

SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

FORTY FOURTH DAY

House Chamber, Olympia, Tuesday, February 20, 2024

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

HOUSE BILL NO. 1895  
HOUSE BILL NO. 1950

The Speaker called upon Representative Orwall to preside.

**RESOLUTION**

**HOUSE RESOLUTION NO. 2024-4674**, by Representatives Jinkins, Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, and Wylie

WHEREAS, Congressman Derek Kilmer brought his dedication and an unwavering sense of duty to the United States house of representatives and the Washington state legislature; and

WHEREAS, Born and raised in Port Angeles to parents who were educators, Kilmer saw families losing jobs during the timber crisis and developed a lifelong interest in boosting rural economies; and

WHEREAS, After receiving his bachelor's degree from Princeton and doctorate from Oxford, he put his education to work as a lawmaker, focusing on building a better economy in timber and farm country, improving education, and protecting the waterways in Washington; and

WHEREAS, Kilmer represented the 26th legislative district in the Washington state house of representatives from 2005 until he joined the Washington state senate in 2007; and

WHEREAS, Kilmer faithfully represented Washington in the United States Congress, serving six terms in the United States house of representatives as a member of appropriations, the interior and environment subcommittee, defense subcommittee, and energy and water development subcommittee; and

WHEREAS, During his time as a lawmaker, Kilmer founded the Puget Sound recovery caucus, which brought more focus to restoring the region's waters; and

WHEREAS, Kilmer's reputation of being a fair and committed representative was well-known by the time he decided to run for Congress, with The Seattle Times dubbing Kilmer as, "a problem-solver who can be bi-partisan" and The News Tribune praising Kilmer for having an impressive understanding of business, job growth, and economic progress as a whole; and

WHEREAS, He chaired the select committee on the modernization of Congress, which passed more than 200 bipartisan recommendations to reform the budget process and improve staffing, civility, and collaboration; and

WHEREAS, Kilmer also served as co-chair of the bipartisan working group, a coalition of lawmakers from both parties working

to reduce partisanship and forge consensus on issues facing all our communities; and

WHEREAS, He received the Teddy Roosevelt courage award for his work on political reform and the bipartisan policy center's legislative action award for his commitment to building relationships and making Congress function for the people of the United States; and

WHEREAS, Kilmer created a new federal program, RECOMPETE, which will send \$1 billion to rural communities around the country, including here in Washington, and the program saw the highest number of applications of any economic development administration program in national history;

NOW, THEREFORE, BE IT RESOLVED, That the Washington state house of representatives recognize and honor Derek Kilmer for his service to our state and to our nation.

With the consent of the House, HOUSE RESOLUTION NO. 4674 was adopted.

**RESOLUTION**

**HOUSE RESOLUTION NO. 2024-4675**, by Representative McClintock

WHEREAS, The tradition of recognizing excellence within law enforcement ranks underscores the commitment to service and community protection, celebrating those who embody leadership, dedication, compassion, and hard work; and

WHEREAS, Deputy Rocky Futrell has set a high standard of service, becoming a paragon among peers and a valued member of the Clark County Sheriff's Office through his exemplary qualities and contributions; and

WHEREAS, Honored as the Deputy of the Year for 2023, Deputy Futrell's unwavering commitment and exceptional service to the community and his colleagues have been rightfully acknowledged and celebrated; and

WHEREAS, His roles as a Patrol Deputy, Field Training Officer, and Peer Support Team Member have significantly enhanced the morale and capabilities of the Office, showcasing his dedication and expertise; and

WHEREAS, Leading the Unnamed Aircraft Systems (UAS) Unit, Deputy Futrell oversaw 100 deployments, playing a pivotal role in the success of SWAT missions and critical incidents, thereby ensuring the safety and well-being of the community; and

WHEREAS, His adeptness in drone piloting led to more than 30 car recoveries and earned recognition for innovative use of technology in law enforcement, significantly impacting operational success and community safety; and

WHEREAS, His contributions to recruitment and social media outreach have bolstered community engagement and the operational efficiency of the Office, further demonstrating his multifaceted contributions; and

WHEREAS, Deputy Futrell's unwavering devotion to his roles as a dedicated husband and father exemplifies the depth of his character, reflecting a level of commitment and compassion that parallels his professional achievements and positively impacts the lives of his family and community;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and commend Deputy Rocky Futrell for his outstanding service, leadership, and dedication, acknowledging his significant achievements as the 2023 Deputy of the Year and expressing deep appreciation for his invaluable role within the Clark County Sheriff's Office and the community; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Deputy Rocky Futrell ensuring that the

recognition of his exemplary service and achievements is duly noted and celebrated.

With the consent of the House, HOUSE RESOLUTION NO. 4675 was adopted.

### RESOLUTION

**HOUSE RESOLUTION NO. 2024-4676**, by Representatives Chandler and Sandlin

WHEREAS, The National Park Service on January 3, 2024, placed the Filipino Hall of the Yakima Valley on the National Register of Historic Places, following the Washington State Department of Archaeology and Historic Preservation placement of the Hall on the Washington State Register of Historic Places in September 2023; and

WHEREAS, The Filipino American National Historical Society has declared that the Filipino Hall of the Yakima Valley is the first such community hall built "from the ground up" expressly for the purpose of being a Filipino Community Hall; and

WHEREAS, The Filipino Hall of the Yakima Valley located in Wapato continues to be a place for gathering, a place for safety, and a beacon for organizing, for families of the Yakima Valley, the State of Washington, and the Pacific Northwest; and

WHEREAS, Filipinos first entered the Yakima Valley in the 1910's, arriving in the United States seeking opportunities in "the land of milk and honey" and faced institutional and personal hardships; and

WHEREAS, The first anti-Filipino riots in the United States occurred in the Yakima Valley in 1927, and Filipinos were challenged by hostility: Anti-Alien Land and Anti-Miscegenation Laws, little immigration of Filipino women, the beginning of the Great Depression, and other obstacles; and

WHEREAS, The Filipino Hall of the Yakima Valley was started in 1948 and had its Grand Opening on March 22, 1952; and

WHEREAS, The Yakima Valley was the home of legendary Filipino American Washingtonians including Roy Baldoz, Harry Bucsit, Julius Ruiz, Carlos Bulosan, Pedro Batin, Lorena Bucsit Silva, and Reynaldo Pascua; and

WHEREAS, The State of Washington has permanently declared October as Filipino American History Month;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize with pleasure the designation of the Filipino Hall of the Yakima Valley on the National Register of Historic Places; and

BE IT FURTHER RESOLVED, That the Washington State House of Representatives call upon all citizens of the State to join in celebrating the said designation; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be forwarded to the Filipino American Community of the Yakima Valley, to Rey Pascua, Trustee of the Filipino American Historical Society and Emeritus Commissioner of the Commission on Asian Pacific American Affairs, to Maricres Castro of Tacoma, Immigration and Refugee Affairs Commissioner for the City of Tacoma, and Allen Acosta of Olympia, Veterans Affairs Advocate, for distribution to Asian American and Pacific Islander organizations, governmental agencies, historical and higher education institutions, and the Superintendent of Public Instruction.

