
SENATE BILL 6109

State of Washington**68th Legislature****2024 Regular Session****By** Senators C. Wilson and Boehnke

1 AN ACT Relating to supporting children, families, and child
2 welfare workers by improving services and clarifying the child
3 removal process in circumstances involving high-potency synthetic
4 opioids; amending RCW 13.34.050, 26.44.050, 26.44.056, 26.44.030, and
5 2.56.230; reenacting and amending RCW 13.34.065 and 74.14B.005;
6 adding a new section to chapter 74.13 RCW; adding new sections to
7 chapter 74.14B RCW; adding new sections to chapter 43.216 RCW; adding
8 a new section to chapter 41.05 RCW; adding a new section to chapter
9 43.330 RCW; and creating a new section.

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

11 NEW SECTION. **Sec. 1.** (1) The legislature finds that fentanyl
12 and other highly potent synthetic opioids pose a unique and growing
13 threat to the safety of children in Washington state. The legislature
14 further finds that state action is necessary to prevent critical
15 incidents and death of vulnerable children in the wake of the
16 fentanyl epidemic statewide.

17 (2) The legislature recognizes that Engrossed Second Substitute
18 House Bill No. 1227 was enacted in 2021 and took full effect July 1,
19 2023. In enacting Engrossed Second Substitute House Bill No. 1227,
20 the legislature stated that it found that children and families are
21 better served when the state provides support to allow children to be

1 cared for by loved ones and in their own communities. The legislature
2 renews and reaffirms this intent and also recognizes the
3 unprecedented risk of fatality to children posed by the presence or
4 exposure to fentanyl and other highly potent synthetic opioids.

5 (3) The legislature intends to provide clarity to judges, social
6 workers, advocates, and families and direct guidance about the safety
7 threat that highly potent synthetic opioids pose to vulnerable
8 children. The legislature declares that the presence or exposure of
9 highly potent synthetic opioids should be given great weight in
10 determining whether a child is in imminent physical harm as a result
11 of abuse or neglect.

12 (4) The legislature recognizes the challenges for recovery and
13 rehabilitation regarding opioid use and resolves to increase services
14 and supports. The legislature further resolves to increase training
15 and resources for state and judicial employees to accomplish their
16 mission and goals in a safe and effective manner.

17 **PART I**

18 **HIGH-POTENCY SYNTHETIC OPIOIDS AND CHILDREN**

19 **Sec. 101.** RCW 13.34.050 and 2021 c 211 s 6 are each amended to
20 read as follows:

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

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

1 (i) Sexual abuse;

2 (ii) Sexual exploitation;

3 (iii) Presence of a high-potency synthetic opioid in the home or
4 exposure of the child to a high-potency synthetic opioid; or

5 (iv) A pattern of severe neglect.

6 (c) The court shall give great weight to the presence of a
7 high-potency synthetic opioid in the home or exposure of the child by
8 a parent, guardian, or legal custodian to a high-potency synthetic
9 opioid, which may require removal of the child to prevent imminent
10 physical harm due to child abuse or neglect. When evaluating whether
11 the presence of a high-potency synthetic opioid in the home or
12 exposure of the child by a parent, guardian, or legal custodian to a
13 high-potency synthetic opioid necessitates removal of the child, the
14 court shall consider the following factors:

15 (i) Age of the child or children in the home;

16 (ii) Whether the child is particularly vulnerable given the
17 child's medical or developmental conditions; and

18 (iii) The risk of accidental ingestion or inhalation.

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

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

34 **Sec. 102.** RCW 13.34.065 and 2021 c 211 s 9, 2021 c 208 s 1, and
35 2021 c 67 s 4 are each reenacted and amended to read as follows:

36 (1)(a) When a child is removed or when the petitioner is seeking
37 the removal of a child from the child's parent, guardian, or legal
38 custodian, the court shall hold a shelter care hearing within 72
39 hours, excluding Saturdays, Sundays, and holidays. The primary

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (j) Whether any orders for examinations, evaluations, or
23 immediate services are needed. The court may not order a parent to
24 undergo examinations, evaluation, or services at the shelter care
25 hearing unless the parent agrees to the examination, evaluation, or
26 service;

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

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

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

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

39 (B) (I) Removal of the child is necessary to prevent imminent
40 physical harm due to child abuse or neglect, including that which

