



HB 1227, SB 6109, AND FENTANYL: NAVIGATING THE INTERSECTIONS

Presented by:

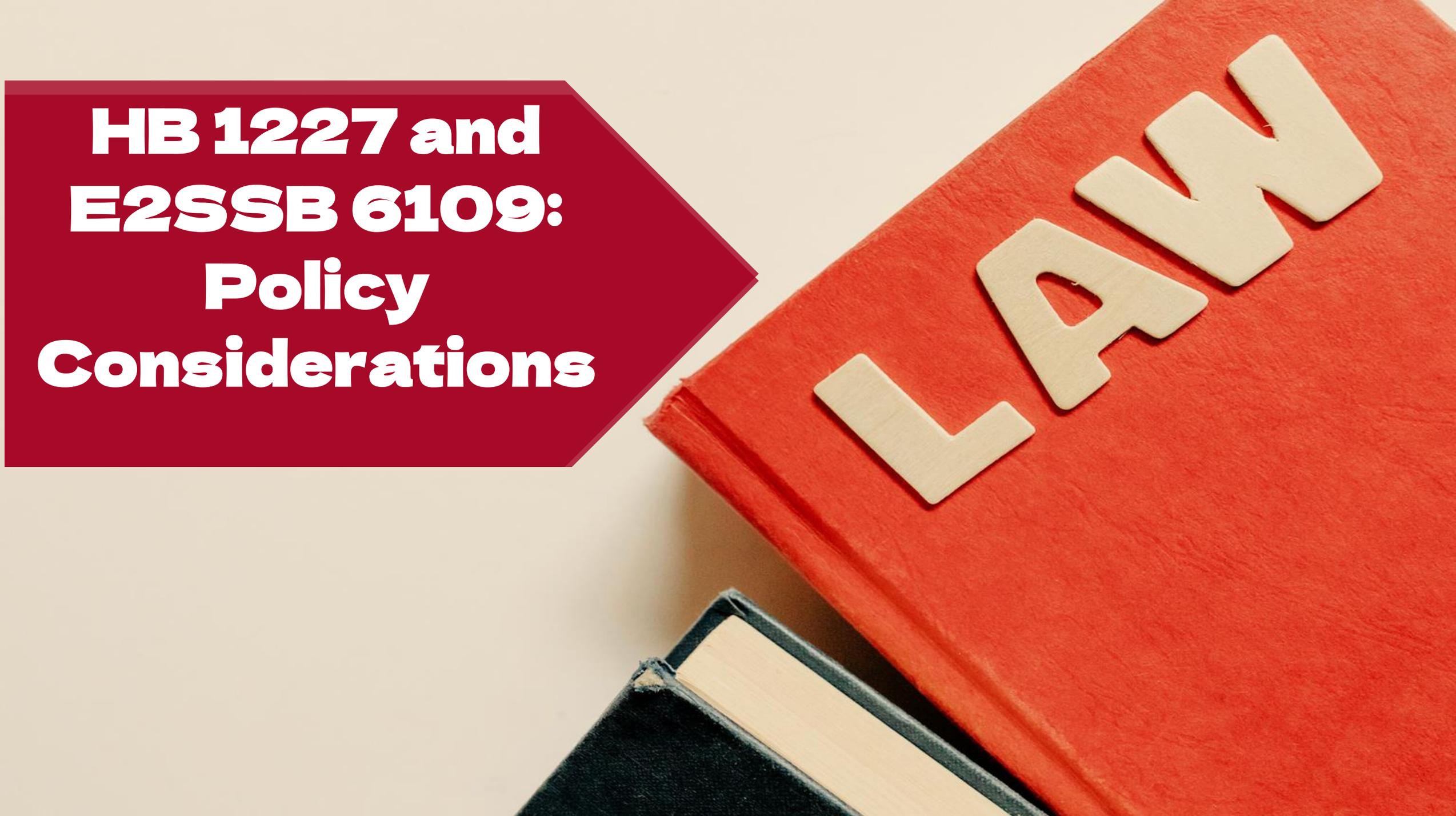
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**HB 1227 and
E2SSB 6109:
Policy
Considerations**

LAW



What's New?

HB 1227: The “Keeping Families Together” Act

- Passed in 2021; went into effect in July 2023
- Changed various portions of RCW 13.34 and RCW 26.44, including language around hospital holds, protective custody, requirements for notice, requirements for petition, **pick-up orders, shelter care standard, relative placement, court’s authority regarding foster care**, and more.

E2SSB 6109: High-Potency Synthetic Opioids (HPSOs)/Fentanyl

- Passed in 2024; went into effect in June 2024
- Changed various portions of RCW 13.34 and RCW 26.44, including language around hospital holds, protective custody, **pick-up orders, shelter care standard, dispositional standard**, and more.
- Public Health Guidance from Department of Health related to HPSOs, including fentanyl: required by E2SSB 6109



The “Keeping Families Together” Act (HB 1227)

Why?



