
SUBSTITUTE SENATE BILL 6109

State of Washington

68th Legislature

2024 Regular Session

By Senate Human Services (originally sponsored by Senators C. Wilson, Boehnke, Braun, Gildon, Hasegawa, Kuderer, Liiias, Lovelett, Lovick, Nguyen, Nobles, Saldaña, Short, Warnick, and J. Wilson)

READ FIRST TIME 01/23/24.

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, and 2.56.230;
5 reenacting and amending RCW 13.34.065, 13.34.030, 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; and creating a new section.

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

10 NEW SECTION. **Sec. 1.** (1) The legislature finds that fentanyl
11 and other highly potent synthetic opioids pose a unique and growing
12 threat to the safety of children in Washington state. The legislature
13 finds that since 2018 there has been a significant increase in the
14 number of child fatalities involving fentanyl within 12 months of the
15 family's involvement in the child welfare system. The legislature
16 further finds that state action is necessary to prevent critical
17 incidents and death of vulnerable children in the wake of the
18 fentanyl epidemic statewide.

19 (2) The legislature recognizes that Engrossed Second Substitute
20 House Bill No. 1227 was enacted in 2021 and took full effect July 1,
21 2023. In enacting Engrossed Second Substitute House Bill No. 1227,

1 the legislature stated that it found that children and families are
2 better served when the state provides support to allow children to be
3 cared for by loved ones and in their own communities. The legislature
4 renews and reaffirms this intent and also recognizes the
5 unprecedented risk of fatality to children posed by the presence or
6 exposure to fentanyl and other highly potent synthetic opioids. The
7 legislature finds that even in very small quantities, high-potency
8 synthetic opioids may be lethal to a child.

9 (3) The legislature intends to provide clarity to judges, social
10 workers, advocates, and families and direct guidance about the risk
11 of lethality that high-potency synthetic opioids pose to children.
12 The legislature declares that endangerment with high-potency
13 synthetic opioids may necessitate removal of a child to prevent
14 imminent physical harm due to child abuse or neglect.

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

20 **PART I**

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

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

24 (1) (a) The court may enter an order directing a law enforcement
25 officer, probation counselor, or child protective services official
26 to take a child into custody if: ~~((a))~~ (i) A petition is filed with
27 the juvenile court with sufficient corroborating evidence to
28 establish that the child is dependent; ~~((b))~~ (ii) the allegations
29 contained in the petition, if true, establish that there are
30 reasonable grounds to believe that removal is necessary to prevent
31 imminent physical harm to the child due to child abuse or neglect ~~((7~~
32 ~~including that which results from sexual abuse, sexual exploitation,~~
33 ~~or a pattern of severe neglect)); and ~~((c))~~ (iii) an affidavit or
34 declaration is filed by the department in support of the petition
35 setting forth specific factual information evidencing insufficient
36 time to serve a parent with a dependency petition and hold a hearing
37 prior to removal.~~

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

5 (i) Sexual abuse;

6 (ii) Sexual exploitation;

7 (iii) A pattern of severe neglect; or

8 (iv) Endangerment with high-potency synthetic opioids.

9 Endangerment with high-potency synthetic opioids occurs when a
10 parent, guardian, or legal custodian knowingly or intentionally
11 creates a risk that a child will be harmed from exposure, ingestion,
12 inhalation, or contact with high-potency synthetic opioids. When
13 evaluating whether endangerment with high-potency synthetic opioids
14 necessitates removal of the child to prevent imminent physical harm
15 due to child abuse or neglect, the court shall consider at a minimum
16 the following factors:

17 (A) Public health guidelines and best practices;

18 (B) Age of the child or children in the home; and

19 (C) Whether the child is particularly vulnerable given the
20 child's medical or developmental conditions.

