


Area	Statute	Description	Legal Standard	Inquiries & Decisions	Findings & Orders <i>(based on decisions)</i>	Process/Practice Change	Other Questions, Considerations, & Needs
Placement Prior to SCH	13.34.060(2)	(2) Unless there is reasonable cause <u>based on specific evidence</u> to believe that the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered, priority placement for a child in shelter care, pending a court hearing, shall be with any person described in RCW 74.15.020(2)(a) or 13.34.130(1)					Caseworkers will need to be collecting and documenting more specific information about relative/suitable others as potential placements.  Opportunity between emergency removal resulting in placement into LFP and Shelter Care Hearing to assess if placement with relative/suitable other is possible and search for additional relative suitable other options for placement.
Placement Prior to SCH	13.34.060(2)(b)	(b). The person must be willing and available to care for the child and be able to meet any special needs of the child and the court must find that such placement is in the best interests of the child <u>complete the inquiry required under RCW 13.34.065 to establish whether continued placement with the relative is appropriate</u> The person must be willing to facilitate the child's visitation with siblings, if such visitation is part of the <del>supervising agency's plan</del> <u>department's plan</u> or is ordered by the court.....		Is the person willing and available to care for the child and able to meet any special needs of the child? <b>AND</b> <u>Is the continued placement appropriate based on RCW 13.34.065 inquiry?</u> <b>AND</b> Is the person willing to facilitate visitation with siblings?			DCYF caseworks will need training and guidance on using the 13.34.065 inquiry instead of "best interest".  More structured criteria than relying on "best interest" determinations.


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Placement Prior to SCH	13.34.060(2)(b)	If a child is not initially placed with a relative or other suitable person requested by the parent pursuant to this section, the supervising agency <b>department</b> shall make <del>an effort within available resources</del> <b>continuing efforts</b> to place the child with a relative or other suitable person requested by the parent on the next business day after the child is taken into custody. The supervising agency <b>department</b> shall document its effort to place the child with a relative or other suitable person requested by the parent pursuant to this section. Nothing within this subsection (2) establishes an entitlement to services or a right to a particular placement.	“an effort within available resources” → “continuing effort”	Is the child placement with a relative or suitable other that was requested by the parent?  	If no, the department shall make continuing efforts to place the child with a relative or other suitable person requested by the parent on the next business day after the child is taken into custody <b>AND</b> document its effort to place the child with a relative or other suitable person requested by the parent	DCYF Practice Change: DCYF Search Unit, and caseworkers to following up on that work; able to provide updated information at hearings on what DCYF has done for continuing efforts. -“Practice Tips”, Guide	-Consult with child’s tribe (ICWA & Rtk)  -What will be done if parents say no but the placement with a relative is a good option?  Parents are supposed to be identifying possible placements  Tied into the courts ability to make reasonable and active efforts findings

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Placement Prior to SCH	13.34.060(3)	(3) Whenever a child is taken into custody pursuant to this section, the <del>supervising</del> agency department may authorize evaluations of the child's physical or emotional condition, routine medical and dental examination and care, and all necessary emergency care, after informing the child's parent, guardian, or legal custodian, unless the parent, guardian, or legal custodian cannot be reached. The child's parent, guardian, or legal custodian must be provided the opportunity to attend any appointments authorized under this subsection, unless prohibited by court order.					What if law enforcement is saying parents cannot attend? -can include in pick up orders; what do PCs look like? -Family & Juvenile Law Committee question -local law enforcement protocols

