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HOUSE BILL 1092

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State of Washington

69th Legislature

2025 Regular Session

By Representatives Couture, Leavitt, Schmidt, Low, Jacobsen, Rude, McClintock, Keaton, Richards, Caldier, Walsh, Pollet, and Barnard

Prefiled 12/18/24. Read first time 01/13/25. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to maintaining the safety of children; and  
2 amending RCW 13.34.050, 13.34.065, 13.34.130, 26.44.050, 26.44.056,  
3 and 26.44.030.

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

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

7 (1) (a) The court may enter an order directing a law enforcement  
8 officer, probation counselor, or child protective services official  
9 to take a child into custody if: ~~((a))~~ (i) A petition is filed with  
10 the juvenile court with sufficient corroborating evidence to  
11 establish that the child is dependent; ~~((b))~~ (ii) an affidavit or  
12 declaration is filed by the department in support of the petition  
13 setting forth specific factual information evidencing insufficient  
14 time to serve a parent with a dependency petition and hold a hearing  
15 prior to removal; and ~~((c))~~ (iii) the allegations contained in the  
16 petition, if true, establish that there are reasonable grounds to  
17 believe that removal is necessary to prevent imminent or serious  
18 physical harm to the child due to child abuse or neglect, including  
19 that which results from sexual abuse, sexual exploitation, a pattern  
20 of severe neglect, or a high-potency synthetic opioid. ~~((The court~~  
21 ~~shall give great weight to the lethality of high-potency synthetic~~

1 ~~opioids and public health guidance from the department of health~~  
2 ~~related to high-potency synthetic opioids in determining whether~~  
3 ~~removal is necessary to prevent imminent physical harm to the child~~  
4 ~~due to child abuse or neglect))~~

5 (b) Use of a controlled substance classified as a Schedule I or  
6 II controlled substance under chapter 69.50 RCW other than cannabis,  
7 not obtained directly from, or pursuant to, a valid prescription or  
8 order of a medical practitioner while caring for a child constitutes  
9 reasonable grounds to believe that removal is necessary to prevent  
10 imminent or serious physical harm to the child due to child abuse or  
11 neglect under (a) of this subsection.

12 (2) Any petition that does not have the necessary affidavit or  
13 declaration demonstrating a risk of imminent or serious harm requires  
14 that the parents are provided notice and an opportunity to be heard  
15 before the order may be 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 court may not order a parent to  
16 undergo examinations, evaluation, or services at the shelter care  
17 hearing unless the parent agrees to the examination, evaluation, or  
18 service;

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

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

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

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

31 (B) (I) Removal of the child is necessary to prevent imminent or  
32 serious physical harm due to child abuse or neglect, including that  
33 which results from sexual abuse, sexual exploitation, a high-potency  
34 synthetic opioid, or a pattern of severe neglect, notwithstanding an  
35 order entered pursuant to RCW 26.44.063. There is a rebuttable  
36 presumption that removal of the child is necessary when a parent,  
37 guardian, or legal custodian's use or possession of a controlled  
38 substance classified as a Schedule I or II controlled substance under  
39 chapter 69.50 RCW other than cannabis, or failure to protect a child  
40 from another individual's use or possession of a controlled substance

1 classified as a Schedule I or II controlled substance under chapter  
2 69.50 RCW other than cannabis, creates a risk that a child will be  
3 exposed to, ingest, inhale, or have contact with a controlled  
4 substance classified as a Schedule I or II controlled substance under  
5 chapter 69.50 RCW other than cannabis. A parent, guardian, or legal  
6 custodian's promise to secure a controlled substance classified as a  
7 Schedule I or II controlled substance under chapter 69.50 RCW other  
8 than cannabis or use them only when the child is not in the vicinity  
9 is not sufficient to overcome this presumption. The evidence must  
10 show a causal relationship between the particular conditions in the  
11 home and imminent or serious physical harm to the child. The  
12 existence of community or family poverty, isolation, single  
13 parenthood, age of the parent, crowded or inadequate housing,  
14 substance abuse, prenatal drug or alcohol exposure, mental illness,  
15 disability or special needs of the parent or child, or nonconforming  
16 social behavior does not by itself constitute imminent or serious  
17 physical harm(~~(. The court shall give great weight to the lethality~~  
18 ~~of high-potency synthetic opioids and public health guidance from the~~  
19 ~~department of health related to high-potency synthetic opioids when~~  
20 ~~determining whether removal of the child is necessary to prevent~~  
21 ~~imminent physical harm due to child abuse or neglect));~~

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

24 (III) After considering the particular circumstances of the  
25 child, any imminent or serious physical harm to the child outweighs  
26 the harm the child will experience as a result of removal; or

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

29 (b) If the court finds that the elements of (a)(ii)(B) of this  
30 subsection require removal of the child, the court shall further  
31 consider:

32 (i) (~~Whether~~) Except in cases where a parent, guardian, or  
33 legal custodian's use or possession of a controlled substance  
34 classified as a Schedule I or II controlled substance under chapter  
35 69.50 RCW other than cannabis, or failure to protect a child from  
36 another individual's use or possession of a controlled substance  
37 classified as a Schedule I or II controlled substance under chapter  
38 69.50 RCW other than cannabis, creates a risk that a child will be  
39 exposed to, ingest, inhale, or have contact with a controlled  
40 substance classified as a Schedule I or II controlled substance under

1 chapter 69.50 RCW other than cannabis, whether participation by the  
2 parents, guardians, or legal custodians in any prevention services  
3 would prevent or eliminate the need for removal and, if so, shall  
4 inquire of the parent whether they are willing to participate in such  
5 services. If the parent agrees to participate in the prevention  
6 services identified by the court that would prevent or eliminate the  
7 need for removal, the court shall place the child with the parent.  
8 (~~The court shall give great weight to the lethality of high-potency~~  
9 ~~synthetic opioids and public health guidance from the department of~~  
10 ~~health related to high-potency synthetic opioids when deciding~~  
11 ~~whether to place the child with the parent.~~) The court shall not  
12 order a parent to participate in prevention services over the  
13 objection of the parent, however, parents shall have the opportunity  
14 to consult with counsel prior to deciding whether to agree to  
15 proposed prevention services as a condition of having the child  
16 return to or remain in the care of the parent; and

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

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

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

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

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

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

38 (I) Has expressed an interest in becoming a caregiver for the  
39 child;

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

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

3 (IV) Supports reunification of the parent and child once  
4 reunification can safely occur; and

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

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

12 (A) An incomplete department or fingerprint-based background  
13 check, if such relative or other suitable person appears otherwise  
14 suitable and competent to provide care and treatment, but the  
15 background checks must be completed as soon as possible after  
16 placement;

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

19 (C) Disbelief on the part of the relative or other suitable  
20 person that the parent, guardian, or legal custodian presents a  
21 danger to the child, provided the caregiver will protect the safety  
22 of the child and comply with court orders regarding contact with a  
23 parent, guardian, or legal custodian; or

24 (D) The conditions of the relative or other suitable person's  
25 home are not sufficient to satisfy the requirements of a licensed  
26 foster home. The court may order the department to provide financial  
27 or other support to the relative or other suitable person necessary  
28 to ensure safe conditions in the home.

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

34 (e) If the court does not order placement with a relative or  
35 other suitable person, the court shall place the child in licensed  
36 foster care and shall set forth its reasons for the order. If the  
37 court orders placement of the child with a person not related to the  
38 child and not licensed to provide foster care, the placement is  
39 subject to all terms and conditions of this section that apply to  
40 relative placements.



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

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

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

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

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

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

29 (i) If the court places with a relative or other suitable person,  
30 and that person has indicated a desire to become a licensed foster  
31 parent, the court shall order the department to commence an  
32 assessment of the home of such relative or other suitable person  
33 within 10 days and thereafter issue an initial license as provided  
34 under RCW 74.15.120 for such relative or other suitable person, if  
35 qualified, as a foster parent. The relative or other suitable person  
36 shall receive a foster care maintenance payment, starting on the date  
37 the department approves the initial license. If such home is found to  
38 be unqualified for licensure, the department shall report such fact  
39 to the court within one week of that determination. The department

1 shall report on the status of the licensure process during the entry  
2 of any dispositional orders in the case.

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

4 (i) The petitioner shall report to the court, at the shelter care  
5 hearing, the location of the licensed foster placement the petitioner  
6 has identified for the child and the court shall inquire as to  
7 whether:

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

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

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

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

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

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

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

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

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

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

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

28 (A) Failure to comply with court orders while a child is in  
29 shelter care will be considered when determining whether reasonable  
30 efforts have been made by the department during a hearing under RCW  
31 13.34.110; and

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

35 (k) If the court determines that removal of the child is  
36 necessary based on a risk that a child will be exposed to, ingest,  
37 inhale, or have contact with a controlled substance classified as a  
38 Schedule I or II controlled substance under chapter 69.50 RCW other  
39 than cannabis, the department must demonstrate that the parent,  
40 guardian, or legal custodian has at least six months of sobriety by

1 providing documentation to the court of at least six months of random  
2 drug or alcohol testing that occur at least twice per month before  
3 returning the child to the parent, guardian, or legal custodian that  
4 posed this risk.

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

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

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

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

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

36 (b) (i) An order releasing the child on any conditions specified  
37 in this section may at any time be amended, with notice and hearing  
38 thereon, so as to return the child to shelter care for failure of the  
39 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 13.34.130 and 2024 c 328 s 104 are each amended to  
30 read as follows:

31 If, after a fact-finding hearing pursuant to RCW 13.34.110, it  
32 has been proven by a preponderance of the evidence that the child is  
33 dependent within the meaning of RCW 13.34.030 after consideration of  
34 the social study prepared pursuant to RCW 13.34.110 and after a  
35 disposition hearing has been held pursuant to RCW 13.34.110, the  
36 court shall enter an order of disposition pursuant to this section.