With the consent of the House, HOUSE RESOLUTION NO. 4676 was adopted.

There being no objection, the House advanced to the third order of business.

### MESSAGE FROM THE SENATE

Monday, February 19, 2024

Mme. Speaker:

The Senate has passed:

HOUSE BILL NO. 1895

HOUSE BILL NO. 1950

and the same are herewith transmitted.

Sarah Bannister, Secretary

There being no objection, the House advanced to the fifth order of business.

### REPORTS OF STANDING COMMITTEES

February 16, 2024

2ESSB 5150 Prime Sponsor, Agriculture, Water, Natural Resources & Parks: Concerning the beef commission's levied assessment. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 16.67.120 and 2002 c 313 s 83 are each amended to read as follows:

(1) There is hereby levied an assessment of ~~((one dollar))~~ up to \$2.50 per head to be implemented as prescribed in subsection (2) of this section on all Washington cattle sold in this state or elsewhere to be paid by the seller at the time of sale: PROVIDED, That if such sale is accompanied by a brand inspection by the department such an assessment may be collected at the same time, place and in the same manner as brand inspection fees. Such fees may be collected by the livestock ~~((services division))~~ identification program of the department and transmitted to the commission: PROVIDED FURTHER, That, if such sale is made without a brand inspection by the department the assessment shall be paid by the seller and transmitted directly to the commission by the ~~((fifteenth))~~ 15th day of the month following the month the transaction occurred.

(2) (a) Beginning July 1, 2024, the assessment must be \$1.50 per head. \$0.50 of the \$1.50 assessment levied under this subsection may not be collected at the first point of sale of any calf identified with a green tag as identified in RCW 16.57.160.

(b) Beginning January 1, 2025, the assessment must be \$2.00 per head. \$1.00 of the \$2.00 assessment levied under this subsection may not be collected at the first point of sale of any calf identified with a green tag as identified in RCW 16.57.160.

(c) Beginning January 1, 2026, the assessment must be \$2.50 per head. \$1.50 of the \$2.50 assessment levied under this subsection may not be collected at the first point of sale of any calf identified with a green tag as identified in RCW 16.57.160.

(3) The procedures for collecting all state and federal assessments under this chapter shall be as required by the federal order and as described by rules adopted by the commission.

(4) The commission shall hold meetings in different geographic regions of the state throughout the year, with at least two meetings held east of the crest of the Cascade mountains. Geographic regions must

include the northeast, southeast, central southwest, and northwest regions of the state.

**NEW SECTION. Sec. 2.** A new section is added to chapter 16.67 RCW to read as follows:

The commission may fund, conduct, or otherwise participate in scientific research related to beef including, without limitation, to improve production, quality, transportation, processing, distribution, and environmental stewardship.

**NEW SECTION. Sec. 3.** A new section is added to chapter 16.67 RCW to read as follows:

(1) Of the assessments levied in RCW 16.67.120, a producer or owner of cattle from whom an assessment is collected, except for assessments collected at the first point of sale of green tag calves not subject to the assessment increases provided in RCW 16.67.120(2), has the right to request a refund of not more than \$1.00 per head beginning July 1, 2024, not more than \$1.50 per head beginning January 1, 2025, and not more than \$2.00 per head beginning January 1, 2026. Refund requests must be mailed to the commission within 90 calendar days of the assessment.

(2) The commission must process the requested refunds on a calendar quarterly basis. Any refund request that is received by the commission less than 15 days from the end of the calendar quarter must be paid at the end of the next quarter.

**Sec. 4.** RCW 16.67.200 and 2017 c 256 s 5 are each amended to read as follows:

(1) The budget required in RCW 16.67.090(8) must set forth the complete and detailed financial program of the commission, showing the revenues and expenditures of the commission. The budget must be explanatory, describing how the funding is used to administer and implement the commission's programs and priorities, and include the reasons for salient changes from the previous fiscal period in expenditure or revenue items. The budget must explain any major changes to financial policy and contain an outline of the proposed financial policies of the commission for the ensuing fiscal period and describe performance indicators that demonstrate measurable progress toward the commission's priorities.

(2) The budget must be sufficiently detailed to provide transparency for the commission's actions on behalf of the industry.

(3) The commission must submit to the legislature, in compliance with RCW 43.01.036, a concise yet detailed report of the commission's activities and expenditures after the completion of each fiscal year. The report must include an accounting of assessments collected pursuant to RCW 16.67.120 for the previous fiscal year, including a record of the amount collected, the amount spent, and the purposes for which the funds were used.

Correct the title.

Signed by Representatives Chapman, Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Kloba; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Appropriations

February 16, 2024

ESSB 5690

Prime Sponsor, Human Services: Concerning conditional release transition teams. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 10.77.110 and 2000 c 94 s 14 are each amended to read as follows:

(1) If a defendant is acquitted of a crime by reason of insanity, and it is found that he or she is not a substantial danger to other persons, and does not present a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, the court shall direct the defendant's release. If it is found that such defendant is a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, the court shall order his or her hospitalization, or any appropriate alternative treatment less restrictive than detention in a state mental hospital, pursuant to the terms of this chapter.

(2) If the defendant has been found not guilty by reason of insanity and a substantial danger, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, so as to require treatment then the secretary shall immediately cause the defendant to be evaluated to ascertain if the defendant ~~((is developmentally disabled))~~ has a developmental disability. When appropriate, and subject to available funds, the defendant may be committed to a program specifically reserved for the treatment and training of ~~((developmentally disabled))~~ persons with developmental disabilities. A person so committed shall receive habilitation services according to an individualized service plan specifically developed to treat the behavior which was the subject of the criminal proceedings. The treatment program shall be administered by developmental disabilities professionals and others trained specifically in the needs of ~~((developmentally disabled))~~ persons with developmental disabilities. The treatment program shall provide physical security to a degree consistent with the finding that the defendant is dangerous and may incorporate varying conditions of security and alternative sites when the dangerousness of any particular defendant makes this necessary. The department may limit

admissions to this specialized program in order to ensure that expenditures for services do not exceed amounts appropriated by the legislature and allocated by the department for such services. The department may establish admission priorities in the event that the number of eligible persons exceeds the limits set by the department.

(3) If it is found that such defendant is not a substantial danger to other persons, and does not present a substantial likelihood of committing criminal acts jeopardizing public safety or security, but that he or she is in need of control by the court or other persons or institutions, the court shall direct the defendant's conditional release to a less restrictive alternative under conditions that satisfy the minimum requirements of RCW 10.77.150 and 10.77.175.