1 results from sexual abuse, sexual exploitation, or a pattern of
2 severe neglect, notwithstanding an order entered pursuant to RCW
3 26.44.063. The evidence must show a causal relationship between the
4 particular conditions in the home and imminent physical harm to the
5 child. The existence of community or family poverty, isolation,
6 single parenthood, age of the parent, crowded or inadequate housing,
7 substance abuse, prenatal drug or alcohol exposure, mental illness,
8 disability or special needs of the parent or child, or nonconforming
9 social behavior does not by itself constitute imminent physical harm.
10 The court shall give great weight to the presence of a high-potency
11 synthetic opioid in the home or exposure of the child by a parent,
12 guardian, or legal custodian to a high-potency synthetic opioid,
13 which may require removal of the child to prevent imminent physical
14 harm due to child abuse or neglect. When evaluating whether the
15 presence of a high-potency synthetic opioid in the home or exposure
16 of the child by a parent, guardian, or legal custodian to a high-
17 potency synthetic opioid necessitates removal of the child, the court
18 shall consider the following factors: (1) Age of the child or
19 children in the home; (2) whether the child is particularly
20 vulnerable given the child's medical or developmental conditions; and
21 (3) the risk of accidental ingestion or inhalation;

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 physical harm to the child outweighs the harm the
26 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 participation by the parents, guardians, or legal
33 custodians in any prevention services would prevent or eliminate the
34 need for removal and, if so, shall inquire of the parent whether they
35 are willing to participate in such services. If the parent agrees to
36 participate in the prevention services identified by the court that
37 would prevent or eliminate the need for removal, the court shall
38 place the child with the parent. The court shall not order a parent
39 to participate in prevention services over the objection of the
40 parent, however, parents shall have the opportunity to consult with

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

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

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

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

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

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

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

24 (I) Has expressed an interest in becoming a caregiver for the
25 child;

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

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

29 (IV) Supports reunification of the parent and child once
30 reunification can safely occur; and

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

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

38 (A) An incomplete department or fingerprint-based background
39 check, if such relative or other suitable person appears otherwise
40 suitable and competent to provide care and treatment, but the

1 background checks must be completed as soon as possible after
2 placement;

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (i) The petitioner shall report to the court, at the shelter care
32 hearing, the location of the licensed foster placement the petitioner
33 has identified for the child and the court shall inquire as to
34 whether:

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

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

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

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

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

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

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

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

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

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

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

16 (A) Failure to comply with court orders while a child is in
17 shelter care will be considered when determining whether reasonable
18 efforts have been made by the department during a hearing under RCW
19 13.34.110; and

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

23 (6) (a) A shelter care order issued pursuant to this section shall
24 include the requirement for a case conference as provided in RCW
25 13.34.067. However, if the parent is not present at the shelter care
26 hearing, or does not agree to the case conference, the court shall
27 not include the requirement for the case conference in the shelter
28 care order.

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

33 (c) The court may order another conference, case staffing, or
34 hearing as an alternative to the case conference required under RCW
35 13.34.067 so long as the conference, case staffing, or hearing
36 ordered by the court meets all requirements under RCW 13.34.067,
37 including the requirement of a written agreement specifying the
38 services to be provided to the parent.

39 (7) (a) (i) A shelter care order issued pursuant to this section
40 may be amended at any time with notice and hearing thereon. The

1 shelter care decision of placement shall be modified only upon a
2 showing of change in circumstances. No child may be placed in shelter
3 care for longer than thirty days without an order, signed by the
4 judge, authorizing continued shelter care.

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

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

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

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

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

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

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

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

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

7 **Sec. 103.** RCW 26.44.050 and 2021 c 211 s 5 are each amended to
8 read as follows:

9 (1) Except as provided in RCW 26.44.030(12), upon the receipt of
10 a report alleging that abuse or neglect has occurred, the law
11 enforcement agency or the department must investigate and provide the
12 protective services section with a report in accordance with chapter
13 74.13 RCW, and where necessary to refer such report to the court.

14 (2) A law enforcement officer may take, or cause to be taken, a
15 child into custody without a court order if there is probable cause
16 to believe that taking the child into custody is necessary to prevent
17 imminent physical harm to the child due to child abuse or neglect(~~(7~~
18 ~~including that which results from sexual abuse, sexual exploitation,~~
19 ~~or a pattern of severe neglect,~~)) and the child would be seriously
20 injured or could not be taken into custody if it were necessary to
21 first obtain a court order pursuant to RCW 13.34.050. The law
22 enforcement agency or the department investigating such a report is
23 hereby authorized to photograph such a child for the purpose of
24 providing documentary evidence of the physical condition of the
25 child.

26 (3) The child abuse or neglect establishing the basis for a
27 determination of imminent physical harm under subsection (2) of this
28 section may include, but is not limited to, child abuse or neglect
29 resulting from:

30 (a) Sexual abuse;

31 (b) Sexual exploitation;

32 (c) Presence of a high-potency synthetic opioid in the home or
33 exposure of the child to a high-potency synthetic opioid; or

34 (d) A pattern of severe neglect.