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

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

36 **Sec. 102.** RCW 13.34.065 and 2021 c 211 s 9, 2021 c 208 s 1, and
37 2021 c 67 s 4 are each reenacted and amended to read as follows:

38 (1)(a) When a child is removed or when the petitioner is seeking
39 the removal of a child from the child's parent, guardian, or legal

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

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

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

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

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

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

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

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

1 (iii) If the parent, guardian, or custodian is not represented by
2 counsel, the right to be represented. If the parent, guardian, or
3 custodian is indigent, the court shall appoint counsel as provided in
4 RCW 13.34.090; and

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

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

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

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

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

37 (d) What services were provided to the family to prevent or
38 eliminate the need for removal of the child from the child's home. If
39 the dependency petition or other information before the court alleges
40 that experiencing homelessness or the lack of suitable housing was a

1 significant factor contributing to the removal of the child, the
2 court shall inquire as to whether housing assistance was provided to
3 the family to prevent or eliminate the need for removal of the child
4 or children;

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

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

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

15 (h) Whether the child is or may be an Indian child as defined in
16 RCW 13.38.040, whether the provisions of the federal Indian child
17 welfare act or chapter 13.38 RCW apply, and whether there is
18 compliance with the federal Indian child welfare act and chapter
19 13.38 RCW, including notice to the child's tribe;

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

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

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

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

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

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

1 (B)(I) Removal of the child is necessary to prevent imminent
2 physical harm due to child abuse or neglect, including that which
3 results from sexual abuse, sexual exploitation, (~~(e)~~) a pattern of
4 severe neglect, or endangerment with high-potency synthetic opioids
5 as described in RCW 13.34.050, notwithstanding an order entered
6 pursuant to RCW 26.44.063. The evidence must show a causal
7 relationship between the particular conditions in the home and
8 imminent physical harm to the child. The existence of community or
9 family poverty, isolation, single parenthood, age of the parent,
10 crowded or inadequate housing, substance abuse, prenatal drug or
11 alcohol exposure, mental illness, disability or special needs of the
12 parent or child, or nonconforming social behavior does not by itself
13 constitute imminent physical harm;

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

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

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

21 (b) If the court finds that the elements of (a)(ii)(B) of this
22 subsection require removal of the child, the court shall further
23 consider:

24 (i) Whether participation by the parents, guardians, or legal
25 custodians in any prevention services would prevent or eliminate the
26 need for removal and, if so, shall inquire of the parent whether they
27 are willing to participate in such services. If the parent agrees to
28 participate in the prevention services identified by the court that
29 would prevent or eliminate the need for removal, the court shall
30 place the child with the parent. The court shall not order a parent
31 to participate in prevention services over the objection of the
32 parent, however, parents shall have the opportunity to consult with
33 counsel prior to deciding whether to agree to proposed prevention
34 services as a condition of having the child return to or remain in
35 the care of the parent; and

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

39 (c)(i) If the court does not release the child to his or her
40 parent, guardian, or legal custodian, the court shall order placement

1 with a relative or other suitable person as described in RCW
2 13.34.130(1)(b), unless the petitioner establishes that there is
3 reasonable cause to believe that:

4 (A) Placement in licensed foster care is necessary to prevent
5 imminent physical harm to the child due to child abuse or neglect,
6 including that which results from sexual abuse, sexual exploitation,
7 ((~~or~~)) a pattern of severe neglect, or endangerment with high-potency
8 synthetic opioids as described in RCW 13.34.050, because no relative
9 or other suitable person is capable of ensuring the basic safety of
10 the child; or

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

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

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

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

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

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

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

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

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

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

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

39 (C) Disbelief on the part of the relative or other suitable
40 person that the parent, guardian, or legal custodian presents a

1 danger to the child, provided the caregiver will protect the safety
2 of the child and comply with court orders regarding contact with a
3 parent, guardian, or legal custodian; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (6) (a) A shelter care order issued pursuant to this section shall
16 include the requirement for a case conference as provided in RCW
17 13.34.067. However, if the parent is not present at the shelter care
18 hearing, or does not agree to the case conference, the court shall
19 not include the requirement for the case conference in the shelter
20 care order.