**Sec. 2.** RCW 10.77.010 and 2023 c 453 s 2 and 2023 c 120 s 5 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Admission" means acceptance based on medical necessity, of a person as a patient.

(2) "Authority" means the Washington state health care authority.

(3) "Clinical intervention specialist" means a licensed professional with prescribing authority who is employed by or contracted with the department to provide direct services, enhanced oversight and monitoring of the behavioral health status of in-custody defendants who have been referred for evaluation or restoration services related to competency to stand trial and who coordinate treatment options with forensic navigators, the department, and jail health services.

(4) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less-restrictive setting.

(5) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025.

(6) "Conditional release" means modification of a court-ordered commitment, which may be revoked upon violation of any of its terms. A conditional release includes partial conditional release where a person continues inpatient at a department institution or facility designated to provide treatment for persons acquitted as not guilty by reason of insanity under RCW 10.77.150, or conditional release to a less restrictive setting that meets the minimum requirements of RCW 10.77.150 and 10.77.175 where the person resides in the community.

(7) A "criminally insane" person means any person who has been acquitted of a crime charged by reason of insanity, and thereupon found to be a substantial danger to other persons or to present a substantial likelihood of committing criminal acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.

(8) "Department" means the state department of social and health services.

(9) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(10) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter, pending evaluation.

(11) "Developmental disabilities professional" means a person who has specialized training and experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(12) "Developmental disability" means the condition as defined in RCW 71A.10.020.

(13) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(14) "Furlough" means an authorized leave of absence for a resident of a state institution operated by the department designated for the custody, care, and treatment of the criminally insane, consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.

(15) "Genuine doubt as to competency" means that there is reasonable cause to believe, based upon actual interactions with or observations of the defendant or information provided by counsel, that a defendant is incompetent to stand trial.

(16) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct.

(17) "History of one or more violent acts" means violent acts committed during: (a) The 10-year period of time prior to the filing of criminal charges; plus (b) the amount of time equal to time spent during the 10-year period in a mental health facility or in confinement as a result of a criminal conviction.

(18) "Immediate family member" means a spouse, child, stepchild, parent, stepparent, grandparent, sibling, or domestic partner.

(19) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.

(20) "Indigent" means any person who is indigent as defined in RCW 10.101.010, or financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to the person or his or her family.

(21) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other

professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual release, and a projected possible date for release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(22) "Professional person" means:

(a) A psychiatrist licensed as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology or the American osteopathic board of neurology and psychiatry;

(b) A psychologist licensed as a psychologist pursuant to chapter 18.83 RCW;

(c) A psychiatric advanced registered nurse practitioner, as defined in RCW 71.05.020; or

(d) A social worker with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(23) "Release" means legal termination of the court-ordered commitment under the provisions of this chapter.

(24) "Secretary" means the secretary of the department of social and health services or his or her designee.

(25) "Treatment" means any currently standardized medical or mental health procedure including medication.

(26) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others.

(27) "Violent act" means behavior that: (a) (i) Resulted in; (ii) if completed as intended would have resulted in; or (iii) was threatened to be carried out by a person

who had the intent and opportunity to carry out the threat and would have resulted in, homicide, nonfatal injuries, or substantial damage to property; or (b) recklessly creates an immediate risk of serious physical injury to another person. As used in this subsection, "nonfatal injuries" means physical pain or injury, illness, or an impairment of physical condition. "Nonfatal injuries" shall be construed to be consistent with the definition of "bodily injury," as defined in RCW 9A.04.110.

**Sec. 3.** RCW 10.77.150 and 2023 c 120 s 8 are each amended to read as follows:

(1) Persons examined pursuant to RCW 10.77.140 may make application to the secretary for conditional release. The secretary shall, after considering the reports of experts or professional persons conducting the examination pursuant to RCW 10.77.140, forward to the court of the county which ordered the person's commitment the person's application for conditional release as well as the secretary's recommendations concerning the application ~~((and)).~~ The secretary's recommendation must include any proposed terms and conditions upon which the secretary reasonably believes the person can be conditionally released. ((Conditional release may also contemplate partial release for work, training, or educational purposes.)) Recommendations for terms and conditions for conditional release to a less restrictive alternative must ensure that the conditional release will satisfy the minimum requirements of this section and RCW 10.77.175. The department of corrections may provide information to the secretary as to the proposed terms and conditions for cases considered for unescorted access to the community or conditional release to a less restrictive alternative for which they have court-ordered supervision.

(2) In instances in which persons examined pursuant to RCW 10.77.140 have not made application to the secretary for conditional release, but the secretary, after considering the reports of experts or professional persons conducting the examination pursuant to RCW 10.77.140, reasonably believes the person may be conditionally released, the secretary may submit a recommendation for conditional release to the court of the county that ordered the person's commitment. The secretary's recommendation must include any proposed terms and conditions upon which the secretary reasonably believes the person may be conditionally released. ((Conditional release may also include partial release for work, training, or educational purposes.)) Recommendations for terms and conditions for conditional release to a less restrictive alternative must ensure that the conditional release will satisfy the minimum requirements of this section and RCW 10.77.175. The department of corrections may provide information to the secretary as to the proposed terms and conditions for cases considered for unescorted access to the community or conditional release to a less restrictive alternative for which they have court-ordered supervision. Notice of the

secretary's recommendation under this subsection must be provided to the person for whom the secretary has made the recommendation for conditional release and to his or her attorney.

(3)(a) The court of the county which ordered the person's commitment, upon receipt of an application or recommendation for conditional release with the secretary's recommendation for ~~((conditional release))~~ terms and conditions, shall within 30 days schedule a hearing. The court may schedule a hearing on applications recommended for disapproval by the secretary.

(b) The prosecuting attorney shall represent the state at such hearings and shall have the right to have the person examined by an expert or professional person of the prosecuting attorney's choice. If the committed person is indigent ~~((r))~~ and ~~((he or she))~~ so requests, the court shall assist the person in obtaining a qualified expert or professional person to examine the person on ~~((his or her))~~ the person's behalf. An expert or professional person obtained by an indigent person who is committed to state psychiatric care following acquittal by reason of insanity shall be compensated out of funds of the office of public defense as provided in policies and procedures under chapter 2.70 RCW, in a manner consistent with the rules of professional conduct and the standards for indigent defense.

(c) The issue to be determined at such a hearing is whether or not the person may be released conditionally ~~((to less restrictive alternative treatment under the supervision of a multidisciplinary transition team under conditions imposed by the court, including access to services under RCW 10.77.175 without substantial danger to other persons, or substantial likelihood of committing criminal acts jeopardizing public safety or security))~~ under conditions imposed by the court without substantial danger to other persons, or substantial likelihood of committing criminal acts jeopardizing public safety or security.