35 **Sec. 104.** RCW 26.44.056 and 2021 c 211 s 4 are each amended to
36 read as follows:

37 (1) (a) An administrator of a hospital or similar institution or
38 any physician, licensed pursuant to chapters 18.71 or 18.57 RCW, may

1 detain a child without consent of a person legally responsible for
2 the child whether or not medical treatment is required, if there is
3 probable cause to believe that detaining the child is necessary to
4 prevent imminent physical harm to the child due to child abuse or
5 neglect (~~(, including that which results from sexual abuse, sexual~~
6 ~~exploitation, or a pattern of severe neglect,)~~) and the child would
7 be seriously injured or could not be taken into custody if it were
8 necessary to first obtain a court order under RCW 13.34.050:
9 PROVIDED, That such administrator or physician shall notify or cause
10 to be notified the appropriate law enforcement agency or child
11 protective services pursuant to RCW 26.44.040. Such notification
12 shall be made as soon as possible and in no case longer than
13 (~~seventy-two~~) 72 hours. Such temporary protective custody by an
14 administrator or doctor shall not be deemed an arrest. Child
15 protective services may detain the child until the court assumes
16 custody, but in no case longer than (~~seventy-two~~) 72 hours,
17 excluding Saturdays, Sundays, and holidays.

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

22 (i) Sexual abuse;

23 (ii) Sexual exploitation;

24 (iii) Presence of a high-potency synthetic opioid in the home or
25 exposure of the child to a high-potency synthetic opioid; or

26 (iv) A pattern of severe neglect.

27 (2) A child protective services employee, an administrator,
28 doctor, or law enforcement officer shall not be held liable in any
29 civil action for the decision for taking the child into custody, if
30 done in good faith under this section.

31 **Sec. 105.** RCW 26.44.030 and 2019 c 172 s 6 are each amended to
32 read as follows:

33 (1) (a) When any practitioner, county coroner or medical examiner,
34 law enforcement officer, professional school personnel, registered or
35 licensed nurse, social service counselor, psychologist, pharmacist,
36 employee of the department of children, youth, and families, licensed
37 or certified child care providers or their employees, employee of the
38 department of social and health services, juvenile probation officer,
39 placement and liaison specialist, responsible living skills program

1 staff, HOPE center staff, state family and children's ombuds or any
2 volunteer in the (~~ombuds's~~) ombuds' office, or host home program
3 has reasonable cause to believe that a child has suffered abuse or
4 neglect, he or she shall report such incident, or cause a report to
5 be made, to the proper law enforcement agency or to the department as
6 provided in RCW 26.44.040.

7 (b) When any person, in his or her official supervisory capacity
8 with a nonprofit or for-profit organization, has reasonable cause to
9 believe that a child has suffered abuse or neglect caused by a person
10 over whom he or she regularly exercises supervisory authority, he or
11 she shall report such incident, or cause a report to be made, to the
12 proper law enforcement agency, provided that the person alleged to
13 have caused the abuse or neglect is employed by, contracted by, or
14 volunteers with the organization and coaches, trains, educates, or
15 counsels a child or children or regularly has unsupervised access to
16 a child or children as part of the employment, contract, or voluntary
17 service. No one shall be required to report under this section when
18 he or she obtains the information solely as a result of a privileged
19 communication as provided in RCW 5.60.060.

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

22 For the purposes of this subsection, the following definitions
23 apply:

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

30 (ii) "Organization" includes a sole proprietor, partnership,
31 corporation, limited liability company, trust, association, financial
32 institution, governmental entity, other than the federal government,
33 and any other individual or group engaged in a trade, occupation,
34 enterprise, governmental function, charitable function, or similar
35 activity in this state whether or not the entity is operated as a
36 nonprofit or for-profit entity.

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

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

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

5 (c) The reporting requirement also applies to department of
6 corrections personnel who, in the course of their employment, observe
7 offenders or the children with whom the offenders are in contact. If,
8 as a result of observations or information received in the course of
9 his or her employment, any department of corrections personnel has
10 reasonable cause to believe that a child has suffered abuse or
11 neglect, he or she shall report the incident, or cause a report to be
12 made, to the proper law enforcement agency or to the department as
13 provided in RCW 26.44.040.

14 (d) The reporting requirement shall also apply to any adult who
15 has reasonable cause to believe that a child who resides with them,
16 has suffered severe abuse, and is able or capable of making a report.
17 For the purposes of this subsection, "severe abuse" means any of the
18 following: Any single act of abuse that causes physical trauma of
19 sufficient severity that, if left untreated, could cause death; any
20 single act of sexual abuse that causes significant bleeding, deep
21 bruising, or significant external or internal swelling; or more than
22 one act of physical abuse, each of which causes bleeding, deep
23 bruising, significant external or internal swelling, bone fracture,
24 or unconsciousness.

