



KEEPING FAMILIES TOGETHER
Court Community Initiative

In This Together: Implementation of the Keeping Families Together Act (HB 1227)

May 4, 2023

Presented by:
Family & Youth Justice Programs at AOC



**WASHINGTON
COURTS**
ADMINISTRATIVE OFFICE OF THE COURTS

Effective: July 1, 2023

Keeping Families Together Act



Source: [Washington Lawmakers Look to Keep Families Together as Part of Foster Care Reform, Apr. 9, 2021](#)





What's New?



Preparing Dependency Court Systems

Family Well-Being Collaborative Community (FWCC)

13

Months

23

Meetings

79

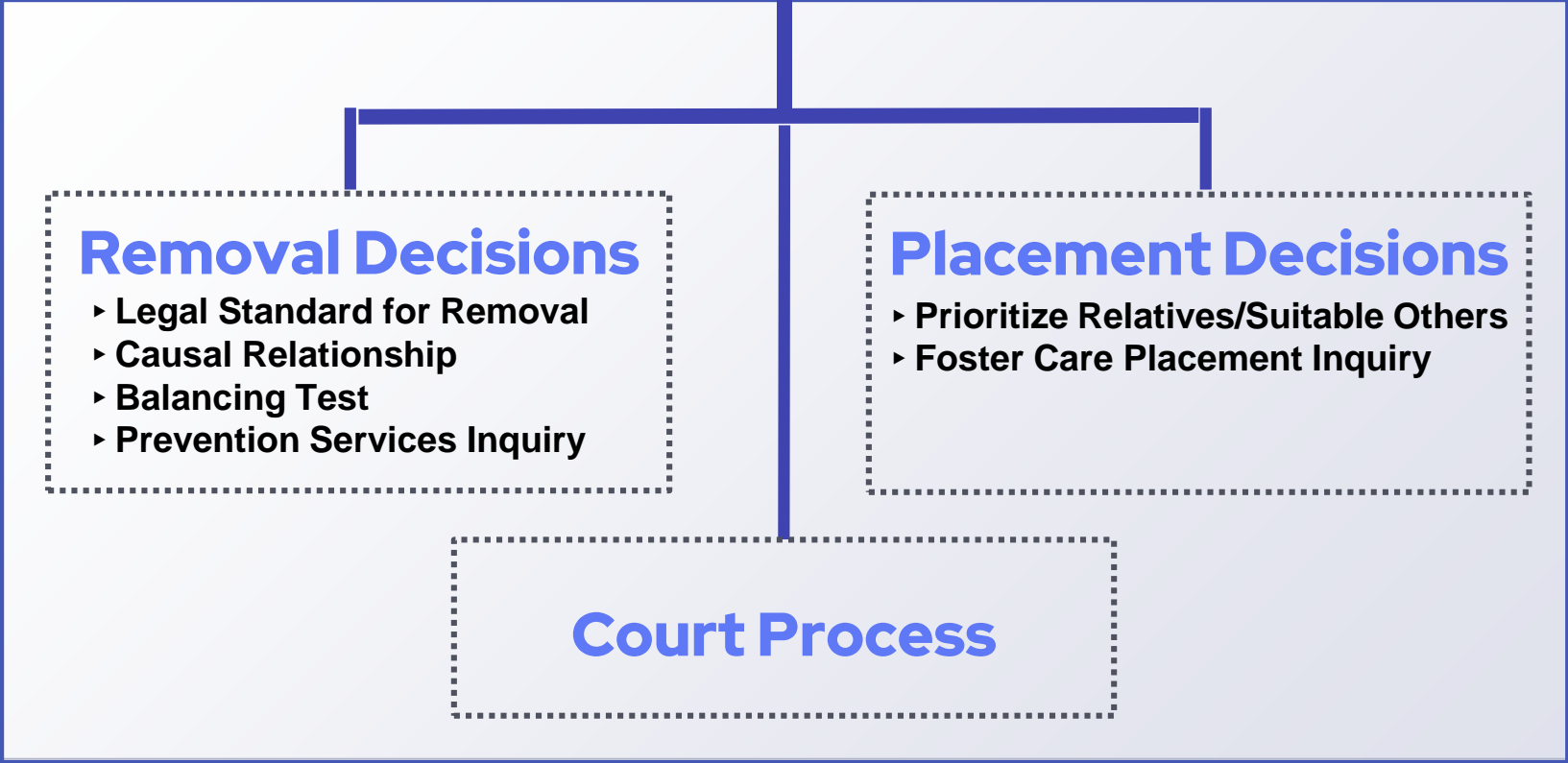
Statutory
Changes



Assessing Child Safety



The Big Picture



Child Removal Decisions

Legal Standard for Removal

- ▶ Serious threat of substantial harm → necessary to **prevent imminent physical harm** due to child abuse or neglect, including that which results from sexual abuse, sexual exploitation, or a pattern of severe neglect.
 - ▶ Also the new standard for **removing a child from placement with a relative/suitable** and placing into foster care.
- ▶ 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.**



Child Removal Decisions (cont.)