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

25 (c) The court may order another conference, case staffing, or
26 hearing as an alternative to the case conference required under RCW
27 13.34.067 so long as the conference, case staffing, or hearing
28 ordered by the court meets all requirements under RCW 13.34.067,
29 including the requirement of a written agreement specifying the
30 services to be provided to the parent.

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

37 (ii) If the court previously ordered that visitation between a
38 parent and child be supervised or monitored, there shall be a
39 presumption that such supervision or monitoring will no longer be
40 necessary following a continued shelter care order under (a) (i) of

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

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

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

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

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

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

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

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

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

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

1 (1) Except as provided in RCW 26.44.030(12), upon the receipt of
2 a report alleging that abuse or neglect has occurred, the law
3 enforcement agency or the department must investigate and provide the
4 protective services section with a report in accordance with chapter
5 74.13 RCW, and where necessary to refer such report to the court.

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

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

22 (a) Sexual abuse;

23 (b) Sexual exploitation;

24 (c) A pattern of severe neglect; or

25 (d) Endangerment with high-potency synthetic opioids as described
26 in RCW 13.34.050.

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

29 (1)(a) An administrator of a hospital or similar institution or
30 any physician, licensed pursuant to chapters 18.71 or 18.57 RCW, may
31 detain a child without consent of a person legally responsible for
32 the child whether or not medical treatment is required, if there is
33 probable cause to believe that detaining the child is necessary to
34 prevent imminent physical harm to the child due to child abuse or
35 neglect(~~(~~
36 ~~including that which results from sexual abuse, sexual~~
37 ~~exploitation, or a pattern of severe neglect,~~) and the child would
38 be seriously injured or could not be taken into custody if it were
39 necessary to first obtain a court order under RCW 13.34.050:
PROVIDED, That such administrator or physician shall notify or cause

1 to be notified the appropriate law enforcement agency or child
2 protective services pursuant to RCW 26.44.040. Such notification
3 shall be made as soon as possible and in no case longer than
4 (~~seventy-two~~) 72 hours. Such temporary protective custody by an
5 administrator or doctor shall not be deemed an arrest. Child
6 protective services may detain the child until the court assumes
7 custody, but in no case longer than (~~seventy-two~~) 72 hours,
8 excluding Saturdays, Sundays, and holidays.

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

13 (i) Sexual abuse;

14 (ii) Sexual exploitation;

15 (iii) A pattern of severe neglect; or

16 (iv) Endangerment with high-potency synthetic opioids as
17 described in RCW 13.34.050.

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

22 **Sec. 105.** RCW 13.34.030 and 2021 c 304 s 1 and 2021 c 67 s 2 are
23 each reenacted and amended to read as follows:

24 The definitions in this section apply throughout this chapter
25 unless the context clearly requires otherwise.

26 (1) "Abandoned" means when the child's parent, guardian, or other
27 custodian has expressed, either by statement or conduct, an intent to
28 forego, for an extended period, parental rights or responsibilities
29 despite an ability to exercise such rights and responsibilities. If
30 the court finds that the petitioner has exercised due diligence in
31 attempting to locate the parent, no contact between the child and the
32 child's parent, guardian, or other custodian for a period of three
33 months creates a rebuttable presumption of abandonment, even if there
34 is no expressed intent to abandon.

35 (2) "Child," "juvenile," and "youth" mean:

36 (a) Any individual under the age of eighteen years; or

37 (b) Any individual age eighteen to twenty-one years who is
38 eligible to receive and who elects to receive the extended foster
39 care services authorized under RCW 74.13.031. A youth who remains

1 dependent and who receives extended foster care services under RCW
2 74.13.031 shall not be considered a "child" under any other statute
3 or for any other purpose.