25 (e) The reporting requirement also applies to guardians ad litem,
26 including court-appointed special advocates, appointed under Titles
27 11 and 13 RCW and this title, who in the course of their
28 representation of children in these actions have reasonable cause to
29 believe a child has been abused or neglected.

30 (f) The reporting requirement in (a) of this subsection also
31 applies to administrative and academic or athletic department
32 employees, including student employees, of institutions of higher
33 education, as defined in RCW 28B.10.016, and of private institutions
34 of higher education.

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

39 (2) The reporting requirement of subsection (1) of this section
40 does not apply to the discovery of abuse or neglect that occurred

1 during childhood if it is discovered after the child has become an
2 adult. However, if there is reasonable cause to believe other
3 children are or may be at risk of abuse or neglect by the accused,
4 the reporting requirement of subsection (1) of this section does
5 apply.

6 (3) Any other person who has reasonable cause to believe that a
7 child has suffered abuse or neglect may report such incident to the
8 proper law enforcement agency or to the department as provided in RCW
9 26.44.040.

10 (4) The department, upon receiving a report of an incident of
11 alleged abuse or neglect pursuant to this chapter, involving a child
12 who has died or has had physical injury or injuries inflicted upon
13 him or her other than by accidental means or who has been subjected
14 to alleged sexual abuse, shall report such incident to the proper law
15 enforcement agency, including military law enforcement, if
16 appropriate. In emergency cases, where the child's welfare is
17 endangered, the department shall notify the proper law enforcement
18 agency within twenty-four hours after a report is received by the
19 department. In all other cases, the department shall notify the law
20 enforcement agency within seventy-two hours after a report is
21 received by the department. If the department makes an oral report, a
22 written report must also be made to the proper law enforcement agency
23 within five days thereafter.

24 (5) Any law enforcement agency receiving a report of an incident
25 of alleged abuse or neglect pursuant to this chapter, involving a
26 child who has died or has had physical injury or injuries inflicted
27 upon him or her other than by accidental means, or who has been
28 subjected to alleged sexual abuse, shall report such incident in
29 writing as provided in RCW 26.44.040 to the proper county prosecutor
30 or city attorney for appropriate action whenever the law enforcement
31 agency's investigation reveals that a crime may have been committed.
32 The law enforcement agency shall also notify the department of all
33 reports received and the law enforcement agency's disposition of
34 them. In emergency cases, where the child's welfare is endangered,
35 the law enforcement agency shall notify the department within twenty-
36 four hours. In all other cases, the law enforcement agency shall
37 notify the department within seventy-two hours after a report is
38 received by the law enforcement agency.

39 (6) Any county prosecutor or city attorney receiving a report
40 under subsection (5) of this section shall notify the victim, any

1 persons the victim requests, and the local office of the department,
2 of the decision to charge or decline to charge a crime, within five
3 days of making the decision.

4 (7) The department may conduct ongoing case planning and
5 consultation with those persons or agencies required to report under
6 this section, with consultants designated by the department, and with
7 designated representatives of Washington Indian tribes if the client
8 information exchanged is pertinent to cases currently receiving child
9 protective services. Upon request, the department shall conduct such
10 planning and consultation with those persons required to report under
11 this section if the department determines it is in the best interests
12 of the child. Information considered privileged by statute and not
13 directly related to reports required by this section must not be
14 divulged without a valid written waiver of the privilege.

15 (8) Any case referred to the department by a physician licensed
16 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
17 opinion that child abuse, neglect, or sexual assault has occurred and
18 that the child's safety will be seriously endangered if returned
19 home, the department shall file a dependency petition unless a second
20 licensed physician of the parents' choice believes that such expert
21 medical opinion is incorrect. If the parents fail to designate a
22 second physician, the department may make the selection. If a
23 physician finds that a child has suffered abuse or neglect but that
24 such abuse or neglect does not constitute imminent danger to the
25 child's health or safety, and the department agrees with the
26 physician's assessment, the child may be left in the parents' home
27 while the department proceeds with reasonable efforts to remedy
28 parenting deficiencies.

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

33 (10) Upon receiving a report that a child is a candidate for
34 foster care as defined in RCW 26.44.020, the department may provide
35 prevention and family services and programs to the child's parents,
36 guardian, or caregiver. The department may not be held civilly liable
37 for the decision regarding whether to provide prevention and family
38 services and programs, or for the provision of those services and
39 programs, for a child determined to be a candidate for foster care.

1 (11) Upon receiving a report of alleged abuse or neglect, the
2 department shall make reasonable efforts to learn the name, address,
3 and telephone number of each person making a report of abuse or
4 neglect under this section. The department shall provide assurances
5 of appropriate confidentiality of the identification of persons
6 reporting under this section. If the department is unable to learn
7 the information required under this subsection, the department shall
8 only investigate cases in which:

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

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

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

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

20 (i) Investigation; or

21 (ii) Family assessment.