(d) In cases that come before the court under subsection (1) or (2) of this section, the court may deny conditional release ~~((to a less restrictive alternative))~~ only on the basis of substantial evidence. The court may modify the suggested terms and conditions on which the person is to be conditionally released. Pursuant to the determination of the court after hearing, the committed person shall thereupon be released on such conditions as the court determines to be necessary, or shall be remitted to the custody of the secretary.

(4)(a) If the order of conditional release provides for the conditional release of the person to a less restrictive alternative, ~~((including residential treatment or treatment in the community,))~~ the conditional release order ~~((must also))~~ shall include:

~~((a))~~ (i) A requirement for the committed person to be supervised by a multidisciplinary transition team, including a specially trained community corrections officer, a representative of the department of social and health services, and a representative of the community behavioral

health agency providing treatment to the person under RCW 10.77.175.

~~((i))~~ (A) The court may omit appointment of the representative of the community behavioral health agency if the conditional release order does not require participation in behavioral health treatment;

~~((ii))~~ (B) The court may omit the appointment of a community corrections officer if it makes a special finding that the appointment of a community corrections officer would not facilitate the success of the person, ~~((or))~~ and the safety of the person and the community;

~~((b))~~ (ii) A requirement for the person to comply with conditions of supervision established by the court which shall include at a minimum reporting as directed to a designated member of the transition team, remaining within prescribed geographical boundaries, and notifying the transition team prior to making any change in the person's address or employment. If the person is not in compliance with the court-ordered conditions of release, the community corrections officer or another designated transition team member shall notify the secretary or the secretary's designee; and

~~((c))~~ (iii) If the court requires participation in behavioral health treatment, the name of the licensed or certified behavioral health agency responsible for identifying the services the person will receive under RCW 10.77.175, and a requirement that the person cooperate with the services planned by the licensed or certified behavioral health agency. The licensed or certified behavioral health agency must comply with the reporting requirements of RCW 10.77.160, and must immediately report to the court, prosecutor, and defense counsel any substantial withdrawal or disengagement from medication or treatment, or any change in the person's mental health condition that renders him or her a potential risk to the public.

~~((5))~~ (b) The court may not order conditional release to a proposed less restrictive alternative unless conditions ensure the conditional release will satisfy the minimum requirements set forth in this section and RCW 10.77.175.

(5) The role of the transition team appointed under subsection (4) of this section shall be to facilitate the success of the person on the conditional release order by monitoring the person's progress in treatment, compliance with court-ordered conditions, and to problem solve around extra support the person may need or circumstances that may arise that threaten the safety of the person or the community. The transition team may develop a monitoring plan that may be carried out by any member of the team. The transition team shall meet according to a schedule developed by the team, and shall communicate as needed if issues arise that require the immediate attention of the team.

(6) The department of corrections shall collaborate with the department to develop specialized training for community corrections officers under this section. The lack of a trained community corrections officer must not be the cause of delay to entry of a conditional release order.

Another community corrections officer may be appointed if no specially trained officer is available.

(7) Any person, whose application for conditional release has been denied, may reapply after a period of six months from the date of denial, or sooner with the support of the department.

(8) A person examined under RCW 10.77.140 or the department may make a motion for ~~((limited))~~ partial conditional release under this section, on the grounds that there is insufficient evidence that the person may be released conditionally to less restrictive alternative treatment under subsection (3) (c) of this section, but the person would benefit from the opportunity to exercise increased privileges while remaining under the custody and supervision of the department and with the supervision of the department these increased privileges can be exercised without substantial danger to other persons or substantial likelihood of committing criminal acts jeopardizing public safety or security. The department may respond to a person's application for conditional release by instead supporting ~~((limited))~~ partial conditional release.

**Sec. 4.** RCW 10.77.175 and 2022 c 210 s 22 are each amended to read as follows:

(1) Conditional release planning should start at admission and proceed in coordination between the department and the person's managed care organization, or behavioral health administrative services organization if the person is not eligible for medical assistance under chapter 74.09 RCW. If needed, the department shall assist the person to enroll in medical assistance in suspense status under RCW 74.09.670. The state hospital liaison for the managed care organization or behavioral health administrative services organization shall facilitate conditional release planning in collaboration with the department.

(2) Less restrictive alternative treatment pursuant to a conditional release order, at a minimum, ~~((includes))~~ addresses the following services:

- (a) Assignment of a care coordinator;
- (b) An intake evaluation with the provider of the conditional treatment;
- (c) A psychiatric evaluation or a substance use disorder evaluation, or both;
- (d) A schedule of regular contacts with the provider of the less restrictive alternative treatment services for the duration of the order;
- (e) A transition plan addressing access to continued services at the expiration of the order;
- (f) An individual crisis plan;
- (g) Consultation about the formation of a mental health advance directive under chapter 71.32 RCW;
- (h) Appointment of a transition team under RCW 10.77.150; and
- (i) Notification to the care coordinator assigned in (a) of this subsection and to the transition team as provided in RCW 10.77.150 if reasonable efforts to engage the client fail to produce substantial compliance with court-ordered treatment conditions.

(3) Less restrictive alternative treatment pursuant to a conditional release order may additionally include requirements to participate in the following services:

- (a) Medication management;
- (b) Psychotherapy;
- (c) Nursing;
- (d) Substance use disorder counseling;
- (e) Residential treatment;
- (f) Partial hospitalization;
- (g) Intensive outpatient treatment;
- (h) Support for housing, benefits, education, and employment; and
- (i) Periodic court review.

(4) Nothing in this section prohibits items in subsection (2) of this section from beginning before the conditional release of the individual.

(5) If the person was provided with involuntary medication under RCW 10.77.094 or pursuant to a judicial order during the involuntary commitment period, the less restrictive alternative treatment pursuant to the conditional release order may authorize the less restrictive alternative treatment provider or its designee to administer involuntary antipsychotic medication to the person if the provider has attempted and failed to obtain the informed consent of the person and there is a concurring medical opinion approving the medication by a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with an independent mental health professional with prescribing authority.

(6) Less restrictive alternative treatment pursuant to a conditional release order must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less restrictive alternative order and that has agreed to assume this responsibility.

(7) The care coordinator assigned to a person ordered to less restrictive alternative treatment pursuant to a conditional release order must, in collaboration with and on behalf of the transition team, submit an individualized plan for the person's treatment services to the court that entered the order. An initial plan must be submitted as soon as possible following the intake evaluation and a revised plan must be submitted upon any subsequent modification in which a type of service is removed from or added to the treatment plan.

