court order
2 shall be grounds for removal of the child from the relative's or other
3 suitable person's home, subject to review by the court."

EFFECT: Makes the following changes to the underlying striking amendment:

- Replaces the components of the bill that require the court to give great weight to the lethality of and public health guidance regarding high-potency synthetic opioids with a rebuttable presumption that removal of the child is necessary to prevent imminent physical harm when a parent's use or possession of a high-potency synthetic opioid, or failure to protect a child from another individual's use or possession of a high-potency synthetic opioid, creates a risk that a child will be exposed to, ingest, inhale, or have contact with a high-potency synthetic opioid.
- Provides that a parent's promise to secure high-potency synthetic opioids or use them only when the child is not in the vicinity is not sufficient to overcome this rebuttable presumption.
- Specifies that prevention services that would prevent or eliminate the need for removal are only those that are immediately available and provide for 24-hour supervision of the child.

--- END ---