22 (b) In making the response in (a) of this subsection the
23 department shall:

24 (i) Use a method by which to assign cases to investigation or
25 family assessment which are based on an array of factors that may
26 include the presence of: Imminent danger, level of risk, number of
27 previous child abuse or neglect reports, or other presenting case
28 characteristics, such as the type of alleged maltreatment and the age
29 of the alleged victim. Age of the alleged victim shall not be used as
30 the sole criterion for determining case assignment;

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

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

35 (iv) Provide a full investigation if a family refuses the initial
36 family assessment;

37 (v) Provide voluntary services to families based on the results
38 of the initial family assessment. If a family refuses voluntary
39 services, and the department cannot identify specific facts related
40 to risk or safety that warrant assignment to investigation under this

1 chapter, and there is not a history of reports of child abuse or
2 neglect related to the family, then the department must close the
3 family assessment response case. However, if at any time the
4 department identifies risk or safety factors that warrant an
5 investigation under this chapter, then the family assessment response
6 case must be reassigned to investigation;

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

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

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

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

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

18 (E) The child is an adjudicated dependent child as defined in RCW
19 13.34.030, or the child is in a facility that is licensed, operated,
20 or certified for care of children by the department under chapter
21 74.15 RCW.

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

27 (i) A child who is a candidate for foster care, as defined in RCW
28 26.44.020; and

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

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

36 (13)(a) For reports of alleged abuse or neglect that are accepted
37 for investigation by the department, the investigation shall be
38 conducted within time frames established by the department in rule.
39 In no case shall the investigation extend longer than ninety days
40 from the date the report is received, unless the investigation is

1 being conducted under a written protocol pursuant to RCW 26.44.180
2 and a law enforcement agency or prosecuting attorney has determined
3 that a longer investigation period is necessary. At the completion of
4 the investigation, the department shall make a finding that the
5 report of child abuse or neglect is founded or unfounded.

6 (b) If a court in a civil or criminal proceeding, considering the
7 same facts or circumstances as are contained in the report being
8 investigated by the department, makes a judicial finding by a
9 preponderance of the evidence or higher that the subject of the
10 pending investigation has abused or neglected the child, the
11 department shall adopt the finding in its investigation.

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

14 (a) Provide the family with a written explanation of the
15 procedure for assessment of the child and the family and its
16 purposes;

17 (b) Collaborate with the family to identify family strengths,
18 resources, and service needs, and develop a service plan with the
19 goal of reducing risk of harm to the child and improving or restoring
20 family well-being;

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

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

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

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

36 (e) Implement the family assessment response in a consistent and
37 cooperative manner;

38 (f) Have the parent or guardian agree to participate in services
39 before services are initiated. The department shall inform the
40 parents of their rights under family assessment response, all of

1 their options, and the options the department has if the parents do
2 not agree to participate in services.

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

5 (i) May interview children. If the department determines that the
6 response to the allegation will be family assessment response, the
7 preferred practice is to request a parent's, guardian's, or
8 custodian's permission to interview the child before conducting the
9 child interview unless doing so would compromise the safety of the
10 child or the integrity of the assessment. The interviews may be
11 conducted on school premises, at day-care facilities, at the child's
12 home, or at other suitable locations outside of the presence of
13 parents. If the allegation is investigated, parental notification of
14 the interview must occur at the earliest possible point in the
15 investigation that will not jeopardize the safety or protection of
16 the child or the course of the investigation. Prior to commencing the
17 interview the department or law enforcement agency shall determine
18 whether the child wishes a third party to be present for the
19 interview and, if so, shall make reasonable efforts to accommodate
20 the child's wishes. Unless the child objects, the department or law
21 enforcement agency shall make reasonable efforts to include a third
22 party in any interview so long as the presence of the third party
23 will not jeopardize the course of the investigation; and

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

26 (b) The Washington state school directors' association shall
27 adopt a model policy addressing protocols when an interview, as
28 authorized by this subsection, is conducted on school premises. In
29 formulating its policy, the association shall consult with the
30 department and the Washington association of sheriffs and police
31 chiefs.

32 (16) If a report of alleged abuse or neglect is founded and
33 constitutes the third founded report received by the department
34 within the last twelve months involving the same child or family, the
35 department shall promptly notify the office of the family and
36 children's ombuds of the contents of the report. The department shall
37 also notify the ombuds of the disposition of the report.

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

1 (18)(a) The department shall maintain investigation records and
2 conduct timely and periodic reviews of all founded cases of abuse and
3 neglect. The department shall maintain a log of screened-out
4 nonabusive cases.

