

Module 1: Introduction to Child Dependency

Introduction

Introduction to Child Dependency:

Welcome to the Introduction to Child Dependency module. The information contained within this module is intended for educational purposes only.

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Section 1: Overview

Generally, the government does not interfere in family matters. However, in cases of the abuse and neglect of a child, the law allows the state to step in and protect the child from harm in a procedure known as a dependency action.

The dependency court system exists as a mechanism for the government to intervene in the relationship between parent and child in situations where the jurisdiction of the court is needed to ensure the safety of the children until such time that safe permanency can be achieved. While the nature of the child welfare system makes these cases inherently adversarial, in most instances, everyone in court has the same goal: the safety of the child.

Dependency Petition:

A dependency case is a court process that begins when a dependency petition is filed with the court, alleging that a child within that county meets the legal definition of a dependent child. A child does not need to have already been harmed for a dependency petition to be filed. The dependency petition asks the court to intervene in a family in order to protect a child and ask the court for the assumed temporary legal custody of the child.

Any person can file a dependency petition. Although most dependency petitions are filed by Child Protective Services. A dependent child is defined as any child who has been abandoned, is abused or neglected by a person legally responsible for their care, has no parent, guardian, or custodian capable of adequately caring for them, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development. Or, is receiving extended foster care services. Or, is a victim of sex trafficking or severe forms of trafficking in persons under the Trafficking Victims Protection Act of 2000, when the parent is involved in the trafficking, facilitating of trafficking, or should have known that the child is being trafficked.

Section 2: Role of The Judicial Officer

Primary Role:

Judicial officers are the figureheads of dependency court systems. Ultimately, judicial officers are responsible for ensuring that children are protected while the state works with the family to create a safe home environment. Judicial officers are also responsible for simultaneously holding public systems to account for operating in ways that support timely permanency for families.

Judicial officers can accomplish this by taking on different leadership roles, both on and off the bench.

Different Roles:

1. Legal

The most traditional role of the dependency court judicial officer is to decide the legal issues in cases. The judicial officer must determine issues such as whether certain facts are true, whether a child should be removed from a parent, what types of services should be offered to the family, and whether the child should be returned to the family and the community or placed permanently in another setting. Judicial officers review evidence given to them by all the parties and then make decisions based on that evidence (or lack of it). The judicial officer must make certain that the parties appearing before the court receive the legal and constitutional rights to which they are entitled.

2. System Improvement

Not only are dependency judicial officers tasked with making incredibly difficult decisions from the bench, they are responsible for leading multi-systems efforts aimed at improving the policies and practices that govern local court function. They set the tone for how the entire system operates and have the responsibility of setting the

standards by which the dependency system is governed. Judicial officers have a large role in creating the "court culture", both inside and outside the courtroom.

3. Collaboration

Judicial officers do not work in a vacuum. It is the role of the judicial officer to collaborate with system partners to ensure that information-sharing with the court is of high quality and timely. Judicial officers often take an active part in interagency dependency court stakeholder meetings.

Section 3: Learning the Language

The People:

1. Parents

The Department of Children, Youth, and Families, or DCYF, has the obligation of identifying and notifying both parents of a dependency action. In the instance that paternity has not been established, the term unidentified biological father or UBF can be used until paternity can be confirmed. Progress and compliance are considered separately for each parent.

2. Children

Children may or may not want to come to court, but the court should set the expectation that children are welcome to attend court hearings. If children are placed out of the home and want to attend court, DCYF is responsible for getting them there. The court should always inquire whether children were notified of the hearing and had the ability to attend.

If children are present, they should be given an opportunity to speak in addition to hearing from their attorney and or child advocate, if one is assigned.

3. Caregiver/Placement

If the child is placed out of the home, the relative caregiver or foster care placement may choose to attend court hearings. DCYF is required to notify the current placement of court hearings.

Caregivers are able to provide written information to the court in a caregiver report, but should also be provided an opportunity to verbally provide information directly related to the issues being addressed.

4. Child Protective Services (CPS)

Child Protective Services, or CPS, is the arm of DCYF that investigates reports of child abuse and neglect.