Harm of Removal

“The legislature recognizes that **children and families are better served** when the state provides support to allow **children to be cared for by their loved ones and in their communities.**” HB 1227, Sec. 2, (1).

“...[I]t is the intent of the legislature to... apply[] **a standard criteria** for determining whether to remove a child from a parent when necessary to prevent **imminent physical harm...**” HB 1227, Sec. 2, (2).



Racial Disproportionality

“The legislature finds that **decades of research show that Black and Indigenous children are still disproportionately removed from their families and communities despite reform efforts.**” HB 1227, Sec. 2, (1).

“...[I]t is the intent of the legislature to **safely reduce the number of children in foster care and reduce racial bias in the system...**” HB 1227, Sec. 2, (2).

The “Keeping Families
Together” Act (HB 1227)

Why?

- Since 2018, **significant increase in number of child fatalities and near fatalities** involving fentanyl
- Fentanyl and other highly potent synthetic opioids (HPSOs) pose **unique and growing threat** to safety of children in Washington state
- **Clarity** for judges, social workers, advocates and families **about safety threat HPSOs pose** to children
- Increase in **services, supports, training, and resources**
- Provides **public health guidance** from **Department of Health** related to HPSOs and **fentanyl** for court in making removal decisions
- Supporting families in crisis with **interventions and services** minimizes child trauma from further child welfare involvement and strengthens families



E2SSB 6109

Why?

What is the “Public Health Guidance”?

Public Health Guidance on High-Potency Synthetic Opioids

Considerations in Assessing Child Safety

In fulfillment of the legislative requirements of Engrossed Senate Substitute Bill 6109

June 26, 2025

Available online:
[DOH Public Health Guidance re: HPSOs](#)

What Does the Public Health Guidance Address?

- ✓ Medications for Opiate Use Disorder
- ✓ Risks posed by High-Potency Synthetic Opiates (HPSOs)
- ✓ Risk reduction and protective factors
- ✓ Risk consideration based on age of the child, pregnancy, etc.
- ✓ Stigma
- ✓ Harm reduction
- ✓ And more!

**HB 1227 and
E2SSB 6109
Amendments**

LAW

A red book cover with the word "LAW" in large, raised, light-colored letters. A black book is partially visible in the bottom left corner.

RCW 13.34.050: Pick-Up Orders

HB 1227 Amendments

- Petition with **sufficient corroborating evidence** to establish child is dependent
- Reasonable grounds to believe removal is necessary to prevent **imminent physical harm**
- Affidavit or declaration setting forth specific factual information evidencing **insufficient time to serve parent** with dependency petition **and hold a hearing prior to removal**



E2SSB 6109 Amendments

Reasonable grounds to believe removal is necessary to prevent imminent physical harm...**due to...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**

RCW 13.34.065(5)(a), (b): Shelter Care – Placement – HB 1227 Amendments

Prior Statute

- ...No parent, guardian, or legal custodian to provide supervision or care...
- **Release of such child would present a serious threat of substantial harm...**
- The parent, guardian, or custodian... has been charged with violating RCW 9A.40.060 or RCW 9A.40.070.

HB 1227 Amendments

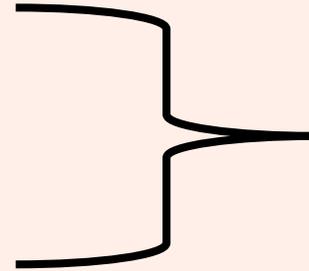
- **Imminent physical harm**
- **Causal relationship**
- **Contrary to welfare** of child to be returned home
- Imminent physical harm outweighs **harm of removal**
- Participation by parents in **prevention services**
- **Parents agree** to participation
- Temporary **order of protection**

RCW 13.34.065(5)(a), (b): Shelter Care – Placement – E2SSB 6109 Amendments

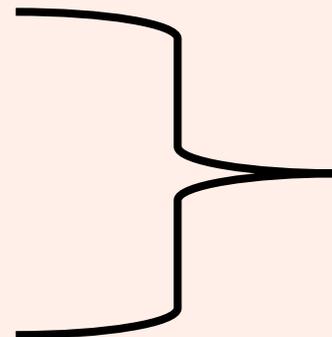
1. Imminent physical harm.
2. Casual relationship between particular conditions in home and imminent physical harm to child.
3. Contrary to welfare to return/remain in home.
4. Imminent harm outweighs harm or removal.

IF 1-4, THEN...

5. Whether participation by parent in prevention services would prevent/eliminate need for removal.
6. Whether the parent agrees to participate in prevention services.
7. Temporary order of protection would prevent removal.



...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.