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

9 (19)(a) The department shall use a risk assessment process when
10 investigating alleged child abuse and neglect referrals. The
11 department shall present the risk factors at all hearings in which
12 the placement of a dependent child is an issue. Substance abuse must
13 be a risk factor.

14 (b)(i) The department shall develop and make available to
15 department staff a high-potency synthetic opioid-specific risk
16 assessment tool to be used by department staff to determine the
17 appropriate safety measures to take when investigating alleged child
18 abuse and neglect referrals when high-potency synthetic opioid use or
19 the presence of high-potency synthetic opioids is suspected or
20 confirmed.

21 (ii) The department may use an existing risk assessment instead
22 of developing a high-potency synthetic opioid-specific risk
23 assessment tool if the existing risk assessment includes the safety
24 measures as described in (b)(i) of this subsection.

25 (c) The department shall also make available to department staff
26 high-potency synthetic opioid testing strips that can detect the
27 presence of high-potency synthetic opioids that may be used when
28 investigating alleged child abuse and neglect referrals and otherwise
29 as appropriate.

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

34 (21) Upon receiving a report of alleged abuse or neglect
35 involving a child under the court's jurisdiction under chapter 13.34
36 RCW, the department shall promptly notify the child's guardian ad
37 litem of the report's contents. The department shall also notify the
38 guardian ad litem of the disposition of the report. For purposes of
39 this subsection, "guardian ad litem" has the meaning provided in RCW
40 13.34.030.

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

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

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

23 **PART II**
24 **SERVICES FOR FAMILIES**

25 NEW SECTION. **Sec. 201.** A new section is added to chapter 74.13
26 RCW to read as follows:

27 Subject to the availability of amounts appropriated for this
28 specific purpose, the department shall establish a pilot program to
29 include third-party safety plan participants and public health nurses
30 in child protective services safety planning. The pilot program
31 established in this section must:

32 (1) Include contracts in up to four department offices for third-
33 party safety plan participants and public health nurses to support
34 child protective services workers in safety planning; and

35 (2) Provide support for cases involving high-potency synthetic
36 opioids in families who do not have natural supports to aid in safety
37 planning.

1 **Sec. 202.** RCW 2.56.230 and 2008 c 279 s 2 are each amended to
2 read as follows:

3 (1) A superior court may apply for grants from the family and
4 juvenile court improvement grant program by submitting a local
5 improvement plan with the administrator for the courts. To be
6 eligible for grant funds, a superior court's local improvement plan
7 must meet the criteria developed by the administrator for the courts
8 and approved by the board for judicial administration. The criteria
9 must be consistent with the principles adopted for unified family
10 courts. At a minimum, the criteria must require that the court's
11 local improvement plan meet the following requirements:

12 (a) Commit to a chief judge assignment to the family and juvenile
13 court for a minimum of two years;

14 (b) Implementation of the principle of one judicial team hearing
15 all of the proceedings in a case involving one family, especially in
16 dependency cases;

17 (c) Require court commissioners and judges assigned to family and
18 juvenile court to receive a minimum of thirty hours specialized
19 training in topics related to family and juvenile matters within six
20 months of assuming duties in family and juvenile court. Where
21 possible, courts should utilize local, statewide, and national
22 training forums. A judicial officer's recorded educational history
23 may be applied toward the thirty-hour requirement. The topics for
24 training must include:

25 (i) Parentage;

26 (ii) Adoption;

27 (iii) Domestic relations;

28 (iv) Dependency and termination of parental rights;

29 (v) Child development;

30 (vi) The impact of child abuse and neglect;

31 (vii) Domestic violence;

32 (viii) Substance abuse;

33 (ix) Mental health;

34 (x) Juvenile status offenses;

35 (xi) Juvenile offenders;

36 (xii) Self-representation issues;

37 (xiii) Cultural competency;

38 (xiv) Roles of family and juvenile court judges and
39 commissioners;

1 (xv) The risk and danger presented to children and youth by
2 high-potency synthetic opioids; and

3 (xvi) The legal standards for removal of a child based on abuse
4 or neglect; and

5 (d) As part of the application for grant funds, submit a spending
6 proposal detailing how the superior court would use the grant funds.