5. Child and Family Welfare Services (CFWS)

Child and Family Welfare Services, or CFWS, works with the family to remedy the problems that resulted in the family coming to the attention of DCYF. Often, children have been removed from the family home and are in out-of-home placement. The focus of CFWS is to reunify children with their parents. If the child can be safely returned home, and if not possible, achieve a permanent plan. Cases are transferred from CPS to CFWS.

6. Adoptions Program

The purpose of the Adoptions program is to meet the permanency needs of children who are in the care and custody. If a child becomes legally free, meaning parental rights are terminated or relinquished, they are able to be adopted, at which time the case is transferred from CFWS to the adoptions unit.

7. The Assistant Attorney General (AAG)

The Assistant Attorney General or AAG represents the position of DCYF in child dependency proceedings. The AAG argues for the case workers' positions in court and in meetings.

8. The Office of Public Defense (OPD)

The Office of Public Defense or OPD contracts with attorneys and agencies to represent indigent parents, custodians, and legal guardians involved in child dependency and termination of parental rights proceedings.

9. The OPD Social Service Workers

The OPD Social Service Workers' primary purpose is to help parent attorneys, assist parents, and be involved in dependency and termination proceedings in Washington State. They are considered non-lawyer assistance under Washington Court's rules of professional conduct.

10. Child Representation/Youth Attorney

A child's attorney will argue for the stated position of the child. Child attorneys represent children involved in dependency cases for whom the court has appointed representation. They also represent children who still remain in the foster care system six months following the termination of their parents' legal rights.

11. Child Advocate (CA, CASA, DGAL, VGAL)

The child advocate represents what is in the best interest of the child. The child advocate may be a paid staff or a volunteer from the community supervised by a paid staff. Different jurisdictions operate under different child advocate models, which means they may also use different names to refer to these positions, such as child advocate, CASA dependency, guardian ad litem, or volunteer guardian ad litem.

12. Parents for Parents (P4P)

Parents for Parents or P4P provides peer mentoring for families in the dependency court and enhances parents' engagement in their court-ordered plans. Mentoring is provided by parent allies. These are parents who have successfully navigated the child welfare system to case closure. P4P is not available in all Washington counties.

13. The Parent Child Assistance Program (PCAP)

The Parent Child Assistance Program, or PCAP, is an evidence-informed program that provides case management, home visits, and support services to pregnant and parenting women with substance use disorders and their young children. This program is not available in all Washington counties.

14. Service Providers

Individuals working with the family, such as chemical dependency professionals, mental health therapists, mentors, advocates, or caseworkers providing a specific service to the family, such as counseling or parenting skills, may choose to be involved in the process and to attend court.

As you can see, there are many different people involved in dependency court. Next, we will learn about the types of hearings that occur in dependency cases.

The Hearings:

1. Shelter Care

During the Shelter Care Hearing, the judicial officer decides whether the child can safely be returned home and, if not, determines where to place the child while the dependency

is pending. The judge also decides whether to set up a Family Time (visitation) schedule and, if so, what the terms will be.

2. Fact Finding

Fact-finding must occur within 75 days of petition filing. Fact-finding is a trial that allows the parents and others to testify before the court about the reported threats to the child's safety and well-being. The court will make a ruling to either dismiss the dependency order and allow the child to return for in-home care or order that the child is a dependent of the state and order that the child is able to return home with court oversight or rule that the child is a dependent of the state and out-of-home placement remains necessary. The parent, guardian, or legal custodian may waive their right to a fact-finding hearing by stipulating or agreeing to the entry of an order of dependency establishing that the child is dependent.

3. Dependency Review

The first dependency review hearing must occur within 90 days from disposition or six months after the original placement date, whichever comes first. Subsequent dependency review hearings must occur at least every six months at dependency review hearings. The court will determine the parent's level of progress and compliance in completing the components of the case plan.

The court will review the parents' participation in addressing the safety issues. Services provided and consider if there are additional measures to increase the ability of the parents to provide a safe and stable home environment. The court may make decisions regarding placement, modify family time or visitation plans, revise case plan components, and address other issues or motions brought before the court.