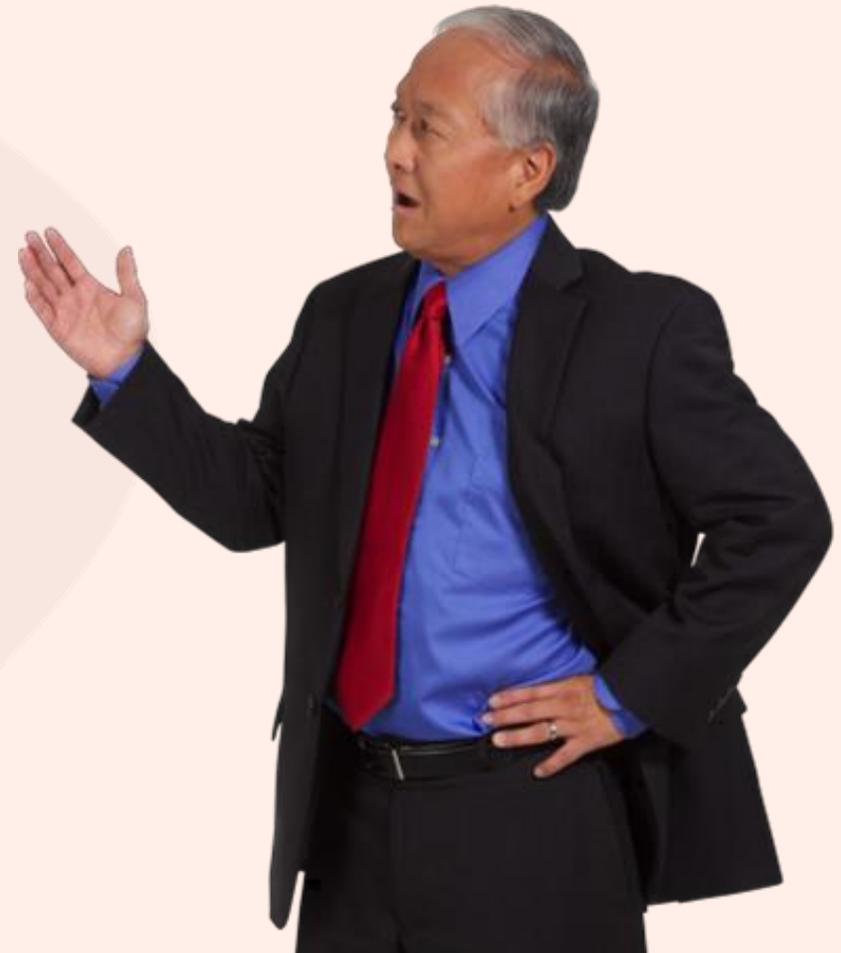


great weight to the **lethality of high-potency synthetic opioids and public health guidance from the department of health** related to high-potency synthetic opioids when deciding whether to **place the child with the parent**.

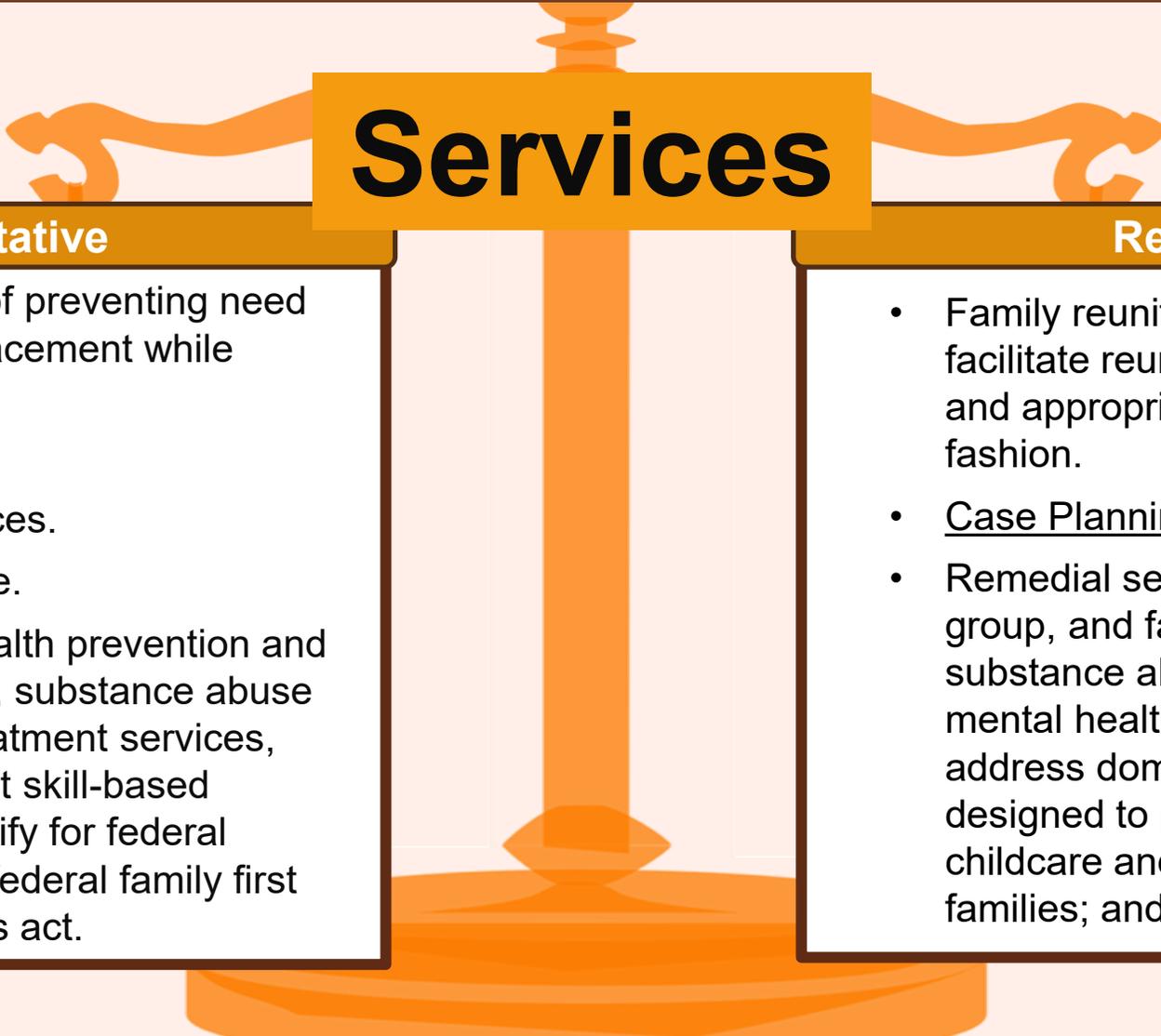
What is not imminent physical harm?