37 (1) The court shall order one of the following dispositions of  
38 the case:

1 (a) Order a disposition that maintains the child in his or her  
2 home, which shall provide a program designed to alleviate the  
3 immediate danger to the child, to mitigate or cure any damage the  
4 child has already suffered, and to aid the parents so that the child  
5 will not be endangered in the future. In determining the disposition,  
6 the court should choose services to assist the parents in maintaining  
7 the child in the home, including housing assistance, if appropriate,  
8 that least interfere with family autonomy and are adequate to protect  
9 the child.

10 (b)(i) Order the child to be removed from his or her home and  
11 into the custody, control, and care of a relative or other suitable  
12 person, the department, or agency responsible for supervision of the  
13 child's placement. If the court orders that the child be placed with  
14 a caregiver over the objections of the parent or the department, the  
15 court shall articulate, on the record, his or her reasons for  
16 ordering the placement. The court may not order an Indian child, as  
17 defined in RCW 13.38.040, to be removed from his or her home unless  
18 the court finds, by clear and convincing evidence including testimony  
19 of qualified expert witnesses, that the continued custody of the  
20 child by the parent or Indian custodian is likely to result in  
21 serious emotional or physical damage to the child.

22 (ii) The department has the authority to place the child, subject  
23 to review and approval by the court (A) with a relative as defined in  
24 RCW 74.15.020(2)(a), (B) in the home of another suitable person if  
25 the child or family has a preexisting relationship with that person,  
26 and the person has completed all required criminal history background  
27 checks and otherwise appears to the department to be suitable and  
28 competent to provide care for the child, or (C) in a foster family  
29 home or group care facility licensed pursuant to chapter 74.15 RCW.

30 (iii) The department may also consider placing the child, subject  
31 to review and approval by the court, with a person with whom the  
32 child's sibling or half-sibling is residing or a person who has  
33 adopted the sibling or half-sibling of the child being placed as long  
34 as the person has completed all required criminal history background  
35 checks and otherwise appears to the department to be competent to  
36 provide care for the child.

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

1 (3) The department may only place a child with a person not  
2 related to the child as defined in RCW 74.15.020(2)(a), including a  
3 placement provided for in subsection (1)(b)(iii) of this section,  
4 when the court finds that such placement is in the best interest of  
5 the child. Unless there is reasonable cause to believe that the  
6 health, safety, or welfare of the child would be jeopardized or that  
7 efforts to reunite the parent and child will be hindered, the child  
8 shall be placed with a person who is willing, appropriate, and  
9 available to care for the child, and who is: (I) Related to the child  
10 as defined in RCW 74.15.020(2)(a) with whom the child has a  
11 relationship and is comfortable; or (II) a suitable person as  
12 described in subsection (1)(b) of this section. The court shall  
13 consider the child's existing relationships and attachments when  
14 determining placement.

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

18 (a) 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 (b) 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 (c) Approve or disapprove the child's placement in the qualified  
26 residential treatment program.

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

30 (6) Placement of the child with a relative or other suitable  
31 person as described in subsection (1)(b) of this section shall be  
32 given preference by the court. An order for out-of-home placement may  
33 be made only if the court finds that reasonable efforts have been  
34 made to prevent or eliminate the need for removal of the child from  
35 the child's home and to make it possible for the child to return  
36 home, specifying the services, including housing assistance, that  
37 have been provided to the child and the child's parent, guardian, or  
38 legal custodian, and that prevention services have been offered or  
39 provided and have failed to prevent the need for out-of-home

1 placement, unless the health, safety, and welfare of the child cannot  
2 be protected adequately in the home, and that:

3 (a) There is no parent ((~~or~~)), guardian, or legal custodian  
4 available to care for such child. There is a rebuttable presumption  
5 that a parent, guardian, or legal custodian is unavailable if the  
6 parent, guardian, or legal custodian has deficiencies that jeopardize  
7 the child's right to be nurtured, physical health, mental health, or  
8 basic safety, including that which results from substance abuse, or a  
9 parent, guardian, or legal custodian's use or possession of a  
10 controlled substance classified as a Schedule I or II controlled  
11 substance under chapter 69.50 RCW other than cannabis, or failure to  
12 protect a child from another individual's use or possession of a  
13 controlled substance classified as a Schedule I or II controlled  
14 substance under chapter 69.50 RCW other than cannabis. A parent,  
15 guardian, or legal custodian's promise to secure a controlled  
16 substance classified as a Schedule I or II controlled substance under  
17 chapter 69.50 RCW other than cannabis or use them only when the child  
18 is not in the vicinity is not sufficient to overcome this  
19 presumption;