4. Permanency Planning

Permanency planning hearings must occur every 12 months from their original placement date. During permanency planning hearings, the court will determine the permanent plan for the child, whether to keep the child living with relatives or in foster care, or be returned to the parent. In-home care plans could be returned home, adoption, guardianship, long-term foster, or relative care, independent living, or third-party custody.

The Cases:

Services

Families involved in the dependency system gain access to state-paid professional services before disposition. Services cannot be ordered by the court.

However, they can be recommended to families and included as conditions of in-home placement. Once dependency has been established, the court can order families to engage in services. The services you will encounter in dependency cases fall into one of two categories: prevention services or remedial services.

1. Prevention Services

Prevention services are designed to address the specific safety issues in the home so that the child is able to safely remain with one or both parents while the case continues under court jurisdiction. This process is referred to as safety planning. The primary purpose of prevention services is to create immediate safety for the child that does not depend on promises of the parents.

2. Remedial Services

Remedial services are designed to address the existing issues in the home so that a child who has been placed in out-of-home care can safely reunify with one or both parents. The primary purpose of remedial services is to build parental capacity to suffice, manage, or control the identified threats to child safety so that safe reunification can occur.

This process is referred to as case planning. Whether a service is considered a prevention or remedial service depends on the intended purpose of that service.

Types of Services

1. Eye Movement Desensitization and Reprocessing (EMDR)

EMDR therapy, rather than focusing on changing the emotions, thoughts or behaviors resulting from the distressing issue, allows the brain to resume its natural healing process. EMDR therapy is designed to resolve unprocessed traumatic memories in the brain.

2. Family Preservation Services (FPS)

In-home or community-based services drawing on the strengths of the family and its individual members, while addressing family needs to strengthen and keep the family together where possible, and may include:

- Respite care for children to provide temporary relief for parents and other caregivers.
- Services designed to improve parenting skills with respect to such matters as child development, family budgeting, coping with stress, health, safety, and nutrition.
- Services designed to promote the well-being of children and families, increase the strength and stability of families, increase parents' confidence and competence in their parenting abilities, promote a safe, stable, and supportive family environment for children, and otherwise enhance children's development.

3. Function Family Therapy (FFT)

Family-based prevention and intervention program for high-risk youth that addresses complex and multidimensional problems through clinical practice that is flexibly structured and culturally sensitive. The FFT clinical model concentrates on decreasing risk factors and on increasing protective factors that directly affect adolescents.

4. Intensive Family Preservation Services

Community-based services that are delivered primarily in the home, that follow intensive service models with demonstrated effectiveness in reducing or avoiding the need for unnecessary imminent out-of-home placement. RCW 74.14C.010

5. Mental Health Treatment

Evidence-based services designed to serve people with diagnosed mental health conditions, such as psychotherapy, medication, case management, hospitalization, residential stay, and support groups.

6. Parent-Child Interactive Therapy (PCIT)

PCIT is an evidence-based treatment for young children with behavioral problems. PCIT is conducted through "coaching" sessions during which the parent and child are in a playroom while the therapist is in an observation room watching the child through a one-way mirror and/or live video feed. The parent gets real-time feedback from the therapist, who provides in-the-moment coaching on skills the parent is learning to manage the child's behavior.

7. Positive Parents Program (Triple P)

The Triple P system is a suite of interventions of increasing intensity for families with children aged up to 16 years. Its range of programs gives parents simple,

practical strategies to build strong, healthy relationships, confidently manage children's behavior, and prevent problems from developing. Parents who participate in Triple P set their own goals and use the strategies and skills in their own style.

8. Promoting First Relationships (PFR)

PFR promotes children's social-emotional development through responsive, nurturing caregiver-child relationships. PFR involves a trained provider who works with the family to teach practical, in-depth, effective strategies for promoting secure and healthy relationships between caregivers and young children (birth to 5 years).

9. SafeCare

Evidence-based training curriculum for parents who are at risk or have been reported for child maltreatment. Parents receive weekly home visits to improve skills in several areas, including home safety, health care, and parent-child interactions.

10. Substance Use Disorder Treatment

Substance use disorder (SUD) treatment encompasses a range of evidence-based approaches aimed at helping individuals overcome addiction and regain control over their lives.

11. Urinalysis (UA)

Urine drug tests screen for certain medications and drugs. This type of test is most commonly used to detect substance use issues and banned substances.