Causal Relationship

- ▶ Requires that evidence show a **causal relationship between imminent physical harm to the child and the particular conditions in the home.**

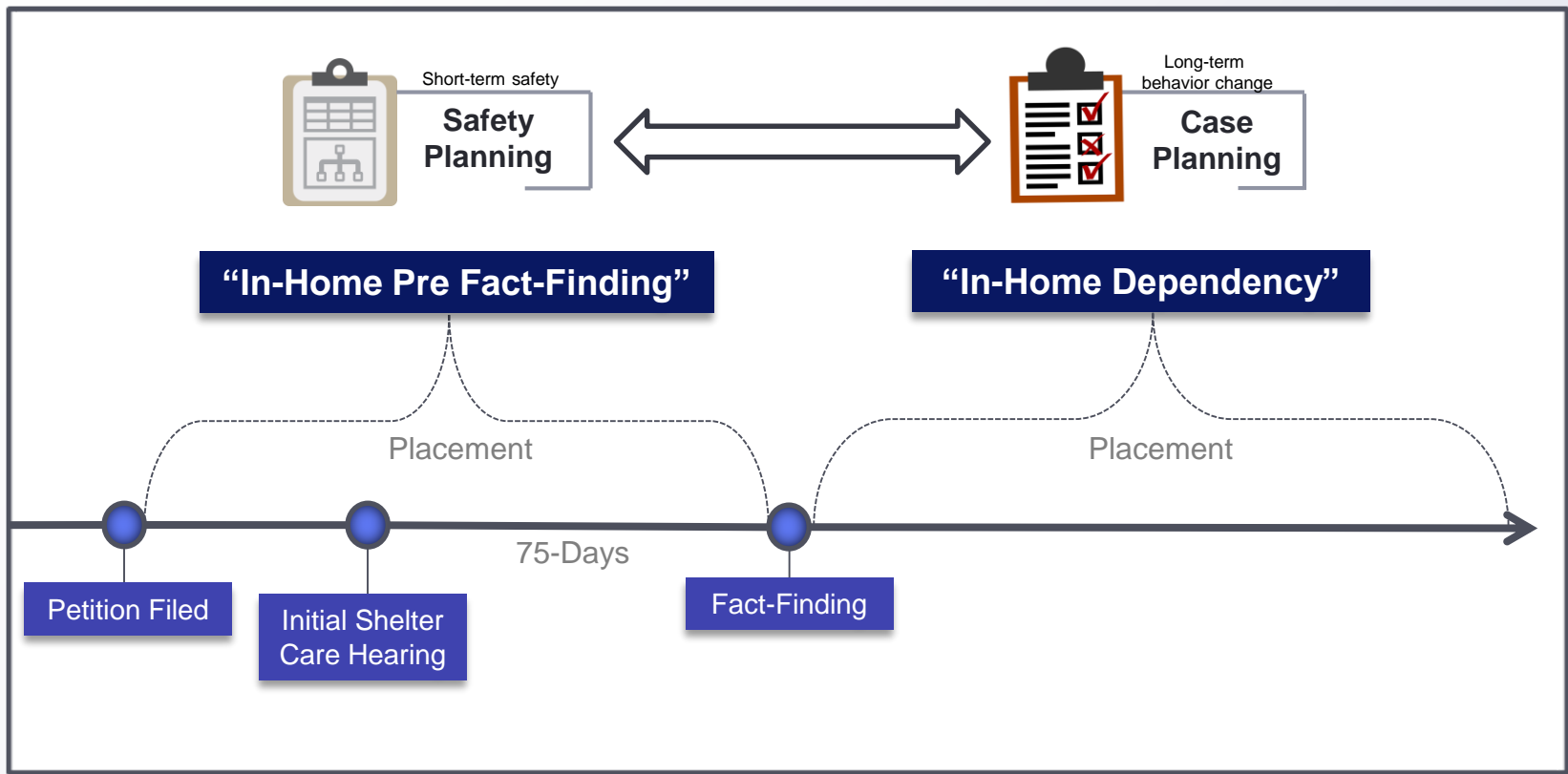
Balancing Test (Imminent Physical Harm vs. Harm of Removal)

- ▶ Does the imminent physical harm to the child posed by the conditions in the home outweigh the **harms of removal** that a child will likely experience when they are forcibly removed from their parent(s).