4 (3) "Current placement episode" means the period of time that
5 begins with the most recent date that the child was removed from the
6 home of the parent, guardian, or legal custodian for purposes of
7 placement in out-of-home care and continues until: (a) The child
8 returns home; (b) an adoption decree, a permanent custody order, or
9 guardianship order is entered; or (c) the dependency is dismissed,
10 whichever occurs first.

11 (4) "Department" means the department of children, youth, and
12 families.

13 (5) "Dependency guardian" means the person, nonprofit
14 corporation, or Indian tribe appointed by the court pursuant to this
15 chapter for the limited purpose of assisting the court in the
16 supervision of the dependency.

17 (6) "Dependent child" means any child who:

18 (a) Has been abandoned;

19 (b) Is abused or neglected as defined in chapter 26.44 RCW by a
20 person legally responsible for the care of the child;

21 (c) Has no parent, guardian, or custodian capable of adequately
22 caring for the child, such that the child is in circumstances which
23 constitute a danger of substantial damage to the child's
24 psychological or physical development; or

25 (d) Is receiving extended foster care services, as authorized by
26 RCW 74.13.031.

27 (7) "Developmental disability" means a disability attributable to
28 intellectual disability, cerebral palsy, epilepsy, autism, or another
29 neurological or other condition of an individual found by the
30 secretary of the department of social and health services to be
31 closely related to an intellectual disability or to require treatment
32 similar to that required for individuals with intellectual
33 disabilities, which disability originates before the individual
34 attains age eighteen, which has continued or can be expected to
35 continue indefinitely, and which constitutes a substantial limitation
36 to the individual.

37 (8) "Educational liaison" means a person who has been appointed
38 by the court to fulfill responsibilities outlined in RCW 13.34.046.

39 (9) "Experiencing homelessness" means lacking a fixed, regular,
40 and adequate nighttime residence, including circumstances such as

1 sharing the housing of other persons due to loss of housing, economic
2 hardship, fleeing domestic violence, or a similar reason as described
3 in the federal McKinney-Vento homeless assistance act (Title 42
4 U.S.C., chapter 119, subchapter I) as it existed on January 1, 2021.

5 (10) "Extended foster care services" means residential and other
6 support services the department is authorized to provide under RCW
7 74.13.031. These services may include placement in licensed,
8 relative, or otherwise approved care, or supervised independent
9 living settings; assistance in meeting basic needs; independent
10 living services; medical assistance; and counseling or treatment.

11 (11) "Guardian" means the person or agency that: (a) Has been
12 appointed as the guardian of a child in a legal proceeding, including
13 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the
14 legal right to custody of the child pursuant to such appointment. The
15 term "guardian" does not include a "dependency guardian" appointed
16 pursuant to a proceeding under this chapter.

17 (12) "Guardian ad litem" means a person, appointed by the court
18 to represent the best interests of a child in a proceeding under this
19 chapter, or in any matter which may be consolidated with a proceeding
20 under this chapter. A "court-appointed special advocate" appointed by
21 the court to be the guardian ad litem for the child, or to perform
22 substantially the same duties and functions as a guardian ad litem,
23 shall be deemed to be guardian ad litem for all purposes and uses of
24 this chapter.

25 (13) "Guardian ad litem program" means a court-authorized
26 volunteer program, which is or may be established by the superior
27 court of the county in which such proceeding is filed, to manage all
28 aspects of volunteer guardian ad litem representation for children
29 alleged or found to be dependent. Such management shall include but
30 is not limited to: Recruitment, screening, training, supervision,
31 assignment, and discharge of volunteers.

32 (14) "Guardianship" means a guardianship pursuant to chapter
33 13.36 RCW or a limited guardianship of a minor pursuant to RCW
34 11.130.215 or equivalent laws of another state or a federally
35 recognized Indian tribe.