12. Wraparound with Intensive Services

Intensive mental health services and supports, provided in home and community settings, for Medicaid-eligible individuals up to 21 years of age, with complex behavioral health needs and their families. These services are provided by community mental health agencies.

Section 4: Legal Authorities & Standards

This section will introduce you to the state and federal legal authorities that govern the child dependency system in Washington State. The Washington State legislature has declared that the family unit should remain intact unless a child's right to conditions of basic nurture, health, or safety is jeopardized.

The revised code of Washington Chapter 13.34 is the law that governs dependency actions in Washington State.

Chapter 13.38 is the law that governs dependency actions in Washington state for cases where there is reason to know a child is or may be an Indian child.

Federal Legislation:

1. Child Abuse Prevention and Treatment Act - 1974

Major Provisions:

- Child abuse and neglect reporting laws
- Investigation of reports of abuse and neglect
- Public education about abuse and neglect
- Confidentiality of child protective service records
- GAL for every abused or neglected child subject to judicial proceedings
 - P.L. 93-247, 88 Stat 4, 42 U.S.C. 5101-507

2. Indian Child Welfare Act (ICWA) - 1978

The Indian Child Welfare Act (ICWA) of 1978 is a Federal law that governs the removal and out-of-home placement of American Indian children. The law was enacted after the Federal Government recognized that American Indian children were being removed from their homes and communities at a much higher rate than non-Native children. The law established Federal standards for the removal and placement of Native children, as well as the termination of parental rights to protect the best interests of Native American children and keep them connected to their families and Tribes. (From the Child Welfare Information Gateway)

3. Adoption Assistance and Child Welfare Act - 1980

Major Provisions:

- Promote children remaining safely at home
- Ensure children receive quality of care and services
- Shorten time children spend in foster care
- Encourage permanency planning through reunification, when possible

- Case plan ensures placement in least restrictive, most family-like setting in close proximity of the parent(s) home
- Mandates that the court regularly review the status of child welfare cases
- Amended Title IV of the Social Security Act
 - A state service plan and individual case plan must be established for each child
 - Required states to make **REASONABLE EFFORTS** to reunite children in foster care with their parents. Reasonable Efforts are the legal tool by which the court reviews the actions of the child welfare agency to determine whether they are fulfilling their statutory duties

4. Adoption and Safe Families Act - 1997

This law required individual states to be in compliance with it in order to keep receiving federal funds for child welfare.

Major Provisions:

- Required states move to terminate parental rights for children who have been out-of-home for 15 of the last 22 months. Exceptions include:
 - When a child is in a foster home with a biological kinship caregiver.
 - When the agency documents a compelling reason why parental termination is not in the child's best interest.
 - When the state has failed to provide the services necessary for reunification.
- Requires that Permanency Planning Hearings be held at least every 12 months.
- Clarifies permissible permanent plans
- Expands family preservation and support services
- Clarifies cases in which States are not required to reunite families (Aggravated Circumstances)
- Requires states to document efforts to move children toward adoption
- Provides incentives for states to improve adoption rates
- Expands health care coverage for adoptive children

5. Chafee Foster Care Independence Act - 1999

Major Provisions:

- Provides flexible funding for program services for youth
- Provides opportunities for states to serve youth who are likely to remain in foster care and those who have aged out of foster care up to 21 years of age
- Enables older youth (18-21) to receive housing assistance if needed

- Provides states the option of allowing these young people to remain eligible for Medicaid up to age 21

6. Strengthening Abuse and Neglect Courts Act

Major Provisions:

- Legislation to improve administrative efficiency and effectiveness of child abuse and neglect courts including developing, implementing, and maintaining automated information systems that enable the nation's abuse and neglect courts to effectively and efficiently meet the intended goals of the Adoption and Safe Families Act.

[Toolkit for Court Performance Measures in Child Abuse and Neglect Cases](#)

7. McKinney-Vento Homeless Education Assistance Act

Major Provisions:

- Holds schools, local education agencies, and states accountable for improving the academic achievement of all students, and identifying and improving low-performing schools.
- Requires states to ensure homeless children have access to the same public education as other children and youth, including pre-school programs.

