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**HOUSE BILL 1753**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Representatives Rule, Richards, Parshley, Eslick, Nance, and Pollet

Read first time 01/31/25. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to addressing threats of harm to children by  
2 modifying the child removal standard related to another person's use  
3 or possession of a high-potency synthetic opioid; amending RCW  
4 13.34.065 and 13.34.130; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that since 2018  
7 there has been a significant increase in the number of child  
8 fatalities and near fatalities involving fentanyl within 12 months of  
9 the family's involvement in the child welfare system in Washington.  
10 According to the office of the family and children's ombuds, the  
11 majority of these fatalities and near fatalities involving fentanyl  
12 included accidental ingestion by children 11 years of age or younger  
13 or accidental overdoses of youth aged 11 to 20 years while using  
14 substances.

15 (2) The legislature finds that fentanyl is a high-potency  
16 synthetic opioid. When illegally made or unprescribed, high-potency  
17 synthetic opioids, such as fentanyl, are highly addictive and very  
18 dangerous.

19 (3) The legislature finds that a substance use disorder is a  
20 medical condition. Many individuals have multiple substance use  
21 disorders, as well as histories of trauma, developmental

1 disabilities, or mental health conditions. Individuals experiencing  
2 opioid use disorder need access to effective treatment, including  
3 medications and psychosocial counseling. Individuals with substance  
4 use disorders deserve compassion and not blame for their illness.

5 (4) The legislature finds that high-potency synthetic opioids,  
6 even small quantities, in the form of pills, powder, or residue may  
7 be fatal to vulnerable children. A parent's or guardian's use or  
8 possession of high-potency synthetic opioids in the vicinity of  
9 vulnerable children creates a risk that a child will be exposed to,  
10 ingest, inhale, or have contact with a high-potency synthetic opioid.

11 (5) The legislature intends to clarify the risk of imminent  
12 physical harm and manifest danger that a parent's or guardian's use  
13 or possession of high-potency synthetic opioids presents when courts  
14 decide whether a child should be removed from the home or placed out-  
15 of-home in child welfare proceedings.

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

18 (1)(a) When a child is removed or when the petitioner is seeking  
19 the removal of a child from the child's parent, guardian, or legal  
20 custodian, the court shall hold a shelter care hearing within 72  
21 hours, excluding Saturdays, Sundays, and holidays. The primary  
22 purpose of the shelter care hearing is to determine whether the child  
23 can be immediately and safely returned home while the adjudication of  
24 the dependency is pending. The court shall hold an additional shelter  
25 care hearing within 72 hours, excluding Saturdays, Sundays, and  
26 holidays if the child is removed from the care of a parent, guardian,  
27 or legal custodian at any time after an initial shelter care hearing  
28 under this section.

29 (b) Any child's attorney, parent, guardian, or legal custodian  
30 who for good cause is unable to attend or adequately prepare for the  
31 shelter care hearing may request that the initial shelter care  
32 hearing be continued or that a subsequent shelter care hearing be  
33 scheduled. The request shall be made to the clerk of the court where  
34 the petition is filed prior to the initial shelter care hearing. Upon  
35 the request of the child's attorney, parent, guardian, or legal  
36 custodian, the court shall schedule the hearing within 72 hours of  
37 the request, excluding Saturdays, Sundays, and holidays. The clerk  
38 shall notify all other parties of the hearing by any reasonable  
39 means. If the parent, guardian, or legal custodian is not represented

1 by counsel, the clerk shall provide information to the parent,  
2 guardian, or legal custodian regarding how to obtain counsel.

3 (2) (a) If it is likely that the child will remain in shelter care  
4 longer than 72 hours, the department shall submit a recommendation to  
5 the court as to the further need for shelter care in all cases in  
6 which the child will remain in shelter care longer than the 72 hour  
7 period. In all other cases, the recommendation shall be submitted by  
8 the juvenile court probation counselor.