HB 1227 Amendments

- 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
- Nonconforming social behavior



Prevention Services vs. Remedial Services: HB 1227 Amendments



Services

Preventative

- Services capable of preventing need for out-of-home placement while protecting child.
- Safety planning.
- Preservation services.
- Housing assistance.
- 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.

Remedial

- Family reunification services that facilitate reunification of child safely and appropriately within a timely fashion.
- Case Planning.
- Remedial services include individual, group, and family counseling; substance abuse treatment services; mental health services; assistance to address domestic violence; services designed to provide temporary childcare and therapeutic services for families; and transportation.

RCW 13.34.065(5)(c): Relative Placement: HB 1227 Amendments



- ✓ Reasonable cause to believe that placement in foster care is **necessary to prevent imminent physical harm**
 - ✓ Because **no relative or other suitable person is capable of ensuring the basic safety of the child**
- OR
- ✓ Efforts to reunite will be hindered
 - ✓ **Burden of proof on petitioner; presumption** of relative placement

RCW 13.34.065(5)(c)(ii): Court's Inquiry Into Relative Placement Options – HB 1227 Amendments

New line of court inquiry: at 72-hour shelter care hearing, the Court shall inquire whether relative or suitable person:

- Has expressed interest in becoming caregiver for child;
- Is able to meet any special needs of child;
- Is willing to facilitate sibling and parent visitation if ordered by court;
- Supports reunification of parent and child once reunification can safely occur.

Court shall give great weight to stated preference of parent, guardian, or legal custodian, **and the child.**

RCW 13.34.065(5)(c)(iii): Relative Placement: Factors Not Preventing Placement – HB 1227 Amendments

- Incomplete Department or **fingerprint-based background check**;
- **Uncertainty** on part of relative/suitable **adult regarding adoption**;
- **Disbelief** on part of relative/suitable adult that **parent presents a danger** to the child;
- Conditions of relative/suitable adult's **home** are **not** sufficient to **satisfy requirements of licensed foster home**.
- Court may order Department to provide **financial or other support to ensure safe conditions in the home**.



RCW 13.34.065(j): Court Authority Over Foster Care Placement – HB 1227 Amendments

If court places child in foster care, Department **SHALL** report to court, at shelter care hearing, **location** of licensed foster placement identified by Department

- **NEW** court authority to over Department's ability to place in foster care, including:
- Ordering placement in **less restrictive placement**;
- Ordering Department to place **in location in closer proximity to child's parent, home, or school**;
- Ordering Department to place with **child's siblings**; and
- Taking **any other necessary steps to ensure the child's health, safety, and well-being**.

RCW 13.34.065(j)(iii): Reasonable efforts: HB 1227 Amendments

- Department's **failure to comply with court orders** in shelter care may be considered when determining whether **reasonable efforts** have been made by Department at **dispositional hearing**.
- **Placement moves** in shelter care may be considered when determining whether **reasonable efforts** have been made by Department during **dispositional hearing**.