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

22 (c) The court finds, by clear, cogent, and convincing evidence, a  
23 manifest danger exists that the child will suffer serious abuse or  
24 neglect if the child is not removed from the home and an order under  
25 RCW 26.44.063 would not protect the child from danger. (~~The court~~  
26 ~~shall give great weight to the lethality of high-potency synthetic~~  
27 ~~opioids and public health guidance from the department of health~~  
28 ~~related to high-potency synthetic opioids, including fentanyl, when~~  
29 ~~deciding whether a manifest danger exists)) There is a rebuttable  
30 presumption that removal of the child is necessary and a manifest  
31 danger exists that the child will suffer serious abuse or neglect  
32 when a parent, guardian, or legal custodian's use or possession of a  
33 controlled substance classified as a Schedule I or II controlled  
34 substance under chapter 69.50 RCW other than cannabis, or failure to  
35 protect a child from another individual's use or possession of a  
36 controlled substance classified as a Schedule I or II controlled  
37 substance under chapter 69.50 RCW other than cannabis, creates a risk  
38 that a child will be exposed to, ingest, inhale, or have contact with  
39 a controlled substance classified as a Schedule I or II controlled  
40 substance under chapter 69.50 RCW other than cannabis. A parent,~~

1 guardian, or legal custodian's promise to secure a controlled  
2 substance classified as a Schedule I or II controlled substance under  
3 chapter 69.50 RCW other than cannabis or use them only when the child  
4 is not in the vicinity is not sufficient to overcome this  
5 presumption.

6 (7) If the court determines that removal of the child is  
7 necessary based on a risk that a child will be exposed to, ingest,  
8 inhale, or have contact with a controlled substance classified as a  
9 Schedule I or II controlled substance under chapter 69.50 RCW other  
10 than cannabis, the department must demonstrate that the parent,  
11 guardian, or legal custodian has at least six months of sobriety by  
12 providing documentation to the court of at least six months of random  
13 drug or alcohol testing that occur at least twice per month before  
14 returning the child to the parent, guardian, or legal custodian that  
15 posed this risk.

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

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

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

26 (ii) There is no reasonable cause to believe that the health,  
27 safety, or welfare of any child subject to the order of placement,  
28 contact, or visitation would be jeopardized or that efforts to  
29 reunite the parent and child would be hindered by such placement,  
30 contact, or visitation. In no event shall parental visitation time be  
31 reduced in order to provide sibling visitation.

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

36 ~~((+8))~~ (9) If the court has ordered a child removed from his or  
37 her home pursuant to subsection (1)(b) of this section and placed  
38 into nonparental or nonrelative care, the court shall order a  
39 placement that allows the child to remain in the same school he or



1 she attended prior to the initiation of the dependency proceeding  
2 when such a placement is practical and in the child's best interest.

3 ~~((9))~~ (10) If the court has ordered a child removed from his or  
4 her home pursuant to subsection (1)(b) of this section, the court may  
5 order that a petition seeking termination of the parent and child  
6 relationship be filed if the requirements of RCW 13.34.132 are met.

7 ~~((10))~~ (11) If there is insufficient information at the time of  
8 the disposition hearing upon which to base a determination regarding  
9 the suitability of a proposed placement with a relative or other  
10 suitable person, the child shall remain in foster care and the court  
11 shall direct the department to conduct necessary background  
12 investigations as provided in chapter 74.15 RCW and report the  
13 results of such investigation to the court within thirty days.  
14 However, if such relative or other person appears otherwise suitable  
15 and competent to provide care and treatment, the criminal history  
16 background check need not be completed before placement, but as soon  
17 as possible after placement. Any placements with relatives or other  
18 suitable persons, pursuant to this section, shall be contingent upon  
19 cooperation by the relative or other suitable person with the agency  
20 case plan and compliance with court orders related to the care and  
21 supervision of the child including, but not limited to, court orders  
22 regarding parent-child contacts, sibling contacts, and any other  
23 conditions imposed by the court. Noncompliance with the case plan or  
24 court order shall be grounds for removal of the child from the  
25 relative's or other suitable person's home, subject to review by the  
26 court.

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

29 (1) Except as provided in RCW 26.44.030(12), upon the receipt of  
30 a report alleging that abuse or neglect has occurred, the law  
31 enforcement agency or the department must investigate and provide the  
32 protective services section with a report in accordance with chapter  
33 74.13 RCW, and where necessary to refer such report to the court.

34 (2) A law enforcement officer may take, or cause to be taken, a  
35 child into custody without a court order if there is ~~((probable))~~  
36 reasonable cause to believe that taking the child into custody is  
37 necessary to prevent imminent or serious physical harm to the child  
38 due to child abuse or neglect, including that which results from  
39 sexual abuse, sexual exploitation, a high-potency synthetic opioid,

1 or a pattern of severe neglect, and the child would be seriously  
2 injured or could not be taken into custody if it were necessary to  
3 first obtain a court order pursuant to RCW 13.34.050. The law  
4 enforcement agency or the department investigating such a report is  
5 hereby authorized to photograph such a child for the purpose of  
6 providing documentary evidence of the physical condition of the  
7 child.

8 (3) Use of a controlled substance classified as a Schedule I or  
9 II controlled substance under chapter 69.50 RCW other than cannabis,  
10 not obtained directly from, or pursuant to, a valid prescription or  
11 order of a medical practitioner while caring for a child constitutes  
12 reasonable grounds to believe that removal is necessary to prevent  
13 imminent or serious physical harm to the child due to child abuse or  
14 neglect as provided for under subsection (2) of this section.