(8) A care coordinator may disclose information and records related to mental health treatment under RCW 70.02.230(2)(k) for purposes of implementing less restrictive alternative treatment pursuant to a conditional release order.

(9) For the purpose of this section, "care coordinator" means a representative from the department of social and health services who coordinates the activities of less restrictive alternative treatment pursuant to a conditional release order. The care coordinator coordinates activities with the person's transition team that are necessary for enforcement and continuation of the conditional release order and is

responsible for coordinating service activities with other agencies ((and establishing and maintaining)). The transition teams establish and maintain a therapeutic relationship with the individual on a continuing basis.

**Sec. 5.** RCW 10.77.160 and 2010 c 263 s 6 are each amended to read as follows:

When a person conditionally released ((person)) to a less restrictive alternative is required by the terms of his or her conditional release to report to a physician, department of corrections community corrections officer, or medical or mental health practitioner on a regular or periodic basis, the physician, department of corrections community corrections officer, medical or mental health practitioner, or other such person shall monthly, for the first six months after release and semiannually thereafter, or as otherwise directed by the court, submit to the court, the secretary, the institution from which released, and to the prosecuting attorney of the county in which the person was committed, a report stating whether the person is adhering to the terms and conditions of his or her conditional release, and detailing any arrests or criminal charges filed and any significant change in the person's mental health condition or other circumstances. Such reports may be combined for members of a transition team under RCW 10.77.150 and submitted by a designated member unless otherwise directed by the court."

Correct the title.

Signed by Representatives Taylor, Chair; Farivar, Vice Chair; Entenman; Goodman; Peterson and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Abbarno; and Cheney.

Referred to Committee on Rules for second reading

February 16, 2024

SSB 5808 Prime Sponsor, Labor & Commerce: Granting interest arbitration to certain public safety telecommunicators. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Schmidt, Ranking Minority Member; Bronoske; Doglio; Ormsby; Ortiz-Self; Rude and Ybarra.

Referred to Committee on Rules for second reading

February 16, 2024

SSB 5815 Prime Sponsor, Health & Long Term Care: Adopting the physician assistant compact. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Jacobsen; Leavitt; McEntire; Nance; Paul; Pollet; Schmidt and Timmons.

Referred to Committee on Rules for second reading

February 16, 2024

SB 5886 Prime Sponsor, Senator Braun: Adding purposes for the use of existing firefighter safety funding. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Schmidt, Ranking Minority Member; Bronoske; Doglio; Ormsby; Ortiz-Self; Rude and Ybarra.

Referred to Committee on Rules for second reading

February 16, 2024

SSB 5935 Prime Sponsor, Labor & Commerce: Concerning noncompetition covenants. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Schmidt, Ranking Minority Member; Rude; and Ybarra.

Referred to Committee on Rules for second reading

February 16, 2024

SB 5970 Prime Sponsor, Senator Hunt: Modifying local board of health county commissioner membership. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg and Riccelli.

Referred to Committee on Rules for second reading

February 16, 2024

ESSB 6007 Prime Sponsor, Labor & Commerce: Concerning employment standards for grocery workers. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby; Ortiz-Self and Rude.

MINORITY recommendation: Without recommendation. Signed by Representatives Schmidt, Ranking Minority Member; and Ybarra.

Referred to Committee on Rules for second reading

February 16, 2024

SSB 6053 Prime Sponsor, Higher Education & Workforce Development: Improving equitable access to postsecondary education. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass as amended.



Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.10.041 and 2023 c 406 s 1 are each amended to read as follows:

(1) ~~((Institutions))~~ The Washington student achievement council and institutions of higher education must enter into data-sharing agreements with the office of the superintendent of public instruction to facilitate the transfer of high school student directory information collected under RCW 28A.150.515 for the purposes of informing Washington high school students of postsecondary financial aid and educational opportunities available in the state.

(2) Data-sharing agreements entered into under this section must provide for the ~~((sharing of))~~ education research and data center to share student enrollment and outcome information from institutions of higher education, including federally designated minority serving institutions of higher education that are participating in data-sharing agreements under subsection (4) of this section, to the office of the superintendent of public instruction. Information provided in accordance with this subsection (2) must include the statewide student identifier for each student. To the extent possible, the office of the superintendent of public instruction shall transmit student enrollment information to the enrolled students' host districts for the current year.

(3)(a) Data-sharing agreements entered into by a community college or technical college as defined in RCW 28B.50.030 are limited to informing Washington high school students of postsecondary educational opportunities available within a college's service district as enumerated in RCW 28B.50.040.

(b) The state board for community and technical colleges may coordinate with all of the community and technical colleges to develop a single data-sharing agreement between the community and technical colleges and the office of the superintendent of public instruction.

(4) Federally designated minority-serving institutions of higher education that are bachelor degree-granting institutions and not subject to subsection (1) of this section may enter into data-sharing agreements with the office of the superintendent of public instruction to facilitate the transfer of high school student directory information collected under RCW 28A.150.515 for the purpose of informing Washington high school students of postsecondary educational opportunities available in the state.

(5) Agreements entered into under this section must obligate the Washington student achievement council and institutions that will receive information through an agreement to maintain the statewide student identifier for each student.

(6) For the purposes of this section, "statewide student identifier" means the statewide student identifier required by RCW 28A.320.175 that is included in the

longitudinal student data system established under RCW 28A.300.500.

(7) For the purposes of this section, "directory information" has the same meaning as in RCW 28A.150.515.

Sec. 2. RCW 28A.150.515 and 2023 c 406 s 2 are each amended to read as follows:

(1) Beginning in 2024, each school district that operates a high school shall annually transmit directory information for all enrolled high school students to the office of the superintendent of public instruction by November 1st.

(2) The office of the superintendent of public instruction must hold the high school student directory information collected under this section and make the information available for the Washington student achievement council and institutions of higher education in accordance with RCW 28B.10.041.

(3) By no later than the beginning of the 2025-26 school year, the office of the superintendent of public instruction shall identify a process for making information provided in accordance with RCW 28B.10.041(2) on a student's enrollment in an institution of higher education available to the student's school district. The process identified under this subsection (3) must require that information provided to school districts include the statewide student identifier for each student.

(4) In transmitting student information under this section, school districts must comply with the consent procedures under RCW 28A.605.030, the federal family educational and privacy rights act of 1974 (20 U.S.C. Sec. 1232g), and all applicable rules and regulations.

(5) The student directory information data collected under this section is solely for the following purposes:

(a) Providing information related to college awareness and admissions at institutions of higher education in accordance with RCW 28B.10.041; ~~((and))~~

(b) Providing information related to postsecondary financial aid and educational opportunities in accordance with RCW 28B.10.041; and

(c) Providing enrollment and outcome information to the office of the superintendent of public instruction and to school districts related to students from their respective school district under subsection (3) of this section.