RCW 13.34.130(6)(c): Disposition Hearing: E2SSB 6109 Amendments

Prior Statute

- Clear, cogent, and convincing evidence
- Manifest danger that child will suffer serious abuse or neglect if child is not removed from home
- Order under RCW 26.44.063 would not protect child from danger

E2SSB 6109 Amendments

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

Outcomes & Data

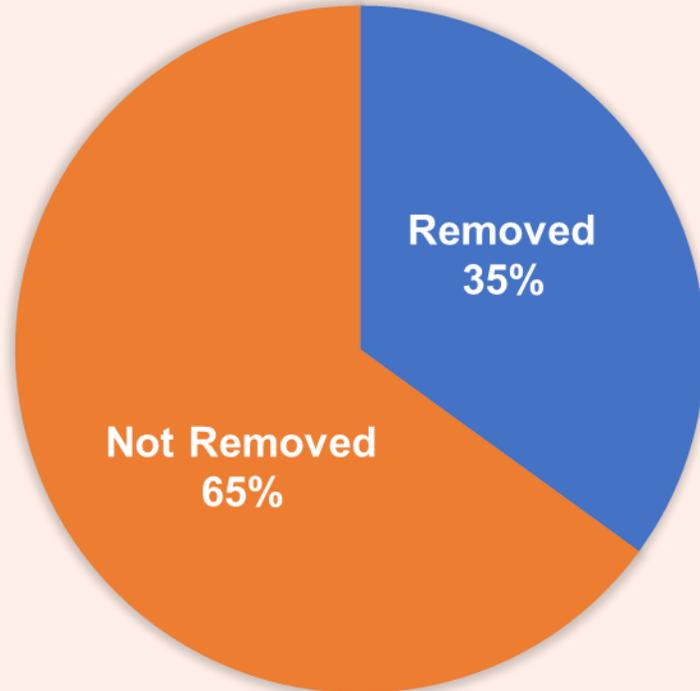
LAW

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Washington State vs. National Trends

