

HB 1227 Readiness Assessment

Is Your Court System Ready?

Court Capacity & Hearing Time

HB 1227 is going to result in significant changes to the shelter care hearing process which will require additional time and capacity for hearings. HB 1227 will also require that an additional Shelter Care Hearing occur any time removal occurs after the initial shelter care hearing.

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Emergency Removal

HB 1227 raises the standard by which a court may enter an order directing a child be removed from the home to prevent “**imminent physical harm**”, which will impact the ex parte removal process, hospital holds, and law enforcement protective custody.

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Early Notification Process

HB 1227 is going to require that all discoverable material be made available and that counsel be assigned and prepared prior to the shelter care hearing. Having an early notification process helps ensure that courts and system partners have enough time to procedurally prepare to hold a shelter care hearing within 72-hours of removal.

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Discovery

HB 1227 is going to result in new judicial inquiries and decisions at the Shelter Care Hearing. Discovery provides the information needed by judicial officers for decision making to occur.

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Assignment of Counsel

HB 1227 will require that parties be able to adequately prepare for the Shelter Care Hearing. Early assignment of counsel helps ensure that hearings are not continued because parents and youth have not had an opportunity to talk with counsel.

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Safety Assessment Information

HB 1227 requires that in order for a child to be removed from their home there must be a causal relationship between the particular circumstances of the home and the imminent physical harm posed to the child.

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In-Home Pre Fact-Finding

It is anticipated that HB 1227 will result in more children remaining/being returned home at the shelter care hearings, while the family remains under dependency court jurisdiction.

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Prevention Services

Once HB 1227 goes into effect, parent participation in prevention services could be the determining factor in whether or not a child is ordered to return/remain in the home at the Shelter Care Hearing.

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Housing Assistance

Housing assistance is included within the RCW 13.34.030(21) definition of prevention services.

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Relatives & Suitable Others

HB 1227 prioritizes placement with relatives and suitable others throughout a case, and removes common barriers to kinship care.

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Topic	Description	HB 1227 Connection	Guiding Question	Assessment Notes
Calendar Capacity & Hearing Time	<p>HB 1227 is going to result in significant changes to the shelter care hearing process which will require include additional inquiries and decisions of judicial officers. This is going to require additional time for holding Shelter Care Hearings.</p> <p>HB 1227 will also require an additional shelter care hearing to occur any time removal occurs after the initial shelter care hearing.</p>	<p><u>RCW 13.34.065(1)(a)</u>: 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.</p>	<p><i>Is there enough time for meaningful hearings?</i></p>	
Topic	Description	HB 1227 Connection	Guiding Question	Assessment Notes
Emergency Removal Decisions	<p>HB 1227 raises the standard by which a court may enter an order directing a child be removed from the home to prevent “imminent physical harm“, whether it is through ex parte order, hospital hold, or law enforcement protective custody.</p>	<p><u>13.34.050(b)</u>: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</p>	<p><i>What is our court systems current practice around emergency child removal through ex parte orders, law enforcement custody, and hospital holds?</i></p>	

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Early Notification Process	Early notification allows for the timely assignment of counsel, distribution of discovery, and other important procedures that support meaningful shelter care hearings.	<p>RCW 13.34.090(5): The department shall make every effort to provide all other discoverable material....</p> <p>RCW 13.34.065(1)(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...</p>	<i>Does our notification process for a dependency petition filing provide enough time for the shelter care hearing to be meet the new standards and requirements set in HB 1227?</i>	
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Discovery	Discovery provides the information needed by judicial officers for decision making to occur.	<p>RCW 13.34.090(5): The department shall make every effort to provide all other discoverable material to the child's parent, guardian, legal custodian, or his or her legal counsel prior to any shelter care hearing.</p>	<i>Is discovery provided timely to those who need it?</i>	

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Assignment of Counsel	Early assignment of counsel helps ensure that hearings are not continued because parents and youth have not had an opportunity to talk with counsel to prepare for the hearing.	RCW 13.34.065(1)(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...	<i>Does the assignment of counsel (parent and youth) occur early enough for parties to have an opportunity to adequately prepare for the shelter care hearing?</i>	
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Safety Assessment Information	Caseworkers will need to be able to demonstrate the direct connection between the particular safety threats in the home and the imminent physical harm posed to each specific child in the home when requesting removal of the child from the home.	RCW 13.34.065 5(a)(ii)(B)(I) : The evidence must show a causal relationship between the particular conditions in the home and imminent physical harm to the child.	<i>Is DCYF providing the current assessment of safety for each child in the home?</i>	

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In-Home Pre Fact-Finding	HB 1227 will result in fewer children removed. <i>DCYF has estimated 12-21% fewer removals as a result of the changes in HB 1227.</i> It is anticipated that HB 1227 will result in more children remaining/being returned home at the shelter care hearings, while the family remains under dependency court jurisdiction.	<u>RCW 13.34.065 5(b)(ii)</u> : 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...	<i>Does your court system understand the difference between safety planning and case planning?</i>	
Topic	Description	HB 1227 Connection	Guiding Question	Assessment Notes
Prevention Services	HB 1227 will highlight the need for greater availability and accessibility of prevention services. Courts will need to understand what types of preservation services, housing assistance, and other reasonably available services are available and accessible to families in that community.	<u>RCW 13.34.065 5(b)(ii)</u> : 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...	<i>What prevention services are available and accessible to families and children in your community?</i>	

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Housing Assistance	Housing assistance is included within the RCW 13.34.030(21) definition of prevention services	RCW 13.34.065 5(b)(ii) : <u>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...</u>	<i>What housing assistance programs are available to families to your court community?</i>	
Topic	Description	HB 1227 Connection	Guiding Question	Assessment Notes
Relative & Suitable Others	Prioritization of relative and suitable others as placements. Will require more resources early on to support relative and suitable other placements, along with resources for to support relative and suitable others to become placement.	13.34.065(5)(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.....	<i>Does the court inquire about potential relative or suitable other placement options at the Shelter Care Hearing?</i>	