(6) For the purposes of this section:

(a) "Directory information" means the names, addresses, email addresses, and telephone numbers of students and their parents or legal guardians; and

(b) "Statewide student identifier" has the same meaning as in RCW 28B.10.041."

On page 1, line 4 of the title, after "education;" strike the remainder of the title and insert "and amending RCW 28B.10.041 and 28A.150.515."

Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Leavitt; Nance; Paul; Pollet and Timmons.

MINORITY recommendation: Without recommendation. Signed by Representatives Ybarra, Ranking Minority Member; Jacobsen; McEntire; and Schmidt.

Referred to Committee on Rules for second reading

February 16, 2024

SSB 6060

Prime Sponsor, Labor & Commerce: Concerning the acceptance of electronic signatures by the public employment relations commission for new organizing petitions. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Schmidt, Ranking Minority Member; Bronoske; Doglio; Ormsby; Ortiz-Self; Rude and Ybarra.

Referred to Committee on Rules for second reading

February 16, 2024

E2SSB 6109

Prime Sponsor, Ways & Means: Supporting children and families. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that since 2018 there has been a significant increase in the number of child fatalities and near fatalities involving fentanyl.

(2) The legislature finds that fentanyl and other highly potent synthetic opioids pose a unique and growing threat to the safety of children in Washington state. Fentanyl is a high-potency synthetic opioid and, according to the centers for disease control and prevention, is 50 times more potent than heroin and 100 times more potent than morphine. Even in very small quantities high-potency synthetic opioids may be lethal to a child.

(3) The legislature intends to provide clarity to judges, social workers, advocates, and families about the safety threat that high-potency synthetic opioids pose to vulnerable children. The legislature declares that the lethality of high-potency synthetic opioids and public health guidance from the department of health related to high-potency synthetic opioids should be given great weight in determining whether a child is at risk of imminent physical harm due to child abuse or neglect.

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

(5) The legislature recognizes that supporting families in crisis with interventions and services, including

preventative services, voluntary services, and family assessment response, minimizes child trauma from further child welfare involvement and strengthens families.

**PART I  
HIGH-POTENCY SYNTHETIC OPIOIDS AND CHILD WELFARE**

**Sec. 101.** RCW 13.34.030 and 2021 c 304 s 1 and 2021 c 67 s 2 are each reenacted and amended to read as follows:

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

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

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

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

(b) Any individual age eighteen to twenty-one years who is eligible to receive and who elects to receive the extended foster care services authorized under RCW 74.13.031. A youth who remains dependent and who receives extended foster care services under RCW 74.13.031 shall not be considered a "child" under any other statute or for any other purpose.

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

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

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

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

(a) Has been abandoned;

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

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

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

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

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

(9) "Experiencing homelessness" means lacking a fixed, regular, and adequate nighttime residence, including circumstances such as sharing the housing of other persons due to loss of housing, economic hardship, fleeing domestic violence, or a similar reason as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter I) as it existed on January 1, 2021.

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

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

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

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

(14) "Guardianship" means a guardianship pursuant to chapter 13.36 RCW or a limited guardianship of a minor pursuant to RCW 11.130.215 or equivalent laws of another

state or a federally recognized Indian tribe.

(15) "High-potency synthetic opioid" means an unprescribed synthetic opioid classified as a schedule II controlled substance or controlled substance analog in chapter 69.50 RCW or by the pharmacy quality assurance commission in rule including, but not limited to, fentanyl.

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

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

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

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

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

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

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

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

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

~~((20))~~ (21) "Prevention and family services and programs" means specific mental health prevention and treatment services, substance abuse prevention and treatment services, and in-home parent skill-based programs that qualify for federal funding under the federal family first prevention services act, P.L. 115-123. For purposes of this chapter, prevention and family services and programs are not remedial services or family reunification services as described in RCW 13.34.025(2).

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

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

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

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

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

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

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

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

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

~~((24))~~ (25) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

~~((25))~~ (26) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in RCW 13.38.040.

~~((26))~~ (27) "Social study" means a written evaluation of matters relevant to the disposition of the case that contains the information required by RCW 13.34.430.

~~((27))~~ (28) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings. Supervised independent living settings must be approved by the department or the court.

~~((28))~~ (29) "Voluntary placement agreement" means, for the purposes of extended foster care services, a written voluntary agreement between a nonminor dependent who agrees to submit to the care

and authority of the department for the purposes of participating in the extended foster care program.

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

(1) The court may enter an order directing a law enforcement officer, probation counselor, or child protective services official to take a child into custody if: (a) A petition is filed with the juvenile court with sufficient corroborating evidence to establish that the child is dependent; (b) ~~((the allegations contained in the petition, if true, establish that there are reasonable grounds to believe that removal is necessary to prevent imminent physical harm to the child due to child abuse or neglect, including that which results from sexual abuse, sexual exploitation, or a pattern of severe neglect; and~~ (c)) an affidavit or declaration is filed by the department in support of the petition setting forth specific factual information evidencing insufficient time to serve a parent with a dependency petition and hold a hearing prior to removal; and (c) the allegations contained in the petition, if true, establish that there are reasonable grounds to believe that removal is necessary to prevent imminent physical harm to the child due to child abuse or neglect, including that which results from sexual abuse, sexual exploitation, a pattern of severe neglect, or a high-potency synthetic opioid. The court shall give great weight to the lethality of high-potency synthetic opioids and public health guidance from the department of health related to high-potency synthetic opioids in determining whether removal is necessary to prevent imminent physical harm to the child due to child abuse or neglect.

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

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

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

(1)(a) When a child is removed or when the petitioner is seeking the removal of a

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

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

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

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

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

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

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

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

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

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she

appears in court, in person, or by remote means, and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

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

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

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

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

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

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

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

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

(h) Whether the child is or may be an Indian child as defined in RCW 13.38.040, whether the provisions of the federal Indian child welfare act or chapter 13.38 RCW apply, and whether there is compliance with the federal Indian child welfare act and

chapter 13.38 RCW, including notice to the child's tribe;

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

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

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

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

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

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

(B)(I) Removal of the child is necessary to prevent imminent physical harm due to child abuse or neglect, including that which results from sexual abuse, sexual exploitation, a high-potency synthetic opioid, or a pattern of severe neglect, notwithstanding an order entered pursuant to RCW 26.44.063. The evidence must show a causal relationship between the particular conditions in the home and imminent physical harm to the child. The existence of community or family poverty, isolation, single parenthood, age of the parent, crowded or inadequate housing, substance abuse, prenatal drug or alcohol exposure, mental illness, disability or special needs of the parent or child, or nonconforming social behavior does not by itself constitute imminent physical harm. The court shall give great weight to the lethality of high-potency synthetic opioids and public health guidance from the department of health related to high-potency synthetic opioids when determining whether removal of the child is necessary to prevent imminent physical harm due to child abuse or neglect;

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

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

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

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

(i) Whether participation by the parents, guardians, or legal custodians in any prevention services would prevent or

eliminate the need for removal and, if so, shall inquire of the parent whether they are willing to participate in such services. If the parent agrees to participate in the prevention services identified by the court that would prevent or eliminate the need for removal, the court shall place the child with the parent. The court shall give great weight to the lethality of high-potency synthetic opioids and public health guidance from the department of health related to high-potency synthetic opioids when deciding whether to place the child with the parent.