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

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

36 (2) Use of a controlled substance classified as a Schedule I or  
37 II controlled substance under chapter 69.50 RCW other than cannabis,  
38 not obtained directly from, or pursuant to, a valid prescription or  
39 order of a medical practitioner while caring for a child constitutes

1 reasonable grounds to believe that removal is necessary to prevent  
2 imminent or serious physical harm to the child due to child abuse or  
3 neglect under subsection (1) of this section.

4 (3) A child protective services employee, an administrator,  
5 doctor, or law enforcement officer shall not be held liable in any  
6 civil action for the decision for taking the child into custody, if  
7 done in good faith under this section.

8 **Sec. 6.** RCW 26.44.030 and 2024 c 298 s 6 are each amended to  
9 read as follows:

10 (1)(a) When any practitioner, county coroner or medical examiner,  
11 law enforcement officer, professional school personnel, registered or  
12 licensed nurse, social service counselor, psychologist, pharmacist,  
13 employee of the department of children, youth, and families, licensed  
14 or certified child care providers or their employees, employee of the  
15 department of social and health services, juvenile probation officer,  
16 diversion unit staff, placement and liaison specialist, responsible  
17 living skills program staff, HOPE center staff, state family and  
18 children's ombuds or any volunteer in the ombuds' office, or host  
19 home program has reasonable cause to believe that a child has  
20 suffered abuse or neglect, he or she shall report such incident, or  
21 cause a report to be made, to the proper law enforcement agency or to  
22 the department as provided in RCW 26.44.040.

23 (b) When any person, in his or her official supervisory capacity  
24 with a nonprofit or for-profit organization, has reasonable cause to  
25 believe that a child has suffered abuse or neglect caused by a person  
26 over whom he or she regularly exercises supervisory authority, he or  
27 she shall report such incident, or cause a report to be made, to the  
28 proper law enforcement agency, provided that the person alleged to  
29 have caused the abuse or neglect is employed by, contracted by, or  
30 volunteers with the organization and coaches, trains, educates, or  
31 counsels a child or children or regularly has unsupervised access to  
32 a child or children as part of the employment, contract, or voluntary  
33 service. No one shall be required to report under this section when  
34 he or she obtains the information solely as a result of a privileged  
35 communication as provided in RCW 5.60.060.

36 Nothing in this subsection (1)(b) shall limit a person's duty to  
37 report under (a) of this subsection.

38 For the purposes of this subsection, the following definitions  
39 apply:

1 (i) "Official supervisory capacity" means a position, status, or  
2 role created, recognized, or designated by any nonprofit or for-  
3 profit organization, either for financial gain or without financial  
4 gain, whose scope includes, but is not limited to, overseeing,  
5 directing, or managing another person who is employed by, contracted  
6 by, or volunteers with the nonprofit or for-profit organization.

7 (ii) "Organization" includes a sole proprietor, partnership,  
8 corporation, limited liability company, trust, association, financial  
9 institution, governmental entity, other than the federal government,  
10 and any other individual or group engaged in a trade, occupation,  
11 enterprise, governmental function, charitable function, or similar  
12 activity in this state whether or not the entity is operated as a  
13 nonprofit or for-profit entity.

14 (iii) "Reasonable cause" means a person witnesses or receives a  
15 credible written or oral report alleging abuse, including sexual  
16 contact, or neglect of a child.

17 (iv) "Regularly exercises supervisory authority" means to act in  
18 his or her official supervisory capacity on an ongoing or continuing  
19 basis with regards to a particular person.

20 (v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

21 (c) The reporting requirement also applies to department of  
22 corrections personnel who, in the course of their employment, observe  
23 offenders or the children with whom the offenders are in contact. If,  
24 as a result of observations or information received in the course of  
25 his or her employment, any department of corrections personnel has  
26 reasonable cause to believe that a child has suffered abuse or  
27 neglect, he or she shall report the incident, or cause a report to be  
28 made, to the proper law enforcement agency or to the department as  
29 provided in RCW 26.44.040.

30 (d) The reporting requirement shall also apply to any adult who  
31 has reasonable cause to believe that a child who resides with them,  
32 has suffered severe abuse, and is able or capable of making a report.  
33 For the purposes of this subsection, "severe abuse" means any of the  
34 following: Any single act of abuse that causes physical trauma of  
35 sufficient severity that, if left untreated, could cause death; any  
36 single act of sexual abuse that causes significant bleeding, deep  
37 bruising, or significant external or internal swelling; or more than  
38 one act of physical abuse, each of which causes bleeding, deep  
39 bruising, significant external or internal swelling, bone fracture,  
40 or unconsciousness.

1 (e) The reporting requirement also applies to guardians ad litem,  
2 including court-appointed special advocates, appointed under Titles  
3 11 and 13 RCW and this title, who in the course of their  
4 representation of children in these actions have reasonable cause to  
5 believe a child has been abused or neglected.