<p><b>Placement Relative / Suitable Other-</b></p>	<p>Current 13.34.065(5)(b)</p> <p>New 13.34.065(5)(c)</p>	<p><del>(b)</del> <b>(c)(i)</b> 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 <del>there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered.</del> If such relative or other suitable person appears otherwise suitable and competent to provide care and treatment, the fingerprint-based background check need not be completed before placement, but as soon as possible after placement. The court must also determine whether placement with the relative or other suitable person is in the child's best interests. The relative or other suitable person must be willing and available to:</p> <p><del>(i) Care for the child and be able to meet any special needs of the child;</del></p> <p><del>(ii) Facilitate the child's visitation with siblings, if such visitation is part of the department's plan or is ordered by the court; and</del></p> <p><del>(iii) Cooperate with the department in providing necessary background checks and home studies.</del></p> <p>the petitioner establishes that there is reasonable cause to believe that:</p> <p>(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, or a pattern of severe neglect, because no relative or other suitable person is capable of ensuring the basic safety of the child; or</p>	<p>Standard for NOT placing with a relative or other suitable person → reasonable cause to believe that LFC is necessary to prevent imminent physical harm <u>or</u> efforts to reunify would be hindered</p>	<p><b>Relative/Suitable Other Inquiry</b></p> <ol style="list-style-type: none"> <li>1. Have any relative or other suitable persons expressed interest in becoming a caregiver for the child?</li> <li>2. Is the relative or other suitable person able to meet any special needs of the child?</li> <li>3. Is the relative or other suitable person willing to facilitate the child's sibling and parent visitation if such visitation is ordered by the court?</li> <li>4. Does the relative or suitable other person support reunification of the parent and child once reunification can safely occur?</li> </ol> <p style="text-align: center;">↓</p> <p>What is the stated preference of the parent, guardian, or legal custodian regarding placement with the relative or suitable other person?</p> <p style="text-align: center;">↓</p> <p>If Yes to 1-4, the following <b>must not</b> prevent the child's placement with the relative or other suitable person:</p>			<p>-A lot more placement with relatives and suitable others</p> <p>-More support for relatives much earlier on in a system that is already going to be stretched for services.</p> <p>-Relative/suitable other placement have little to no ability to prepare themselves which impacts their relationships with the parents, DCYF, etc – not as prepared.</p> <p>DCYF culture shift of why we can't place, how we can support the families so that we can safely place them there and support the family.</p> <p>-Working and engaging with relative/suitable others; background checks</p> <p>-How do we identify suitable others?</p> <p>-Culture change towards relative/kinship; reducing bias in our system</p>
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	<p>(B) The efforts to reunite the parent and child will be hindered.</p> <p>(ii) In making the determination in (c)(i) of this subsection, the court shall:</p> <p>(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:</p> <p>(I) Has expressed an interest in becoming a caregiver for the child;</p> <p>(II) Is able to meet any special needs of the child;</p> <p>(III) Is willing to facilitate the child's sibling and parent visitation if such visitation is ordered by the court; and</p> <p>(IV) Supports reunification of the parent and child once reunification can safely occur; and</p> <p>(B) Give great weight to the stated preference of the parent, guardian, or legal custodian, and the child.</p> <p>(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:</p> <p>(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;</p>		<ol style="list-style-type: none"> <li>1. an incomplete background check, if such appears otherwise suitable and competent to provide care and treatment</li> <li>2. Uncertainty on the part of the relative or other suitable person regarding potential adoption of the child</li> <li>3. 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</li> <li>4. The conditions of the relative or other suitable person's home are not sufficient to satisfy the requirements of a licensed foster home.</li> </ol>	<p>Background checks must be completed as soon as possible after placement</p> <p>The court may order the department to provide financial or other support necessary to ensure safe conditions in the home.</p>		<ul style="list-style-type: none"> <li>-Need to have concrete supports at-the-ready for families</li> <li>-Treatment, support services, and resources available from the very beginning. Increase services in those areas and asking from the very beginning.</li> <li>-Relatives and suitable others sometimes have a hard time asking DCYF for help because of (i.e., fear that kids will be removed)</li> <li>-Specialized peer support for suitable other and relative placements.</li> <li>-What kind of support can the court order to support relative and suitable other placements? Common licensing issues?</li> </ul>
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		<p>(B) Uncertainty on the part of the relative or other suitable person regarding potential adoption of the child;</p> <p>(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</p> <p>(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.</p>					
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Placement Relative / Suitable Other-	Current 13.34.065(5)(c)  New 13.34.065(d)	<del>(c)</del> (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). <del>In determining placement, the court shall weigh the child's length of stay and attachment to the current provider in determining what is in the best interest of the child.</del>		<b>Change in Factors for Consideration:</b> Best interest determination for placement <b>does not</b> include consideration of child's length of stay and attachment to current caregiver.			-Is the same language used in non-shelter care statutes?  -This would be important to make clear to judicial officers.
Placement Relative / Suitable Other-	Current 13.34.065(5)(d)  New 13.34.065(e)	<del>(d)</del> (e) If a relative or other suitable person is not available, the court shall order continued shelter care and shall set forth its reasons for the order. <b>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.</b> 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.		If the court does not order placement with a relative or other suitable person,  	the court shall place the child in licensed foster care <u>AND</u> The court shall set forth its reasons for the order <u>AND</u> The placement is subject to all terms and conditions of this section that apply to relative placements.		

