State of Washington

County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Discovery Agreement

The below-signed parties agree to the following terms with regard to provision and requests for discovery in dependency and termination of parental rights proceedings under chapter 13.34 RCW. The timelines agreed to herein may be altered in a specific case based on agreement of the parties. Nothing in this agreement shall be construed as a waiver of a party’s or participant’s right to seek discovery from other non-parties.

Documentary discovery will be provided in an electronic format. The Department of Children, Youth, and Families (DCYF) will provide all information in their file regarding parents named in a dependency petition (excluding legal, financial, and any privileged or otherwise confidential records), which have not been provided, in the following secure electronic format: (insert electronic format DCYF uses). Other parties that will rely on documents in court will provide them to the parties within \_\_ days before the hearing at issue.

Discovery will be provided under the following timeframes:

1. Shelter care hearing: Pursuant to RCW 13.34.090(4), DCYF will provide documentation related to the allegation(s) in the petition a reasonable period of time prior to the hearing. If there is significant pre-petition DCYF history that is not included in the discovery provided before the hearing, DCYF will notify the parties of non-disclosed information and will make this information available upon written or emailed request from any party.
2. Non-contested dependency fact-finding hearing: DCYF will provide to the parties discovery that was not previously provided to the parties \_\_\_ days before the hearing.
3. Contested dependency fact-finding hearing: DCYF will provide to the parties discovery that was not previously provided to the parties \_\_\_ days prior to the hearing, then \_\_\_ day/s prior to the hearing if additional discovery, not already provided, is obtained by DCYF.
4. Following entry of dependency fact-finding and disposition orders: DCYF will provide discovery to the parties that was not previously provided every \_\_\_ days.
5. Other contested hearing: DCYF will provide discovery that was not previously provided \_\_\_ days prior to the hearing, or as otherwise agreed to by counsel.
6. Termination trial: [ ] As provided in the court’s scheduling order; or [ ] DCYF will provide to the parties discovery that was not previously provided to the parties \_\_\_ days prior to the trial, then \_\_\_ day/s prior to the trial if additional discovery, not already provided, is obtained by DCYF.

Evaluations and assessments:

1. DCYF shall provide these documents to all parties within \_\_\_ days of receipt.
2. DCYF shall provide any service providers’ progress reports (not including visit reports) in its possession to all parties every \_\_\_ days.

Specific requests for discovery:

1. Specific requests for discovery made outside the above timelines will state the specific document(s), not previously provided, being requested. Discovery requests will be in writing or email and will be clearly noted as such in the subject line of the document requesting discovery. Specific requests shall be sent to: (insert title of recipient/s).
2. The requested discovery shall be provided in \_\_\_ days of receipt of the request, but not more than 15 days after the request, unless otherwise agreed upon by the parties or ordered by the Court.
3. Specific requests for discovery shall not be made more than every \_\_\_ days, unless the requestor provides compelling reasons for the requested discovery.

When discovery is not provided pursuant to this policy, the following procedures apply:

1. The party entitled to the discovery shall notify (insert title/s of recipient/s) of the failure to provide discovery under these timelines. The document/email notifying the above individual/s of failure to provide properly requested discovery shall be clearly noted as such in the subject line. Discovery shall be provided within \_\_\_ days of this notification, unless otherwise agreed to by the parties. If discovery is not provided within this timeframe, the parties shall meet and confer, as contemplated by CR 26(i).
2. If the discovery is not provided within this additional time, the party entitled to the discovery may bring a motion to compel discovery, providing at least five days’ notice to all parties. If the parties met and conferred under subsection (1) above, this will be considered a CR 26(i) conference under the motion to compel.

All discovery received shall be retained by all parties until the case is closed. When a case is transferred to a new attorney or guardian ad litem, the previously assigned attorney or guardian ad litem shall provide all previously provided discovery to the new attorney or guardian ad litem, who shall obtain it from the previously assigned attorney or guardian ad litem.

Failure to comply with the discovery policy may result in the imposition of sanctions and/or continuance of the hearing.

Approved by:

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Juvenile Court Presiding Judge Date

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County Public Defenders Date

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Counsel for DCYF Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DCYF Regional Administrator Date

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Juvenile Court Administrator Date