7 (2) Courts receiving grant money must use the funds to improve
8 and support family and juvenile court operations based on standards
9 developed by the administrator for the courts and approved by the
10 board for judicial administration. The standards may allow courts to
11 use the funds to:

12 (a) Pay for family and juvenile court training of commissioners
13 and judges or pay for pro tem commissioners and judges to assist the
14 court while the commissioners and judges receive training;

15 (b) Pay for the training of other professionals involved in child
16 welfare court proceedings including, but not limited to, attorneys
17 and guardians ad litem;

18 (c) Increase judicial and nonjudicial staff, including
19 administrative staff to improve case coordination and referrals in
20 family and juvenile cases, guardian ad litem volunteers or
21 court-appointed special advocates, security, and other staff;

22 ~~((e))~~ (d) Improve the court facility to better meet the needs
23 of children and families;

24 ~~((d))~~ (e) Improve referral and treatment options for court
25 participants, including enhancing court facilitator programs and
26 family treatment court and increasing the availability of alternative
27 dispute resolution;

28 ~~((e))~~ (f) Enhance existing family and children support services
29 funded by the courts and expand access to social service programs for
30 families and children ordered by the court; and

31 ~~((f))~~ (g) Improve or support family and juvenile court
32 operations in any other way deemed appropriate by the administrator
33 for the courts.

34 (3) The administrator for the courts shall allocate available
35 grant moneys based upon the needs of the court as expressed in their
36 local improvement plan.

37 (4) Money received by the superior court under this program must
38 be used to supplement, not supplant, any other local, state, and
39 federal funds for the court.

1 (5) Upon receipt of grant funds, the superior court shall submit
2 to the administrator for the courts a spending plan detailing the use
3 of funds. At the end of the fiscal year, the superior court shall
4 submit to the administrator for the courts a financial report
5 comparing the spending plan to actual expenditures. The administrator
6 for the courts shall compile the financial reports and submit them to
7 the appropriate committees of the legislature.

8 **Sec. 203.** RCW 74.14B.005 and 2019 c 470 s 18 and 2019 c 64 s 26
9 are each reenacted and amended to read as follows:

10 The definitions in this section apply throughout this chapter
11 unless the context clearly requires otherwise.

12 (1) "Child welfare worker" means an employee of the department
13 whose job includes supporting or providing child welfare services as
14 defined in RCW 74.13.020 or child protective services as defined in
15 RCW 26.44.020.

16 (2) "Department" means the department of children, youth, and
17 families.

18 ((+2)) (3) "Secretary" means the secretary of the department of
19 children, youth, and families.

20 NEW SECTION. **Sec. 204.** A new section is added to chapter 74.14B
21 RCW to read as follows:

22 (1) A child welfare worker who is required to respond to a
23 private home or other private location to provide services to,
24 monitor, or investigate a family may make a request to their
25 supervisor to be accompanied by a second trained individual when the
26 child welfare worker has concerns that violence could occur based on
27 a family member's history of violence.

28 (2) When a request is made under subsection (1) of this section,
29 the department shall arrange for a second trained individual to
30 accompany the child welfare worker unless it is not possible to
31 fulfill the request under the circumstances.

32 (3) The second trained individual that may accompany a child
33 welfare worker under this section may be:

34 (a) A law enforcement officer;

35 (b) A mental health professional;

36 (c) A first responder, such as a firefighter or emergency medical
37 personnel;

38 (d) A public health nurse; or

1 (e) An employee of the department who is trained as a child
2 welfare worker and acts in a supervisory capacity with respect to
3 other child welfare workers.

4 (4) No retaliation may be taken against a child welfare worker
5 for requesting that a second trained individual accompany them in
6 providing services to, monitoring, or investigating a family.

7 NEW SECTION. **Sec. 205.** A new section is added to chapter 43.216
8 RCW to read as follows:

9 Subject to the availability of amounts appropriated for this
10 specific purpose, the department shall establish a pilot program for
11 contracted child care slots for infants in child protective services
12 in locales with the historically highest rates of child welfare
13 screened-in intake due to the exposure or presence of high-potency
14 synthetic opioids in the home, which may be used as part of a safety
15 plan.

16 NEW SECTION. **Sec. 206.** A new section is added to chapter 43.216
17 RCW to read as follows:

18 (1) Home visiting established by RCW 43.216.130 has been shown to
19 enhance child development and well-being by reducing the incidence of
20 child abuse and neglect, promoting connection to community-based
21 supports, and increasing school readiness for young children and
22 their families.

23 (2) Subject to the availability of amounts appropriated for this
24 specific purpose, the department shall enter into targeted contracts
25 with existing home visiting programs established by RCW 43.216.130 in
26 locales with the historically highest rates of child welfare
27 screened-in intake to serve up to 150 families.

28 (3) Targeted contracted home visiting slots for families
29 experiencing high-potency synthetic opioid-related substance use
30 disorder promotes expedited access to supports that enhance
31 strengthened parenting skills and allows home visiting providers to
32 have predictable funding. Any targeted contracted slots the
33 department creates under this section must meet the requirements as
34 provided for in this act.

35 (4) Only existing home visiting providers are eligible to be
36 awarded targeted contracted slots. The targeted contracted slots are
37 reserved for programs in locales with the historically highest rates
38 of child welfare screened-in intakes.