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

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

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

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

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

20 (iii) If the parent, guardian, or custodian is not represented by  
21 counsel, the right to be represented. If the parent, guardian, or  
22 custodian is indigent, the court shall appoint counsel as provided in  
23 RCW 13.34.090; and

24 (b) If a parent, guardian, or legal custodian desires to waive  
25 the shelter care hearing, the court shall determine, on the record  
26 and with the parties present, whether such waiver is knowing and  
27 voluntary. A parent may not waive his or her right to the shelter  
28 care hearing unless he or she appears in court, in person, or by  
29 remote means, and the court determines that the waiver is knowing and  
30 voluntary. Regardless of whether the court accepts the parental  
31 waiver of the shelter care hearing, the court must provide notice to  
32 the parents of their rights required under (a) of this subsection and  
33 make the finding required under subsection (4) of this section.

34 (4) At the shelter care hearing the court shall examine the need  
35 for shelter care and inquire into the status of the case. The  
36 paramount consideration for the court shall be the health, welfare,  
37 and safety of the child. At a minimum, the court shall inquire into  
38 the following:

39 (a) Whether the notice required under RCW 13.34.062 was given to  
40 all known parents, guardians, or legal custodians of the child. The

1 court shall make an express finding as to whether the notice required  
2 under RCW 13.34.062 was given to the parent, guardian, or legal  
3 custodian. If actual notice was not given to the parent, guardian, or  
4 legal custodian and the whereabouts of such person is known or can be  
5 ascertained, the court shall order the department to make diligent  
6 efforts to advise the parent, guardian, or legal custodian of the  
7 status of the case, including the date and time of any subsequent  
8 hearings, and their rights under RCW 13.34.090;

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

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

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

24 (e) Is the placement proposed by the department the least  
25 disruptive and most family-like setting that meets the needs of the  
26 child;

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

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

34 (h) Whether the child is or may be an Indian child as defined in  
35 RCW 13.38.040, whether the provisions of the federal Indian child  
36 welfare act or chapter 13.38 RCW apply, and whether there is  
37 compliance with the federal Indian child welfare act and chapter  
38 13.38 RCW, including notice to the child's tribe;

39 (i) Whether, as provided in RCW 26.44.063, restraining orders, or  
40 orders expelling an allegedly abusive household member from the home

1 of a nonabusive parent, guardian, or legal custodian, will allow the  
2 child to safely remain in the home;

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

8 (k) The terms and conditions for parental, sibling, and family  
9 visitation.

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

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

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

20 (B) (I) Removal of the child is necessary to prevent imminent  
21 physical harm due to child abuse or neglect, including that which  
22 results from sexual abuse, sexual exploitation, a high-potency  
23 synthetic opioid, or a pattern of severe neglect, notwithstanding an  
24 order entered pursuant to RCW 26.44.063. There is a rebuttable  
25 presumption that removal of the child is necessary to prevent  
26 imminent physical harm when a parent's use or possession of a high-  
27 potency synthetic opioid, or failure to protect a child from another  
28 individual's use or possession of a high-potency synthetic opioid,  
29 creates a risk that a child will be exposed to, ingest, inhale, or  
30 have contact with a high-potency synthetic opioid. A parent's promise  
31 to secure high-potency synthetic opioids or use them only when the  
32 child is not in the vicinity is not sufficient to overcome this  
33 presumption. The evidence must show a causal relationship between the  
34 particular conditions in the home and imminent physical harm to the  
35 child. The existence of community or family poverty, isolation,  
36 single parenthood, age of the parent, crowded or inadequate housing,  
37 substance abuse, prenatal drug or alcohol exposure, mental illness,  
38 disability or special needs of the parent or child, or nonconforming  
39 social behavior does not by itself constitute imminent physical  
40 harm(~~(. The court shall give great weight to the lethality of high-~~

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

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

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

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

12 (b) If the court finds that the elements of (a)(ii)(B) of this  
13 subsection require removal of the child, the court shall further  
14 consider:

15 (i) Whether participation by the parents, guardians, or legal  
16 custodians in any prevention services would prevent or eliminate the  
17 need for removal and, if so, shall inquire of the parent whether they  
18 are willing to participate in such services. When a parent's use or  
19 possession of a high-potency synthetic opioid, or failure to protect  
20 a child from another individual's use or possession of a high-potency  
21 synthetic opioid, creates a risk that a child will be exposed to,  
22 ingest, inhale, or have contact with a high-potency synthetic opioid,  
23 prevention services that would prevent or eliminate the need for  
24 removal are only those that are immediately available and provide for  
25 24-hour supervision of the child. If the parent agrees to participate  
26 in the prevention services identified by the court that would prevent  
27 or eliminate the need for removal, the court shall place the child  
28 with the parent. (~~The court shall give great weight to the lethality~~  
29 ~~of high-potency synthetic opioids and public health guidance from the~~  
30 ~~department of health related to high-potency synthetic opioids when~~  
31 ~~deciding whether to place the child with the parent.)) The court  
32 shall not order a parent to participate in prevention services over  
33 the objection of the parent, however, parents shall have the  
34 opportunity to consult with counsel prior to deciding whether to  
35 agree to proposed prevention services as a condition of having the  
36 child return to or remain in the care of the parent; and~~

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

1 (c)(i) If the court does not release the child to his or her  
2 parent, guardian, or legal custodian, the court shall order placement  
3 with a relative or other suitable person as described in RCW  
4 13.34.130(1)(b), unless the petitioner establishes that there is  
5 reasonable cause to believe that:

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

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

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

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

19 (I) Has expressed an interest in becoming a caregiver for the  
20 child;

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

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

24 (IV) Supports reunification of the parent and child once  
25 reunification can safely occur; and

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

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

33 (A) An incomplete department or fingerprint-based background  
34 check, if such relative or other suitable person appears otherwise  
35 suitable and competent to provide care and treatment, but the  
36 background checks must be completed as soon as possible after  
37 placement;

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

1 (C) Disbelief on the part of the relative or other suitable  
2 person that the parent, guardian, or legal custodian presents a  
3 danger to the child, provided the caregiver will protect the safety  
4 of the child and comply with court orders regarding contact with a  
5 parent, guardian, or legal custodian; or

6 (D) The conditions of the relative or other suitable person's  
7 home are not sufficient to satisfy the requirements of a licensed  
8 foster home. The court may order the department to provide financial  
9 or other support to the relative or other suitable person necessary  
10 to ensure safe conditions in the home.

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

16 (e) If the court does not order placement with a relative or  
17 other suitable person, the court shall place the child in licensed  
18 foster care and shall set forth its reasons for the order. If the  
19 court orders placement of the child with a person not related to the  
20 child and not licensed to provide foster care, the placement is  
21 subject to all terms and conditions of this section that apply to  
22 relative placements.

23 (f) Any placement with a relative, or other suitable person  
24 approved by the court pursuant to this section, shall be contingent  
25 upon cooperation with the department's or agency's case plan and  
26 compliance with court orders related to the care and supervision of  
27 the child including, but not limited to, court orders regarding  
28 parent-child contacts, sibling contacts, and any other conditions  
29 imposed by the court. Noncompliance with the case plan or court order  
30 is grounds for removal of the child from the home of the relative or  
31 other suitable person, subject to review by the court.

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

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

38 (ii) Determine whether placement in foster care can meet the  
39 child's needs or if placement in another available placement setting



1 best meets the child's needs in the least restrictive environment;  
2 and

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

5 (h) Uncertainty by a parent, guardian, legal custodian, relative,  
6 or other suitable person that the alleged abuser has in fact abused  
7 the child shall not, alone, be the basis upon which a child is  
8 removed from the care of a parent, guardian, or legal custodian under  
9 (a) of this subsection, nor shall it be a basis, alone, to preclude  
10 placement with a relative or other suitable person under (c) of this  
11 subsection.