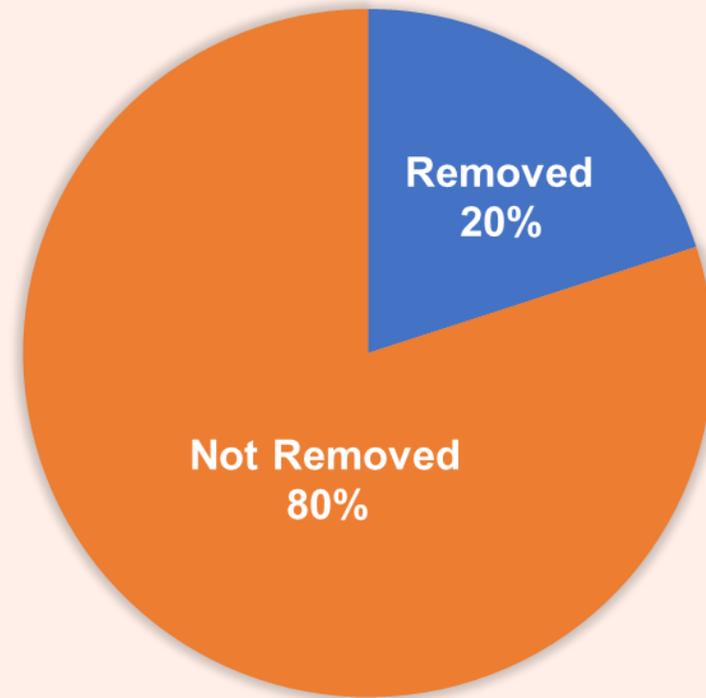
Fiscal Year 2022

WASHINGTON STATE



% of maltreated children in Washington receive foster care services

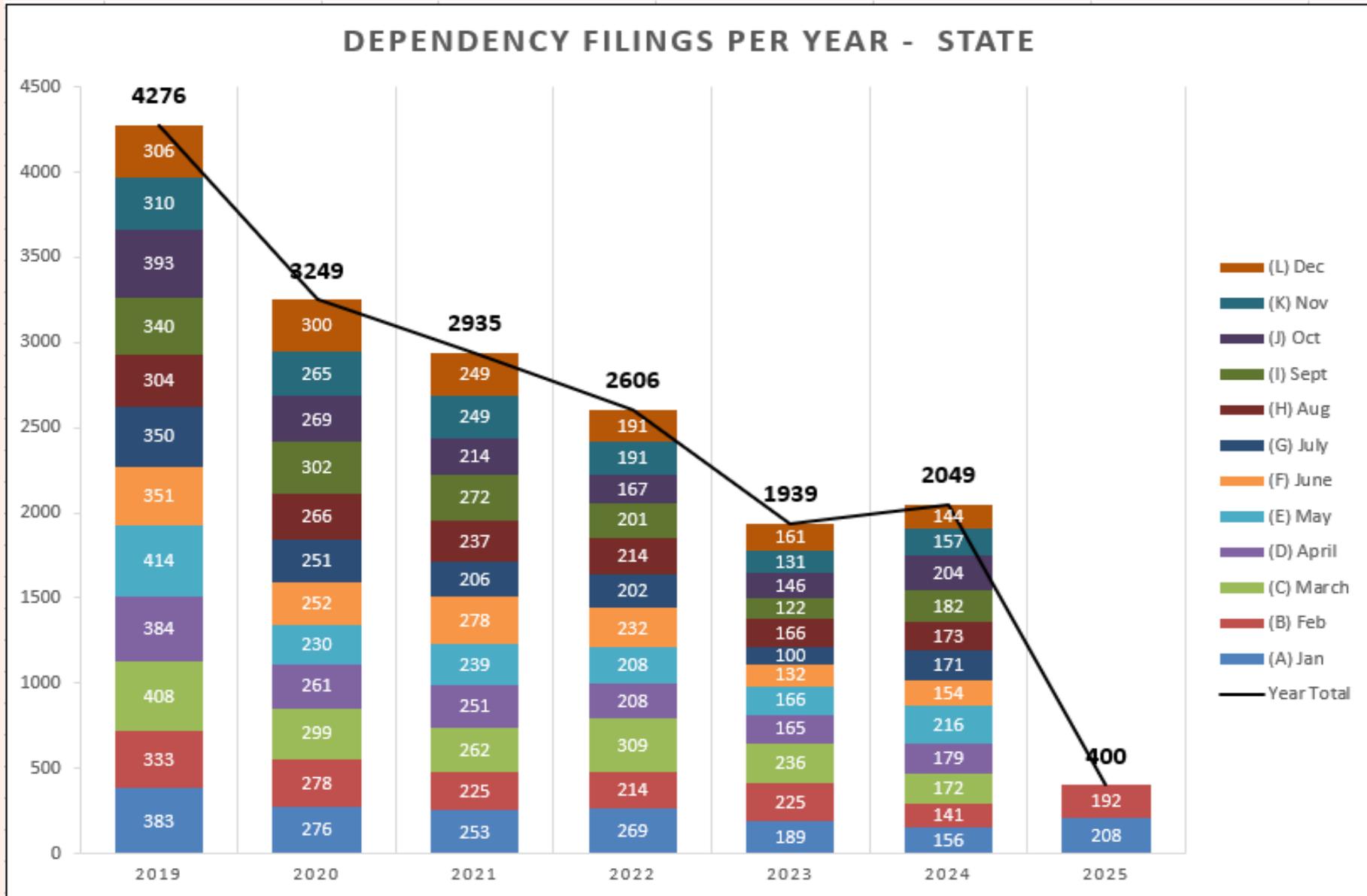
NATIONAL AVERAGE



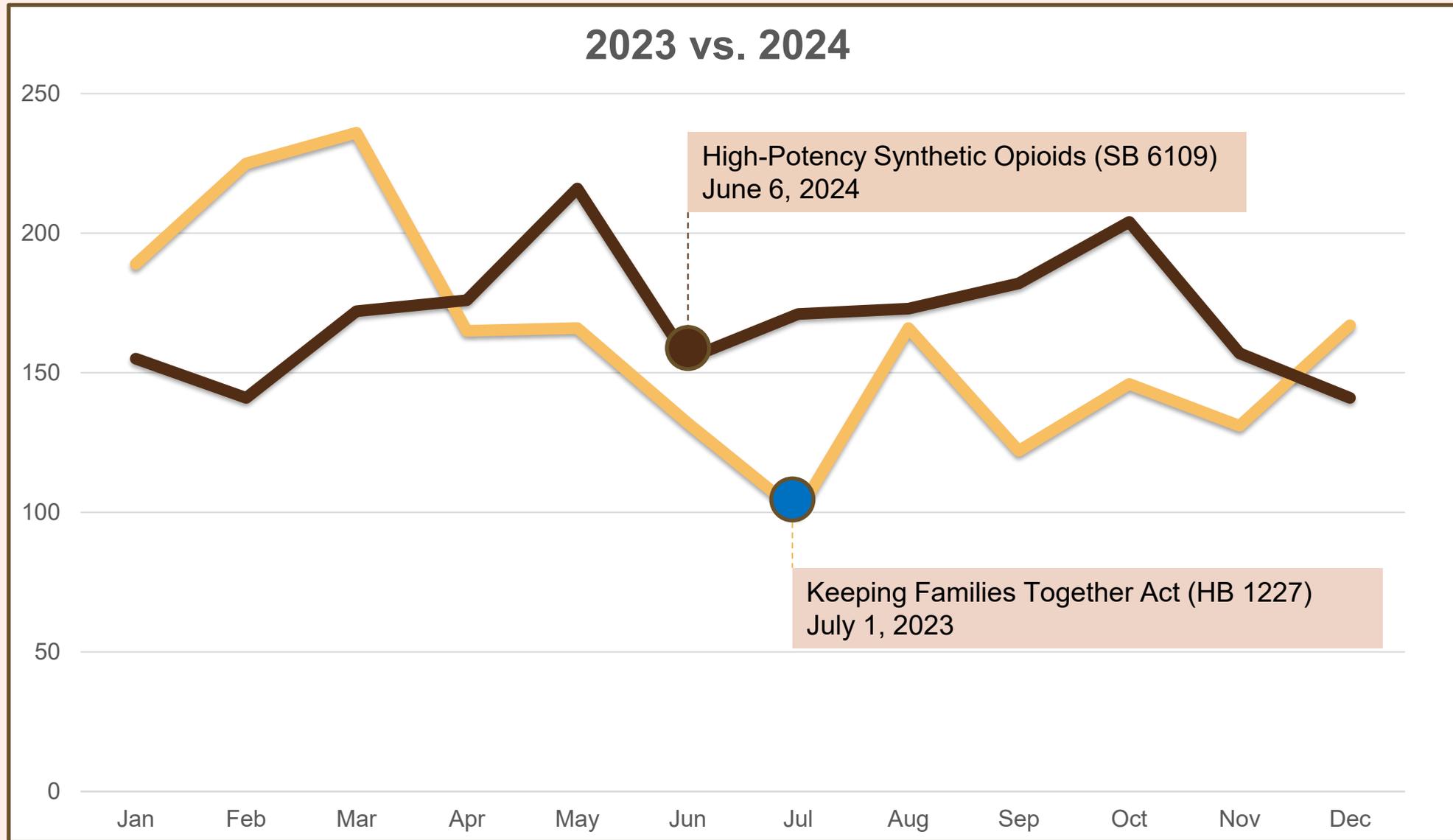
% of maltreated children who receive foster care services nationwide