6 (f) The reporting requirement in (a) of this subsection also  
7 applies to administrative and academic or athletic department  
8 employees, including student employees, of institutions of higher  
9 education, as defined in RCW 28B.10.016, and of private institutions  
10 of higher education.

11 (g) The report must be made at the first opportunity, but in no  
12 case longer than forty-eight hours after there is reasonable cause to  
13 believe that the child has suffered abuse or neglect. The report must  
14 include the identity of the accused if known.

15 (2) The reporting requirement of subsection (1) of this section  
16 does not apply to the discovery of abuse or neglect that occurred  
17 during childhood if it is discovered after the child has become an  
18 adult. However, if there is reasonable cause to believe other  
19 children are or may be at risk of abuse or neglect by the accused,  
20 the reporting requirement of subsection (1) of this section does  
21 apply.

22 (3) Any other person who has reasonable cause to believe that a  
23 child has suffered abuse or neglect may report such incident to the  
24 proper law enforcement agency or to the department as provided in RCW  
25 26.44.040.

26 (4) The department, upon receiving a report of an incident of  
27 alleged abuse or neglect pursuant to this chapter, involving a child  
28 who has died or has had physical injury or injuries inflicted upon  
29 him or her other than by accidental means or who has been subjected  
30 to alleged sexual abuse, shall report such incident to the proper law  
31 enforcement agency, including military law enforcement, if  
32 appropriate. In emergency cases, where the child's welfare is  
33 endangered, the department shall notify the proper law enforcement  
34 agency within twenty-four hours after a report is received by the  
35 department. In all other cases, the department shall notify the law  
36 enforcement agency within seventy-two hours after a report is  
37 received by the department. If the department makes an oral report, a  
38 written report must also be made to the proper law enforcement agency  
39 within five days thereafter.

1           (5) Any law enforcement agency receiving a report of an incident  
2 of alleged abuse or neglect pursuant to this chapter, involving a  
3 child who has died or has had physical injury or injuries inflicted  
4 upon him or her other than by accidental means, or who has been  
5 subjected to alleged sexual abuse, shall report such incident in  
6 writing as provided in RCW 26.44.040 to the proper county prosecutor  
7 or city attorney for appropriate action whenever the law enforcement  
8 agency's investigation reveals that a crime may have been committed.  
9 The law enforcement agency shall also notify the department of all  
10 reports received and the law enforcement agency's disposition of  
11 them. In emergency cases, where the child's welfare is endangered,  
12 the law enforcement agency shall notify the department within twenty-  
13 four hours. In all other cases, the law enforcement agency shall  
14 notify the department within seventy-two hours after a report is  
15 received by the law enforcement agency.

16           (6) Any county prosecutor or city attorney receiving a report  
17 under subsection (5) of this section shall notify the victim, any  
18 persons the victim requests, and the local office of the department,  
19 of the decision to charge or decline to charge a crime, within five  
20 days of making the decision.

21           (7) The department may conduct ongoing case planning and  
22 consultation with those persons or agencies required to report under  
23 this section, with consultants designated by the department, and with  
24 designated representatives of Washington Indian tribes if the client  
25 information exchanged is pertinent to cases currently receiving child  
26 protective services. Upon request, the department shall conduct such  
27 planning and consultation with those persons required to report under  
28 this section if the department determines it is in the best interests  
29 of the child. Information considered privileged by statute and not  
30 directly related to reports required by this section must not be  
31 divulged without a valid written waiver of the privilege.

32           (8) Any case referred to the department by a physician licensed  
33 under chapter 18.57 or 18.71 RCW on the basis of an expert medical  
34 opinion that child abuse, neglect, or sexual assault has occurred and  
35 that the child's safety will be seriously endangered if returned  
36 home, the department shall file a dependency petition unless a second  
37 licensed physician of the parents' choice believes that such expert  
38 medical opinion is incorrect. If the parents fail to designate a  
39 second physician, the department may make the selection. If a  
40 physician finds that a child has suffered abuse or neglect but that

1 such abuse or neglect does not constitute imminent or serious danger  
2 to the child's health or safety, and the department agrees with the  
3 physician's assessment, the child may be left in the parents' home  
4 while the department proceeds with reasonable efforts to remedy  
5 parenting deficiencies.

6 (9) Persons or agencies exchanging information under subsection  
7 (7) of this section shall not further disseminate or release the  
8 information except as authorized by state or federal statute.  
9 Violation of this subsection is a misdemeanor.

10 (10) Upon receiving a report that a child is a candidate for  
11 foster care as defined in RCW 26.44.020, the department may provide  
12 prevention and family services and programs to the child's parents,  
13 guardian, or caregiver. The department may not be held civilly liable  
14 for the decision regarding whether to provide prevention and family  
15 services and programs, or for the provision of those services and  
16 programs, for a child determined to be a candidate for foster care.