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Placement Relative / Suitable Other-Licensing	13.34.065(5)(i)	(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.		<p>Is placement with a relative or suitable other?</p> <p style="text-align: center;">↓ YES</p> <p>Has that person indicated a desire to become a licensed foster parent?</p> <p style="text-align: center;">↘ YES</p>	<p>The court shall order the department to commence an assessment of the home of such relative or other suitable person within 10 days</p> <p style="text-align: center;"><b>AND</b></p> <p>Issue an initial license as provided under RCW 74.15.120 for such relative or other suitable person, if qualified, as a foster parent</p> <p style="text-align: center;">↓</p> <p>The relative or other suitable person shall receive a foster care maintenance payment, starting on the date the department approves the initial license.</p>	<p>If found to be unqualified for licensure, the department shall report such fact to the court within one week of that determination.</p> <p style="text-align: center;">↓</p> <p>The department shall report on the status of the licensure process during the entry of any dispositional orders in the case.</p>	<p>-DCYF has a plan in place to prepare for this.</p> <p>-Is there something there is something we can provide to relatives at court about licensing?</p>



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<p><b>Placement Licensed Foster Care</b></p>	<p>13.34.065(5)(j)(i)</p>	<p>(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;</p>		<p><b>Licensed Foster Care Placement Inquiry</b></p> <p>Is placement in a licensed foster home?</p> <p style="text-align: center;">↓ YES ↓</p> <p>DCYF shall report the location of the identified licensed foster placement</p> <p style="text-align: center;">↓</p> <ol style="list-style-type: none"> <li>1. Is the identified placement the least restrictive necessary?</li> <li>2. Will the child be able to remain in the same school? Are any orders necessary to ensure stability?</li> <li>3. Will the child be placed with a sibling or siblings? Would court-ordered sibling contact would promote well-being?</li> <li>4. Is the licensed foster placement able to meet the special needs of the child?</li> <li>5. Will the location of the proposed foster placement impede family time visitation?</li> </ol>			<p>In reality, DCYF may not know answers to some of the question at the initial hearing, depending on how the child came into care (PC vs. pick up order) and when hearing occurs.</p> <ul style="list-style-type: none"> <li>- especially if child is able to remain in same school</li> </ul> <p>DCYF should come prepared to answer what has been done to address each consideration and what is the plan, and how long that should take</p> <p>Going to have to start discussing in FTDMs</p> <p>Overall purpose is to assess the harm of removal to that child → how to mitigate harm of removal.</p> <p>Checklist tool needed for FTDMs and court?</p>



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Placement Licensed Foster Care	13.34.065(5)(j)(ii)	(j)(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;			The court may order DCYF to: 1. Place the child in a less restrictive placement 2. Place the child in a location closer in proximity to the child's parent(s), home, or school 3. Place the child with the child's sibling(s) 4. Take any other necessary steps to ensure child's health, safety, and well-being/		-What happens when relatives live across the state?  -Case planning focused on when the child can safely return home as soon as possible; not about service completion  -How much weight will be given to factors
Placement Licensed Foster Care	13.34.065(5)(j)(iii)	(j) (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.			The court shall advise DCYF that: 1. Failure to comply with court orders while child is in shelter care will be considered in determining if reasonable efforts to have been made. 2. Placement moves while child is in shelter care will be considered when determining if reasonable efforts have been made.		-if a child is in-home, they are not in "shelter care"

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DCYF Liability	13.34.065(8)	<p><del>(8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.</del></p> <p><del>(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department. 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.</del></p>				LE no longer required to be present -> will be an internal DCYF policy update	<p>Good thing for caseworkers to know</p> <p>Not protecting against when placement is in foster care, only relative or suitable person.</p>