36 (15) "High-potency synthetic opioids" means illegally produced
37 synthetic opioids classified as a schedule I or II controlled
38 substance or controlled substance analog in chapter 69.50 RCW and
39 federal law or listed by the pharmacy quality assurance commission in
40 rule including, but not limited to, fentanyl.

1 ~~(16)~~ (16) "Housing assistance" means appropriate referrals by the
2 department or other agencies to federal, state, local, or private
3 agencies or organizations, assistance with forms, applications, or
4 financial subsidies or other monetary assistance for housing. For
5 purposes of this chapter, "housing assistance" is not a remedial
6 service or family reunification service as described in RCW
7 13.34.025(2).

8 ~~((16))~~ (17) "Indigent" means a person who, at any stage of a
9 court proceeding, is:

10 (a) Receiving one of the following types of public assistance:
11 Temporary assistance for needy families, aged, blind, or disabled
12 assistance benefits, medical care services under RCW 74.09.035,
13 pregnant women assistance benefits, poverty-related veterans'
14 benefits, food stamps or food stamp benefits transferred
15 electronically, refugee resettlement benefits, medicaid, or
16 supplemental security income; or

17 (b) Involuntarily committed to a public mental health facility;
18 or

19 (c) Receiving an annual income, after taxes, of one hundred
20 twenty-five percent or less of the federally established poverty
21 level; or

22 (d) Unable to pay the anticipated cost of counsel for the matter
23 before the court because his or her available funds are insufficient
24 to pay any amount for the retention of counsel.

25 ~~((17))~~ (18) "Nonminor dependent" means any individual age
26 eighteen to twenty-one years who is participating in extended foster
27 care services authorized under RCW 74.13.031.

28 ~~((18))~~ (19) "Out-of-home care" means placement in a foster
29 family home or group care facility licensed pursuant to chapter 74.15
30 RCW or placement in a home, other than that of the child's parent,
31 guardian, or legal custodian, not required to be licensed pursuant to
32 chapter 74.15 RCW.

33 ~~((19))~~ (20) "Parent" means the biological or adoptive parents
34 of a child, or an individual who has established a parent-child
35 relationship under RCW 26.26A.100, unless the legal rights of that
36 person have been terminated by a judicial proceeding pursuant to this
37 chapter, chapter 26.33 RCW, or the equivalent laws of another state
38 or a federally recognized Indian tribe.

39 ~~((20))~~ (21) "Prevention and family services and programs" means
40 specific mental health prevention and treatment services, substance

1 abuse prevention and treatment services, and in-home parent skill-
2 based programs that qualify for federal funding under the federal
3 family first prevention services act, P.L. 115-123. For purposes of
4 this chapter, prevention and family services and programs are not
5 remedial services or family reunification services as described in
6 RCW 13.34.025(2).

7 ~~((21))~~ (22) "Prevention services" means preservation services,
8 as defined in chapter 74.14C RCW, and other reasonably available
9 services, including housing assistance, capable of preventing the
10 need for out-of-home placement while protecting the child. Prevention
11 services include, but are not limited to, prevention and family
12 services and programs as defined in this section.

13 ~~((22))~~ (23) "Qualified residential treatment program" means a
14 program that meets the requirements provided in RCW 13.34.420,
15 qualifies for funding under the family first prevention services act
16 under 42 U.S.C. Sec. 672(k), and, if located within Washington state,
17 is licensed as a group care facility under chapter 74.15 RCW.