17 (11) Upon receiving a report of alleged abuse or neglect, the  
18 department shall make reasonable efforts to learn the name, address,  
19 and telephone number of each person making a report of abuse or  
20 neglect under this section. The department shall provide assurances  
21 of appropriate confidentiality of the identification of persons  
22 reporting under this section. If the department is unable to learn  
23 the information required under this subsection, the department shall  
24 only investigate cases in which:

25 (a) The department believes there is a serious threat of  
26 substantial harm to the child;

27 (b) The report indicates conduct involving a criminal offense  
28 that has, or is about to occur, in which the child is the victim; or

29 (c) The department has a prior founded report of abuse or neglect  
30 with regard to a member of the household that is within three years  
31 of receipt of the referral.

32 (12)(a) Upon receiving a report of alleged abuse or neglect, the  
33 department shall use one of the following discrete responses to  
34 reports of child abuse or neglect that are screened in and accepted  
35 for departmental response:

36 (i) Investigation; or

37 (ii) Family assessment.

38 (b) In making the response in (a) of this subsection the  
39 department shall:

1 (i) Use a method by which to assign cases to investigation or  
2 family assessment which are based on an array of factors that may  
3 include the presence of: Imminent or serious danger, level of risk,  
4 number of previous child abuse or neglect reports, or other  
5 presenting case characteristics, such as the type of alleged  
6 maltreatment and the age of the alleged victim. Age of the alleged  
7 victim shall not be used as the sole criterion for determining case  
8 assignment;

9 (ii) Allow for a change in response assignment based on new  
10 information that alters risk or safety level;

11 (iii) Allow families assigned to family assessment to choose to  
12 receive an investigation rather than a family assessment;

13 (iv) Provide a full investigation if a family refuses the initial  
14 family assessment;

15 (v) Provide voluntary services to families based on the results  
16 of the initial family assessment. If a family refuses voluntary  
17 services, and the department cannot identify specific facts related  
18 to risk or safety that warrant assignment to investigation under this  
19 chapter, and there is not a history of reports of child abuse or  
20 neglect related to the family, then the department must close the  
21 family assessment response case. However, if at any time the  
22 department identifies risk or safety factors that warrant an  
23 investigation under this chapter, then the family assessment response  
24 case must be reassigned to investigation;

25 (vi) Conduct an investigation, and not a family assessment, in  
26 response to an allegation that, the department determines based on  
27 the intake assessment:

28 (A) Indicates a child's health, safety, and welfare will be  
29 seriously endangered if not taken into custody for reasons including,  
30 but not limited to, sexual abuse and sexual exploitation of the child  
31 as defined in this chapter;

32 (B) Poses a serious threat of substantial harm to a child;

33 (C) Constitutes conduct involving a criminal offense that has, or  
34 is about to occur, in which the child is the victim;

35 (D) The child is an abandoned child as defined in RCW 13.34.030;

36 (E) The child is an adjudicated dependent child as defined in RCW  
37 13.34.030, or the child is in a facility that is licensed, operated,  
38 or certified for care of children by the department under chapter  
39 74.15 RCW.



1 (c) In addition, the department may use a family assessment  
2 response to assess for and provide prevention and family services and  
3 programs, as defined in RCW 26.44.020, for the following children and  
4 their families, consistent with requirements under the federal family  
5 first prevention services act and this section:

6 (i) A child who is a candidate for foster care, as defined in RCW  
7 26.44.020; and

8 (ii) A child who is in foster care and who is pregnant,  
9 parenting, or both.

10 (d) The department may not be held civilly liable for the  
11 decision to respond to an allegation of child abuse or neglect by  
12 using the family assessment response under this section unless the  
13 state or its officers, agents, or employees acted with reckless  
14 disregard.

15 (13)(a) For reports of alleged abuse or neglect that are accepted  
16 for investigation by the department, the investigation shall be  
17 conducted within time frames established by the department in rule.  
18 In no case shall the investigation extend longer than ninety days  
19 from the date the report is received, unless the investigation is  
20 being conducted under a written protocol pursuant to RCW 26.44.180  
21 and a law enforcement agency or prosecuting attorney has determined  
22 that a longer investigation period is necessary. At the completion of  
23 the investigation, the department shall make a finding that the  
24 report of child abuse or neglect is founded or unfounded.

25 (b) If a court in a civil or criminal proceeding, considering the  
26 same facts or circumstances as are contained in the report being  
27 investigated by the department, makes a judicial finding by a  
28 preponderance of the evidence or higher that the subject of the  
29 pending investigation has abused or neglected the child, the  
30 department shall adopt the finding in its investigation.

31 (14) For reports of alleged abuse or neglect that are responded  
32 to through family assessment response, the department shall:

33 (a) Provide the family with a written explanation of the  
34 procedure for assessment of the child and the family and its  
35 purposes;

36 (b) Collaborate with the family to identify family strengths,  
37 resources, and service needs, and develop a service plan with the  
38 goal of reducing risk of harm to the child and improving or restoring  
39 family well-being;

1 (c) Complete the family assessment response within forty-five  
2 days of receiving the report except as follows:

3 (i) Upon parental agreement, the family assessment response  
4 period may be extended up to one hundred twenty days. The  
5 department's extension of the family assessment response period must  
6 be operated within the department's appropriations;

7 (ii) For cases in which the department elects to use a family  
8 assessment response as authorized under subsection (12)(c) of this  
9 section, and upon agreement of the child's parent, legal guardian,  
10 legal custodian, or relative placement, the family assessment  
11 response period may be extended up to one year. The department's  
12 extension of the family assessment response must be operated within  
13 the department's appropriations.