VS.

Impact of HB 1227 and E2SSB 6109



Washington State Dependency Filings



— 2023 — 2024

“We believe Senate Bill 6109 is having its **intended effect of supporting caseworkers and judicial officers** to assess child safety when a parent’s use of fentanyl is a factor in the case... **We don’t support making additional changes to removal standards this Legislative session...**What we do need is **more access to SUD treatment for families, improved access to detox services, and medications for opioid use disorder.**”

-Natalie Green, Assistant Secretary, DCYF

“Updated: Keeping Families Together Act: What DCYF Has Learned and Why the Agency Suggests Not Changing Removal Standards this Session,” Washington State Department of Children, Youth & Families, February 20, 2025, available at <https://dcyf.wa.gov/news/updated-keeping-families-together-act-what-dcyf-has-learned-and-why-agency-suggests-not>





- “Over the past several years, the fentanyl epidemic has increased access to highly addictive, lethal substances, leading to an increase in child fatalities and near fatalities in the general population and in the child welfare system. **This is not unique to Washington** but, sadly, something child welfare agencies are witnessing across the country **regardless of their removal standards...**”
- “Data and analysis of the new law's impact on child safety **do not support claims that the bill has led to the 44% increase** in child fatalities and near fatalities.”
- Addressing fentanyl crisis: harm reduction, need for additional treatment providers.

“Updated: Keeping Families Together Act: What DCYF Has Learned and Why the Agency Suggests Not Changing Removal Standards this Session,” Washington State Department of Children, Youth & Families, February 20, 2025, available at <https://dcyf.wa.gov/news/updated-keeping-families-together-act-what-dcyf-has-learned-and-why-agency-suggests-not>

Applying the Law



MAIN MENU

INTERACTIVE DECISIONS

- Pick Up Order Emergency Removal ?
- Child Removal ?
- Placement ?
- Family Time ?

TOOLS

- Harm of Removal Map
- Legal Standards Comparison

LEARN MORE

- Resource Library
- Training Library
- FAQs

Version 6.6.24

RESOURCES

iDecide

Settings and Full Screen icons

Malinda and Everleigh



Malinda Bradley is the mother of Everleigh Ramos (DOB: 1/15/2025). There is no reason to know that Everleigh is an Indian Child under ICWA. No father has been identified. Malinda has two other children in open dependencies who are placed in out-of-home care. Malinda has been provided services in those dependencies.

Malinda was actively using methamphetamines and fentanyl while pregnant with Everleigh. She sought treatment in November 2024 and tested positive at that time. Malinda was clean and sober when she gave birth to Everleigh.

In April 2025, Malinda started a pattern of missed visitation with her other dependent children. DCYF submitted UAs for Malinda on six occasions in April. All were reported “no shows.” On 5/14/2025, Malinda completed a random UA that was positive for methamphetamines and fentanyl. Malinda initially reported this was a one-time relapse; however, on 5/16/2025, Malinda dropped fentanyl pills on the ground during visitation with her other dependent children. She has “no showed” all subsequent UAs.