The court shall not order a parent to participate in prevention services over the objection of the parent, however, parents shall have the opportunity to consult with counsel prior to deciding whether to agree to proposed prevention services as a condition of having the child return to or remain in the care of the parent; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) The court may order the department to:

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

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

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

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

(iii) The court shall advise the petitioner that:

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

(B) Placement moves while a child is in shelter care will be considered when

determining whether reasonable efforts have been made by the department during a hearing under RCW 13.34.110.

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

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

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

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

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

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

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

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

(9) (a) If a child is placed out of the home of a parent, guardian, or legal custodian following a shelter care hearing, the court shall order the petitioner to provide regular visitation with the parent, guardian, or legal custodian, and siblings.

Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and allowing family reunification. The court shall order a visitation plan individualized to the needs of the family with a goal of providing the maximum parent, child, and sibling contact possible.

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

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

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

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

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

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

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

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

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

(ii) The department has the authority to place the child, subject to review and



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

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

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

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

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

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

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

~~((iii) [(e)])~~ (c) Approve or disapprove the child's placement in the qualified residential treatment program.

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

(6) Placement of the child with a relative or other suitable person as described in subsection (1)(b) of this section shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it

possible for the child to return home, specifying the services, including housing assistance, that have been provided to the child and the child's parent, guardian, or legal custodian, and that prevention services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(a) There is no parent or guardian available to care for such child;

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

(c) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger. The court shall give great weight to the lethality of high-potency synthetic opioids and public health guidance from the department of health related to high-potency synthetic opioids, including fentanyl, when deciding whether a manifest danger exists.

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

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

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

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

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

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

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

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

**Sec. 105.** RCW 26.44.050 and 2021 c 211 s 5 are each amended to read as follows:

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

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

**Sec. 106.** RCW 26.44.056 and 2021 c 211 s 4 are each amended to read as follows:

(1) An administrator of a hospital or similar institution or any physician, licensed pursuant to chapters 18.71 or 18.57 RCW, may detain a child without consent of a person legally responsible for the child whether or not medical treatment is required, if there is probable cause to believe that detaining the child is necessary to prevent imminent physical harm to the child due to child abuse or neglect,

including that which results from sexual abuse, sexual exploitation, a high-potency synthetic opioid, or a pattern of severe neglect, and the child would be seriously injured or could not be taken into custody if it were necessary to first obtain a court order under RCW 13.34.050: PROVIDED, That such administrator or physician shall notify or cause to be notified the appropriate law enforcement agency or child protective services pursuant to RCW 26.44.040. Such notification shall be made as soon as possible and in no case longer than ~~((seventy-two))~~ 72 hours. Such temporary protective custody by an administrator or doctor shall not be deemed an arrest. Child protective services may detain the child until the court assumes custody, but in no case longer than ~~((seventy-two))~~ 72 hours, excluding Saturdays, Sundays, and holidays.

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

**NEW SECTION. Sec. 107.** A new section is added to chapter 43.216 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, at least one legal liaison position shall be established within the department in each of its regions to work with both the department and the office of the attorney general for the purpose of assisting with the preparation of child abuse and neglect court cases.

(2)(a) To the extent possible, the workload of the legal liaisons shall be geographically divided to reflect where the highest risk and most vulnerable child abuse and neglect cases are filed.

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

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

**Sec. 108.** RCW 2.56.230 and 2008 c 279 s 2 are each amended to read as follows:

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

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

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

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

- (i) Parentage;
- (ii) Adoption;
- (iii) Domestic relations;
- (iv) Dependency and termination of parental rights;
- (v) Child development;
- (vi) The impact of child abuse and neglect;
- (vii) Domestic violence;
- (viii) Substance ~~((abuse))~~ use disorder, including the risk and danger presented to children and youth;
- (ix) Mental health;
- (x) Juvenile status offenses;
- (xi) Juvenile offenders;
- (xii) Self-representation issues;
- (xiii) Cultural competency;
- (xiv) Roles of family and juvenile court judges and commissioners;
- (xv) How to apply the child safety framework to crucial aspects of dependency cases, including safety assessment, safety planning, and case planning; and
- (xvi) The legal standards for removal of a child based on abuse or neglect; and

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

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

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

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

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

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

~~((d))~~ (e) Improve referral and treatment options for court participants, including enhancing court facilitator programs and family treatment court and increasing the

availability of alternative dispute resolution;

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

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

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

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

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

NEW SECTION. Sec. 109. A new section is added to chapter 43.70 RCW to read as follows:

(1) The department, in collaboration with the department of children, youth, and families and the poison information centers described under chapter 18.76 RCW, shall convene a work group on exposure of children to fentanyl to provide information for child welfare workers, juvenile courts, caregivers, and families regarding the risks of fentanyl exposure for children receiving child welfare services defined under RCW 74.13.020 or child protective services under RCW 26.44.020 and child welfare workers. The information shall be made publicly available and distributed to child welfare court professionals, including:

(a) Department of children, youth, and families employees supporting or providing child welfare services as defined in RCW 74.13.020 or child protective services as defined in RCW 26.44.020;

- (b) Attorneys;
- (c) Judicial officers; and
- (d) Guardians ad litem.

(2) This section expires July 1, 2025.

NEW SECTION. Sec. 110. A new section is added to chapter 2.56 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the administrative office of the courts shall develop, deliver, and regularly update training regarding child safety and the risk and danger presented to children and youth by high-potency synthetic opioids and other substances impacting families.

(2) The training established in this section must be:

(a) Informed by the information developed under section 109 of this act; and

(b) Developed for and made available to judicial officers and system partners in the dependency court system.

**PART II  
SERVICES FOR FAMILIES**

NEW SECTION. **Sec. 201.** A new section is added to chapter 43.216 RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the department shall establish a pilot program for contracted child care slots for infants in child protective services in locales with the historically highest rates of child welfare screened-in intake due to the exposure or presence of high-potency synthetic opioids in the home, which may be used as part of a safety plan. Unused slots under this section may be used for children who are screened in due to a parent's substance use disorder when the substance use disorder is related to a substance other than a high-potency synthetic opioid.