1 (5) The department shall provide training specific to substance
2 use disorders for the home visiting providers selected for this
3 program.

4 (6) Families referred to home visiting services via the process
5 established in subsection (8) of this section must be contacted by
6 the contracted program within seven days of referral.

7 (7) The department shall award the contracted slots via a
8 competitive process. The department shall pay providers for each
9 targeted contracted slot using the rate established by the
10 department.

11 (8) Eligible families shall be referred to the targeted
12 contracted slots through a referral process developed by the
13 department. The referral process shall include referrals from the
14 department's child welfare staff as well as community organizations
15 working with families meeting the criteria established in subsection
16 (9) of this section.

17 (9) Priority for targeted contracted home visiting slots shall be
18 given to:

- 19 (a) Families with child protective services open cases;
- 20 (b) Families with family assessment response open cases; and
- 21 (c) Families with family voluntary services open cases.

22 NEW SECTION. **Sec. 207.** A new section is added to chapter 43.216
23 RCW to read as follows:

24 Subject to the availability of amounts appropriated for this
25 specific purpose, the department shall fund therapeutic support for
26 children three to five years old in the child welfare system due to
27 the exposure or presence of high-potency synthetic opioids in the
28 home.

29 NEW SECTION. **Sec. 208.** A new section is added to chapter 43.216
30 RCW to read as follows:

31 Subject to the availability of amounts appropriated for this
32 specific purpose, the department shall establish a pilot program to
33 connect pregnant people with high-potency synthetic opioid-related
34 substance use disorders in screened-out referrals to community-based
35 resources and supports. This pilot program shall offer voluntary
36 prevention services aimed at reducing child placements in out-of-home
37 care. The department shall implement this pilot program in at least
38 eight counties.

1 NEW SECTION. **Sec. 209.** A new section is added to chapter 74.14B
2 RCW to read as follows:

3 Subject to the availability of amounts appropriated for this
4 specific purpose, the department shall implement and maintain a
5 program that provides support to child welfare workers from public
6 health nurses. The support provided by public health nurses under
7 this section must include supporting child welfare workers in:

8 (1) Engaging and communicating with families about the risks of
9 high-potency synthetic opioids and child health and safety practices;

10 (2) Developing standardized risk assessment procedures related to
11 high-potency synthetic opioids; and

12 (3) Determining the level of risk presented to a child or
13 children in specific cases.

14 NEW SECTION. **Sec. 210.** A new section is added to chapter 41.05
15 RCW to read as follows:

16 (1) Subject to the availability of amounts appropriated for this
17 specific purpose, the authority shall establish a substance use
18 disorder inpatient program that specializes in treating pregnant and
19 parenting women using a family preservation model.

20 (2) The authority shall contract for the services authorized in
21 this section with behavioral health entities in a manner that allows
22 leveraging of federal medicaid funds to pay for a portion of the
23 costs. Funding provided under this section may be used for documented
24 start-up costs including the recruitment, hiring, and training of
25 staff.

26 (3) The authority shall consult with the department of children,
27 youth, and families in the implementation of the program authorized
28 under this section.

29 (4) Entities contracted to provide services authorized in this
30 section must allow families to reside together while a parent is
31 receiving treatment.

32 NEW SECTION. **Sec. 211.** A new section is added to chapter 43.330
33 RCW to read as follows:

34 Subject to the availability of amounts appropriated for this
35 specific purpose, the department shall establish a grant program that
36 provides grant funding to a nonprofit organization to provide
37 supports, including behavioral health resources, housing services,
38 and parenting education, to parents with substance use disorders in

1 order to reduce the need for foster care placement or to shorten the
2 time that children remain in out-of-home care when placement is
3 necessary. The grant recipient must be a nonprofit organization that
4 provides a parent-child assistance program and focuses on building
5 parenting skills and confidence to ensure children have safe and
6 healthy childhoods.

7 NEW SECTION. **Sec. 212.** A new section is added to chapter 43.216
8 RCW to read as follows:

9 (1) Subject to the availability of amounts appropriated for this
10 specific purpose, four legal liaison positions shall be established
11 within the department to work with both the department and the office
12 of the attorney general for the purpose of assisting with the
13 preparation of child abuse and neglect court cases involving
14 allegations of high-potency synthetic opioids.

15 (2) (a) The workload of the legal liaisons shall be geographically
16 divided to reflect where the highest risk and most vulnerable high-
17 potency synthetic opioid-related child abuse and neglect cases are
18 filed.

19 (b) For the purpose of this subsection, "highest risk" and "most
20 vulnerable" are determined by the age of the child and whether the
21 child is particularly vulnerable given the child's medical or
22 developmental conditions.

23 (3) The department may determine the necessary qualifications for
24 the legal liaison positions established in this section.

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