18 ~~((23))~~ (24) "Relative" includes persons related to a child in
19 the following ways:

20 (a) Any blood relative, including those of half-blood, and
21 including first cousins, second cousins, nephews or nieces, and
22 persons of preceding generations as denoted by prefixes of grand,
23 great, or great-great;

24 (b) Stepfather, stepmother, stepbrother, and stepsister;

25 (c) A person who legally adopts a child or the child's parent as
26 well as the natural and other legally adopted children of such
27 persons, and other relatives of the adoptive parents in accordance
28 with state law;

29 (d) Spouses of any persons named in (a), (b), or (c) of this
30 subsection, even after the marriage is terminated;

31 (e) Relatives, as named in (a), (b), (c), or (d) of this
32 subsection, of any half sibling of the child; or

33 (f) Extended family members, as defined by the law or custom of
34 the Indian child's tribe or, in the absence of such law or custom, a
35 person who has reached the age of eighteen and who is the Indian
36 child's grandparent, aunt or uncle, brother or sister, brother-in-law
37 or sister-in-law, niece or nephew, first or second cousin, or
38 stepparent who provides care in the family abode on a twenty-four
39 hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4).

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

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

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

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

23 (i) Parentage;

24 (ii) Adoption;

25 (iii) Domestic relations;

26 (iv) Dependency and termination of parental rights;

27 (v) Child development;

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

29 (vii) Domestic violence;

30 (viii) Substance abuse;

31 (ix) Mental health;

32 (x) Juvenile status offenses;

33 (xi) Juvenile offenders;

34 (xii) Self-representation issues;

35 (xiii) Cultural competency;

36 (xiv) Roles of family and juvenile court judges and
37 commissioners;

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

1 (xvi) The legal standards for removal of a child pursuant to RCW
2 13.34.065 and 13.34.130; and

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

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

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

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

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

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

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

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

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

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

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

38 (5) Upon receipt of grant funds, the superior court shall submit
39 to the administrator for the courts a spending plan detailing the use
40 of funds. At the end of the fiscal year, the superior court shall

1 submit to the administrator for the courts a financial report
2 comparing the spending plan to actual expenditures. The administrator
3 for the courts shall compile the financial reports and submit them to
4 the appropriate committees of the legislature.

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

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

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

13 (2) "Department" means the department of children, youth, and
14 families.

15 (~~(2)~~) (3) "Secretary" means the secretary of the department of
16 children, youth, and families.

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

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

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

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

31 (a) A law enforcement officer;

32 (b) A mental health professional;

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

35 (d) A public health nurse; or

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

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

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

6 Subject to the availability of amounts appropriated for this
7 specific purpose, the department shall establish a pilot program for
8 contracted child care slots for infants in child protective services
9 in locales with historically high rates of child welfare screened-in
10 intake where parental substance use disorder was a factor in the
11 case.

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

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

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

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

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

35 (5) The department shall provide training specific to substance
36 use disorders for the home visiting providers selected for this
37 program.

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

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

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

14 (9) Priority for targeted contracted home visiting slots shall be
15 given to:

- 16 (a) Families with child protective services open cases;
- 17 (b) Families with family assessment response open cases; and
- 18 (c) Families with family voluntary services open cases.

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

21 Subject to the availability of amounts appropriated for this
22 specific purpose, the department shall establish a pilot program to
23 connect pregnant people with high-potency synthetic opioid-related
24 substance use disorders in screened-out referrals to community-based
25 resources and supports. This pilot program shall offer voluntary
26 prevention services aimed at reducing child placements in out-of-home
27 care. The department shall implement this pilot program in at least
28 eight counties.

29 NEW SECTION. **Sec. 208.** A new section is added to chapter 74.14B
30 RCW to read as follows:

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

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

1 (2) Determining the level of risk presented to a child or
2 children in specific cases.

3 NEW SECTION. **Sec. 209.** A new section is added to chapter 41.05
4 RCW to read as follows:

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

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

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

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

21 NEW SECTION. **Sec. 210.** A new section is added to chapter 43.216
22 RCW to read as follows:

23 (1) Subject to the availability of amounts appropriated for this
24 specific purpose, four legal liaison positions shall be established
25 within the department to work with both the department and the office
26 of the attorney general for the purpose of assisting with the
27 preparation of dependency court cases involving allegations of high-
28 potency synthetic opioids.

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

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

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

--- **END** ---