12 (i) If the court places with a relative or other suitable person,  
13 and that person has indicated a desire to become a licensed foster  
14 parent, the court shall order the department to commence an  
15 assessment of the home of such relative or other suitable person  
16 within 10 days and thereafter issue an initial license as provided  
17 under RCW 74.15.120 for such relative or other suitable person, if  
18 qualified, as a foster parent. The relative or other suitable person  
19 shall receive a foster care maintenance payment, starting on the date  
20 the department approves the initial license. If such home is found to  
21 be unqualified for licensure, the department shall report such fact  
22 to the court within one week of that determination. The department  
23 shall report on the status of the licensure process during the entry  
24 of any dispositional orders in the case.

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

26 (i) The petitioner shall report to the court, at the shelter care  
27 hearing, the location of the licensed foster placement the petitioner  
28 has identified for the child and the court shall inquire as to  
29 whether:

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

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

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

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

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

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

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

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

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

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

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

11 (A) Failure to comply with court orders while a child is in  
12 shelter care will be considered when determining whether reasonable  
13 efforts have been made by the department during a hearing under RCW  
14 13.34.110; and

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

18 (6) (a) A shelter care order issued pursuant to this section shall  
19 include the requirement for a case conference as provided in RCW  
20 13.34.067. However, if the parent is not present at the shelter care  
21 hearing, or does not agree to the case conference, the court shall  
22 not include the requirement for the case conference in the shelter  
23 care order.

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

28 (c) The court may order another conference, case staffing, or  
29 hearing as an alternative to the case conference required under RCW  
30 13.34.067 so long as the conference, case staffing, or hearing  
31 ordered by the court meets all requirements under RCW 13.34.067,  
32 including the requirement of a written agreement specifying the  
33 services to be provided to the parent.

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

1 (ii) If the court previously ordered that visitation between a  
2 parent and child be supervised or monitored, there shall be a  
3 presumption that such supervision or monitoring will no longer be  
4 necessary following a continued shelter care order under (a)(i) of  
5 this subsection. To overcome this presumption, a party must provide a  
6 report to the court including evidence establishing that removing  
7 visit supervision or monitoring would create a risk to the child's  
8 safety, and the court shall make a determination as to whether visit  
9 supervision or monitoring must continue.

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

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

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

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

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

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

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

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 **Sec. 3.** RCW 13.34.130 and 2024 c 328 s 104 are each amended to  
5 read as follows:

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

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

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

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

35 (ii) The department has the authority to place the child, subject  
36 to review and approval by the court (A) with a relative as defined in  
37 RCW 74.15.020(2)(a), (B) in the home of another suitable person if  
38 the child or family has a preexisting relationship with that person,  
39 and the person has completed all required criminal history background

1 checks and otherwise appears to the department to be suitable and  
2 competent to provide care for the child, or (C) in a foster family  
3 home or group care facility licensed pursuant to chapter 74.15 RCW.

4 (iii) The department may also consider placing the child, subject  
5 to review and approval by the court, with a person with whom the  
6 child's sibling or half-sibling is residing or a person who has  
7 adopted the sibling or half-sibling of the child being placed as long  
8 as the person has completed all required criminal history background  
9 checks and otherwise appears to the department to be competent to  
10 provide care for the child.

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

14 (3) The department may only place a child with a person not  
15 related to the child as defined in RCW 74.15.020(2)(a), including a  
16 placement provided for in subsection (1)(b)(iii) of this section,  
17 when the court finds that such placement is in the best interest of  
18 the child. Unless there is reasonable cause to believe that the  
19 health, safety, or welfare of the child would be jeopardized or that  
20 efforts to reunite the parent and child will be hindered, the child  
21 shall be placed with a person who is willing, appropriate, and  
22 available to care for the child, and who is: (I) Related to the child  
23 as defined in RCW 74.15.020(2)(a) with whom the child has a  
24 relationship and is comfortable; or (II) a suitable person as  
25 described in subsection (1)(b) of this section. The court shall  
26 consider the child's existing relationships and attachments when  
27 determining placement.