Malinda has indicated that she is willing enter treatment if DCYF can find her a bed at a facility where she can have Everleigh placed in with her.

Child Removal Decision

RELEVANT STATUTE
[RCW 13.34.065\(5\)\(a\)\(i\)](#)

RELEVANT CASE LAW
[In the Matter of the Dependency of L.C.S.](#)

Guidance

Resources

Considering the specific services that have been provided, have **reasonable efforts** 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?

 Finding Required

- Services have been offered to Malinda in her other dependencies
- Malinda has been offered random UAs

Child Removal Decision

RELEVANT STATUTE
[RCW 13.34.065\(4\)\(h\)](#)

RELEVANT CASE LAW
[Matter of Dependency of Z.I.G.](#)

Guidance

Resources

Is there **reason to know** that the child is or may be an Indian child as defined in [RCW 13.38.040](#)?

 Finding Required

• Scenario tells us that Everleigh is not an Indian Child under ICWA

Child Removal Decision

RELEVANT STATUTE: [RCW 13.34.065\(5\)\(a\)\(ii\)](#)

There is reasonable cause to believe that (select one):

- A The child has no parent, guardian, or legal custodian to provide supervision and care for such child, or
- B 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](#).
- C None of the above

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- Parent in active use of a high potency synthetic opioid with a potentially mobile infant in the home
- Imminent physical harm from fentanyl in places accessible to the child

What are your thoughts?

Child Removal Decision

RELEVANT STATUTE
[RCW 13.34.065\(5\)\(a\)\(ii\)\(B\)\(I\)](#)

Is removal of the child 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?

Guidance
Resources

Finding Required

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What are our thoughts?

Malinda's active use of fentanyl in the home and its accessibility to Everleigh is what creates imminent harm to the child

Child Removal Decision

RELEVANT STATUTE
[RCW 13.34.065\(5\)\(a\)\(ii\)\(B\)\(I\)](#)

CAUTION

“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.**”

Continue

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Child Removal Decision

What are your thoughts?

RELEVANT STATUTE
[RCW 13.34.065\(5\)\(a\)\(ii\)\(B\)\(I\)](#)

Does the evidence show a **causal relationship** between the particular conditions in the home and imminent physical harm to the child?

Yes No

 Finding Required

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What are our thoughts?
Malinda's active use of fentanyl in the home and its accessibility to Everleigh is the cause of the imminent physical harm.

Child Removal Decision

RELEVANT STATUTE
[RCW 13.34.065\(5\)\(a\)\(ii\)\(B\)\(I\)](#)

DOH Guidance

Guidance

CAUTION

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.

Continue

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What are your thoughts?

Child Removal Decision

RELEVANT STATUTE
[RCW 13.34.065\(5\)\(a\)\(ii\)\(B\)\(II\)](#)

Is it **contrary to the welfare** of the child to be returned home?

Yes No

 Finding Required

What are our thoughts?

It is contrary to Everleigh's welfare to be in a home where someone is in active fentanyl use, given her age and potential mobility

Child Removal Decision

What do the facts really show related to the harms of removal?

- Is the Melinda breastfeeding?
- Connection with primary caregiver, siblings?
- What other connections does Everleigh have?
- Can she continue in the same daycare?
- Medical conditions?
- Other languages?

nts?

RELEVANT STATUTE
[13.34.065\(5\)\(a\)\(ii\)\(B\)\(III\)](#)

After considering the particular circumstances of the child, does any imminent physical harm to the child **outweigh** the harm the child will experience as a result of removal?

Yes No

Resources

Finding Required

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What are our thoughts?

- Potentially mobile infant in a home with active fentanyl use
- Risk of death or serious injury
- Potential to be placed with relatives (or siblings?)

Child Removal Decision

What are your thoughts?

RELEVANT STATUTE
[RCW 13.34.065\(5\)\(b\)\(i\)](#)

Would participation by the parents in any prevention services **prevent or eliminate the need for removal?**

Yes

No

Guidance

Resources

 Finding Required

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What are our thoughts?

Inpatient treatment would provide a controlled environment with substance use treatment and UAs for Malinda and Everleigh

Child Removal Decision

RELEVANT STATUTE
[RCW 13.34.065\(5\)\(b\)\(i\)](#)

DOH Guidance

Guidance

CAUTION

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.

Continue

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Child Removal Decision

RELEVANT STATUTE
[RCW 13.34.065\(5\)\(b\)\(i\)](#)

Does the parent **agree to participate** in the prevention services?

 Finding Required

• Malinda is willing to go to inpatient treatment at a facility where she can have Everleigh with her

Child Removal Decision



Insufficient basis for removal

“the court shall place the child with the parent.”

[RCW 13.34.065\(5\)\(b\)\(i\)](#)



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QUESTIONS?

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