NEW SECTION. **Sec. 202.** A new section is added to chapter 43.216 RCW to read as follows:

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

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

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

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

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

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

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

provided to existing home visiting providers.

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

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

(a) Families with child protective services open cases;

(b) Families with family assessment response open cases; and

(c) Families with family voluntary services open cases.

NEW SECTION. **Sec. 203.** A new section is added to chapter 41.05 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the authority shall expand specific treatment and services to children and youth with prenatal substance exposure who would benefit from evidence-based services impacting their behavioral and physical health.

(2) The authority shall contract for the services authorized in this section with behavioral health entities in a manner that allows leveraging of federal medicaid funds to pay for a portion of the costs.

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

NEW SECTION. **Sec. 204.** (1) The department of children, youth, and families shall provide funding and support for two pilot programs to implement an evidence-based, comprehensive, intensive, in-home parenting services support model to serve children and families from birth to age 18 who are involved in child welfare, children's mental health, or juvenile justice systems.

(2) The pilot programs established in this section are intended to prevent or limit out-of-home placement through trauma-informed support to the child, caregivers, and families with three in-person, in-home sessions per week and provide on-call crisis support 24 hours a day, seven days a week.

(3) One pilot program established in this section will serve families west of the crest of the Cascade mountain range and one pilot program established in this section will serve families east of the crest of the Cascade mountain range. Each pilot program will build upon existing programs to avoid duplication of existing services available to children and families at risk of entering the child welfare system.

(4) This section expires July 1, 2026.

NEW SECTION. **Sec. 205.** (1) Subject to the availability of funds for this specific purpose, the department of health shall provide funding to support promotoras in at

least two communities. These promotoras shall provide culturally sensitive, lay health education for the Latinx community, and act as liaisons between their community, health professionals, and human and social service organizations.

(2) In determining which communities will be served by the promotoras under this section, the department of health shall provide funding to support one community west of the crest of the Cascade mountain range and one community east of the crest of the Cascade mountain range.

NEW SECTION. **Sec. 206.** A new section is added to chapter 74.13 RCW to read as follows:

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

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

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

Correct the title.

Signed by Representatives Senn, Chair; Cortes, Vice Chair; Rule, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Goodman; Ortiz-Self and Taylor.

MINORITY recommendation: Do not pass. Signed by Representative Walsh.

MINORITY recommendation: Without recommendation. Signed by Representative Dent.

Referred to Committee on Appropriations

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eighth order of business.

**MOTIONS**

There being no objection, the following bills listed on the second reading calendar were returned to the Rules Committee:

- HOUSE BILL NO. 1365
- HOUSE BILL NO. 1439
- HOUSE BILL NO. 1445
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1565
- HOUSE BILL NO. 1761
- HOUSE BILL NO. 1894
- HOUSE BILL NO. 1926
- HOUSE BILL NO. 1934
- HOUSE BILL NO. 1935
- HOUSE BILL NO. 1952
- HOUSE BILL NO. 1969
- HOUSE BILL NO. 1991
- HOUSE BILL NO. 1994

- HOUSE BILL NO. 2006
- HOUSE BILL NO. 2049
- HOUSE BILL NO. 2073
- HOUSE BILL NO. 2076
- HOUSE BILL NO. 2098
- HOUSE BILL NO. 2117
- HOUSE BILL NO. 2122
- HOUSE BILL NO. 2126
- HOUSE BILL NO. 2173
- HOUSE BILL NO. 2197
- HOUSE BILL NO. 2201
- HOUSE BILL NO. 2237
- HOUSE BILL NO. 2258
- HOUSE BILL NO. 2273
- HOUSE BILL NO. 2313
- HOUSE BILL NO. 2344
- HOUSE BILL NO. 2346
- HOUSE BILL NO. 2385
- HOUSE BILL NO. 2391
- HOUSE BILL NO. 2392
- HOUSE BILL NO. 2407
- HOUSE BILL NO. 2430
- HOUSE BILL NO. 2445
- HOUSE BILL NO. 2455
- HOUSE BILL NO. 2458

There being no objection, the following bills listed on the third reading calendar were returned to the Rules Committee:

- SECOND SUBSTITUTE HOUSE BILL NO. 1010
- SECOND SUBSTITUTE HOUSE BILL NO. 1151
- SUBSTITUTE HOUSE BILL NO. 1268
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1705

There being no objection, the House adjourned until 9:55 a.m., Wednesday, February 21, 2024, the 45th Day of the 2024 Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

1010-S2	21	2391	21
Other Action.....	21	Other Action.....	21
1151-S2	21	2392	21
Other Action.....	21	Other Action.....	21
1268-S	21	2407	21
Other Action.....	21	Other Action.....	21
1365	21	2430	21
Other Action.....	21	Other Action.....	21
1439	21	2445	21
Other Action.....	21	Other Action.....	21
1445	21	2455	21
Other Action.....	21	Other Action.....	21
1565-S2	21	2458	21
Other Action.....	21	Other Action.....	21
1705-S	21	4674	1
Other Action.....	21	Introduced.....	1
1761	21	Adopted.....	1
Other Action.....	21	4675	1
1894	21	Introduced.....	1
Other Action.....	21	Adopted.....	2
1895	2	4676	2
Messages.....	2	Introduced.....	2
Speaker Signed.....	1	Adopted.....	2
1926	21	5150-S	2
Other Action.....	21	Committee Report.....	2
1934	21	5690-S	3
Other Action.....	21	Committee Report.....	3
1935	21	5808-S	8
Other Action.....	21	Committee Report.....	8
1950	2	5815-S	8
Messages.....	2	Committee Report.....	8
Speaker Signed.....	1	5886	8
1952	21	Committee Report.....	8
Other Action.....	21	5935-S	8
1969	21	Committee Report.....	8
Other Action.....	21	5970	8
1991	21	Committee Report.....	8
Other Action.....	21	6007-S	8
1994	21	Committee Report.....	8
Other Action.....	21	6053-S	8
2006	21	Committee Report.....	8
Other Action.....	21	6060-S	10
2049	21	Committee Report.....	10
Other Action.....	21	6109-S2	10
2073	21	Committee Report.....	10
Other Action.....	21		
2076	21		
Other Action.....	21		
2098	21		
Other Action.....	21		
2117	21		
Other Action.....	21		
2122	21		
Other Action.....	21		
2126	21		
Other Action.....	21		
2173	21		
Other Action.....	21		
2197	21		
Other Action.....	21		
2201	21		
Other Action.....	21		
2237	21		
Other Action.....	21		
2258	21		
Other Action.....	21		
2273	21		
Other Action.....	21		
2313	21		
Other Action.....	21		
2344	21		
Other Action.....	21		
2346	21		
Other Action.....	21		
2385	21		
Other Action.....	21		