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

31 (a) Consider the assessment required under RCW 13.34.420 and  
32 submitted as part of the department's social study, and any related  
33 documentation;

34 (b) Determine whether placement in foster care can meet the  
35 child's needs or if placement in another available placement setting  
36 best meets the child's needs in the least restrictive environment;  
37 and

38 (c) Approve or disapprove the child's placement in the qualified  
39 residential treatment program.

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

4 (6) Placement of the child with a relative or other suitable  
5 person as described in subsection (1)(b) of this section shall be  
6 given preference by the court. An order for out-of-home placement may  
7 be made only if the court finds that reasonable efforts have been  
8 made to prevent or eliminate the need for removal of the child from  
9 the child's home and to make it possible for the child to return  
10 home, specifying the services, including housing assistance, that  
11 have been provided to the child and the child's parent, guardian, or  
12 legal custodian, and that prevention services have been offered or  
13 provided and have failed to prevent the need for out-of-home  
14 placement, unless the health, safety, and welfare of the child cannot  
15 be protected adequately in the home, and that:

16 (a) There is no parent or guardian available to care for such  
17 child. There is a rebuttable presumption that a parent is unavailable  
18 if the parent has deficiencies that jeopardize the child's right to  
19 be nurtured, physical health, mental health, or basic safety,  
20 including that which results from substance abuse or a parent's use  
21 or possession of a high-potency synthetic opioid, or failure to  
22 protect a child from another individual's use or possession of a  
23 high-potency synthetic opioid. A parent's promise to secure high-  
24 potency synthetic opioids or use them only when the child is not in  
25 the vicinity is not sufficient to overcome this presumption;

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

28 (c) The court finds, by clear, cogent, and convincing evidence, a  
29 manifest danger exists that the child will suffer serious abuse or  
30 neglect if the child is not removed from the home and an order under  
31 RCW 26.44.063 would not protect the child from danger. (~~The court~~  
32 ~~shall give great weight to the lethality of high-potency synthetic~~  
33 ~~opioids and public health guidance from the department of health~~  
34 ~~related to high-potency synthetic opioids, including fentanyl, when~~  
35 ~~deciding whether a manifest danger exists.)) There is a rebuttable  
36 presumption that removal of the child is necessary and a manifest  
37 danger exists that the child will suffer serious abuse or neglect  
38 when a parent's use or possession of a high-potency synthetic opioid,  
39 or failure to protect a child from another individual's use or  
40 possession of a high-potency synthetic opioid, creates a risk that a~~

1 child will be exposed to, ingest, inhale, or have contact with a high  
2 potency synthetic opioid. A parent's promise to secure high-potency  
3 synthetic opioids or use them only when the child is not in the  
4 vicinity is not sufficient to overcome this presumption.

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

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

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

15 (ii) There is no reasonable cause to believe that the health,  
16 safety, or welfare of any child subject to the order of placement,  
17 contact, or visitation would be jeopardized or that efforts to  
18 reunite the parent and child would be hindered by such placement,  
19 contact, or visitation. In no event shall parental visitation time be  
20 reduced in order to provide sibling visitation.

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

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

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

35 (10) If there is insufficient information at the time of the  
36 disposition hearing upon which to base a determination regarding the  
37 suitability of a proposed placement with a relative or other suitable  
38 person, the child shall remain in foster care and the court shall  
39 direct the department to conduct necessary background investigations  
40 as provided in chapter 74.15 RCW and report the results of such

1 investigation to the court within thirty days. However, if such  
2 relative or other person appears otherwise suitable and competent to  
3 provide care and treatment, the criminal history background check  
4 need not be completed before placement, but as soon as possible after  
5 placement. Any placements with relatives or other suitable persons,  
6 pursuant to this section, shall be contingent upon cooperation by the  
7 relative or other suitable person with the agency case plan and  
8 compliance with court orders related to the care and supervision of  
9 the child including, but not limited to, court orders regarding  
10 parent-child contacts, sibling contacts, and any other conditions  
11 imposed by the court. Noncompliance with the case plan or court order  
12 shall be grounds for removal of the child from the relative's or  
13 other suitable person's home, subject to review by the court.

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