Prevention Services

- ▶ If participation in prevention services would prevent or eliminate the need for removal **AND** the parent agrees to participate, the court **shall** order the child to return/remain home.





Placement Decisions

Relatives and Suitable Others

- ▶ Presumption that placement should be with a relative or suitable other as long as it is safe, **or can be made safe**, for the child to be placed there.
- ▶ Addresses some of the most common barriers to placement with relatives or suitable other persons, including **incomplete background checks** and **licensing**.
- ▶ DCYF will be required to make **continuing efforts** to place children with relatives and suitable other persons throughout the life of a case until permanency is achieved.

Foster Care

- ▶ When removal is necessary AND placement with a relative or suitable other is not possible, courts will need to inquire into the **best foster care placement option that keeps children safely connected with the people, places and things most important to them**, including proximity to their parent(s), contact with siblings, and ability to remain in their school.



Court Process

Discovery

- ▶ 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.

Additional Shelter Care Hearing

- ▶ The court shall hold **an additional shelter care hearing** within 72 hours, excluding if the child is removed from the care of a parent, guardian, or legal custodian at any time after an Saturdays, Sundays, and holidays initial shelter care hearing under this section.

Obtaining Counsel

- ▶ 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.



Court Process (cont.)

Continued or Subsequent Shelter Care Hearing

- ▶ 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.



Are You Ready?

Tools, Training & Technical Assistance



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Getting Ready!

Tools & TA

1



iDecide

2



**Court
Readiness
Toolkit**

3

**FJCIP System
Retreats**

4

Informational Materials

- HB 1227 Flyer
- Benchcard (coming soon)
- FAQs (coming soon)

www.wacita.org/hb-1227-keeping-families-together-act



Training

- [Annual Dependency Judicial Academy](#) May 15th -17th
- [Judicial Community of Practice](#)
- [iDecide Training Library](#)
- [Dependency 101 for Judicial Officers](#)
- [Safety Training Resources](#)
- [Regional Webinars](#)

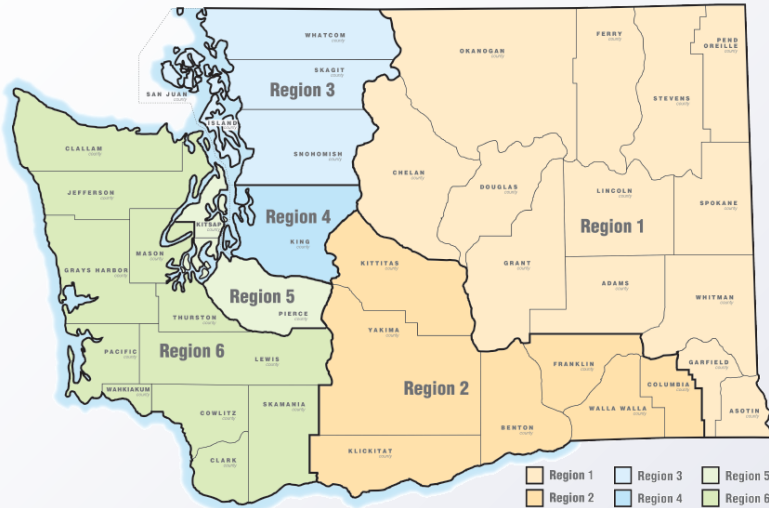
www.wacita.org



Getting Ready!

Training

Department of Children, Youth, and Families Regional Structure



KEEPING FAMILIES TOGETHER, HB 1227
CROSS-SYSTEM REGIONAL Kick Off
SAVE THE DATE
May/June 2023
 12PM - 1:15PM

PRESENTED BY:
 COURTS Washington State Department of CHILDREN, YOUTH & FAMILIES

DON'T MISS!

- Region 1: May 5th
- Region 2: May 30th
- Region 3: May 19th
- Region 4: June 6th
- Region 5: May 11th
- Region 6: May 9th

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Thank You!

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