14 (d) Offer services to the family in a manner that makes it clear  
15 that acceptance of the services is voluntary;

16 (e) Implement the family assessment response in a consistent and  
17 cooperative manner;

18 (f) Have the parent or guardian agree to participate in services  
19 before services are initiated. The department shall inform the  
20 parents of their rights under family assessment response, all of  
21 their options, and the options the department has if the parents do  
22 not agree to participate in services.

23 (15)(a) In conducting an investigation or family assessment of  
24 alleged abuse or neglect, the department or law enforcement agency:

25 (i) May interview children. If the department determines that the  
26 response to the allegation will be family assessment response, the  
27 preferred practice is to request a parent's, guardian's, or  
28 custodian's permission to interview the child before conducting the  
29 child interview unless doing so would compromise the safety of the  
30 child or the integrity of the assessment. The interviews may be  
31 conducted on school premises, at day-care facilities, at the child's  
32 home, or at other suitable locations outside of the presence of  
33 parents. If the allegation is investigated, parental notification of  
34 the interview must occur at the earliest possible point in the  
35 investigation that will not jeopardize the safety or protection of  
36 the child or the course of the investigation. Prior to commencing the  
37 interview the department or law enforcement agency shall determine  
38 whether the child wishes a third party to be present for the  
39 interview and, if so, shall make reasonable efforts to accommodate  
40 the child's wishes. Unless the child objects, the department or law

1 enforcement agency shall make reasonable efforts to include a third  
2 party in any interview so long as the presence of the third party  
3 will not jeopardize the course of the investigation; and

4 (ii) Shall have access to all relevant records of the child in  
5 the possession of mandated reporters and their employees.

6 (b) The Washington state school directors' association shall  
7 adopt a model policy addressing protocols when an interview, as  
8 authorized by this subsection, is conducted on school premises. In  
9 formulating its policy, the association shall consult with the  
10 department and the Washington association of sheriffs and police  
11 chiefs.

12 (16) If a report of alleged abuse or neglect is founded and  
13 constitutes the third founded report received by the department  
14 within the last twelve months involving the same child or family, the  
15 department shall promptly notify the office of the family and  
16 children's ombuds of the contents of the report. The department shall  
17 also notify the ombuds of the disposition of the report.

18 (17) In investigating and responding to allegations of child  
19 abuse and neglect, the department may conduct background checks as  
20 authorized by state and federal law.

21 (18)(a) The department shall maintain investigation records and  
22 conduct timely and periodic reviews of all founded cases of abuse and  
23 neglect. The department shall maintain a log of screened-out  
24 nonabusive cases.

25 (b) In the family assessment response, the department shall not  
26 make a finding as to whether child abuse or neglect occurred. No one  
27 shall be named as a perpetrator and no investigative finding shall be  
28 entered in the department's child abuse or neglect database.

29 (19) The department shall use a risk assessment process when  
30 investigating alleged child abuse and neglect referrals. The  
31 department shall present the risk factors at all hearings in which  
32 the placement of a dependent child is an issue. Substance abuse must  
33 be a risk factor.

34 (20) Upon receipt of a report of alleged abuse or neglect the law  
35 enforcement agency may arrange to interview the person making the  
36 report and any collateral sources to determine if any malice is  
37 involved in the reporting.

38 (21) Upon receiving a report of alleged abuse or neglect  
39 involving a child under the court's jurisdiction under chapter 13.34  
40 RCW, the department shall promptly notify the child's guardian ad

1 litem of the report's contents. The department shall also notify the  
2 guardian ad litem of the disposition of the report. For purposes of  
3 this subsection, "guardian ad litem" has the meaning provided in RCW  
4 13.34.030.

5 (22) The department shall make efforts as soon as practicable to  
6 determine the military status of parents whose children are subject  
7 to abuse or neglect allegations. If the department determines that a  
8 parent or guardian is in the military, the department shall notify a  
9 department of defense family advocacy program that there is an  
10 allegation of abuse and neglect that is screened in and open for  
11 investigation that relates to that military parent or guardian.

12 (23) The department shall make available on its public website a  
13 downloadable and printable poster that includes the reporting  
14 requirements included in this section. The poster must be no smaller  
15 than eight and one-half by eleven inches with all information on one  
16 side. The poster must be made available in both the English and  
17 Spanish languages. Organizations that include employees or volunteers  
18 subject to the reporting requirements of this section must clearly  
19 display this poster in a common area. At a minimum, this poster must  
20 include the following:

- 21 (a) Who is required to report child abuse and neglect;
- 22 (b) The standard of knowledge to justify a report;
- 23 (c) The definition of reportable crimes;
- 24 (d) Where to report suspected child abuse and neglect; and
- 25 (e) What should be included in a report and the appropriate  
26 timing.

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