Included in the No Child Left Behind Act of 2001

8. Keeping Children and Families Safe Act - 2003

Major Provisions:

- Required policies and procedures to address the needs of infants born and identified as being affected by prenatal drug exposure.
- Provisions and procedures to require CPS representation to advise an individual of allegations against them at initial contact.
- Implemented programs to increase the number of older children placed in adoptive families.
- Emphasized linkages between child protective service agencies and public health, mental health, and developmental disabilities agencies.

9. Fostering Connections to Success and Increasing Adoptions Act - 2008

Major Provisions:

1. Kinship guardianship assistance payments
 - Amends title IV-E to allow states to provide guardianship payments for children in foster care who are being cared for by relatives, provided they have been in foster care for 6 consecutive months.
 - Allows children to leave foster care after age 16 for kinship guardianship or adoption to be eligible for independent living services and education and training vouchers.
2. Maintaining Family Relationships
 - Family Connection Grants: Established program to provide grants for activities designed to keep children in foster care (or those at risk of entering foster care) connected with their families. Funds can be used for kinship navigator programs, family finding efforts, family group decision-making meetings within the child welfare system, or residential substance abuse treatment programs for families.
 - Sibling Placement: States must make reasonable efforts to place siblings in the same foster care placement. If siblings can't be placed together, the state must make reasonable efforts to provide frequent visitation among the siblings.
3. Improving Outcomes for Older Youth:
 - States may extend adoption assistance and/or guardianship payments for youth aged 19, 20, or 21.
 - States may provide care and support to youth until the age of 19, 20, or 21 if the youth meets certain conditions.
 - Transition planning: Required agency to help youth develop a transition plan during the 90-day period preceding the date the youth ages out of foster care. This plan must be detailed and contain the input of the youth.
4. Educational Stability
 - Requires agency to coordinate with local education agencies to ensure that the child remains in their original school if in the child's best interests.
 - If not in the child's best interests, the state must provide assurances that the child is immediately enrolled in a new school and all records are transferred.
 - The foster care maintenance payment may be used to fund transportation costs to the child's school.
5. Health Needs
 - The state is required to work with the Medicaid agency to develop, with the consultation of pediatricians and other experts, a plan to coordinate the healthcare needs of foster care children that includes health screenings, oversight of medication, and steps taken to ensure continuity of medical homes for children if needed.
6. Tribal Access to IV-E Funds

- Allows tribes to directly access and administer IV-E funds by submitting a plan to the federal government.
 - Allows tribes to access part of the state's Chafee Foster Care Independence Program funds.
 - Requires the HHS secretary to provide technical and implementation assistance and grants to tribes to help them administer their own programs.
7. Adoption Incentives
- Allows states to receive an additional \$1,000 per adoption of a child from foster care.
 - Expanded the Adoption Incentive Grant Program.
 - Eligibility for federal funding of adoption assistance is "de-linked" from AFDC eligibility requirements to allow more children with special needs to be adopted with federal funding support.

10. Uninterrupted Scholars Act of 2013

Major Provisions:

- Amend provisions of the Family Education Rights and Privacy Act of 1974 (FERPA) to permit educational agencies or institutions participating in a Department of Education program to release records or identifiable information without parental consent to agency caseworker or other representative of a state or local child welfare agency or tribal organization authorized to access a student's case plan when such agencies or organizations are legally responsible for the care and protection of the student.
- Sets forth conditions for disclosing education records to an entity engaged in addressing the student's education needs.
- Permits the release of such records and information without additional notice to parents and students when a parent is a party to a court proceeding involving child abuse and neglect or dependency matters.

11. Preventing Sex Trafficking and Strengthening Families Act of 2024

Major Provisions:

- Required agency to act promptly when children go missing.
- Promotes foster care "normalcy".
- Mandates that for every Permanency Hearing the agency must document on the record "intensive ongoing, unsuccessful efforts for family placement".
- Encourages sibling placements
- Empowers foster youth at the earlier age of 14

- May select up to 2 individuals to be involved in developing the case plan.
- Required case plan includes a “rights document”.
- Mandates receipt of key documents upon leaving foster care at 18 or later.

12. Family First Prevention Services Act (FFPSA) - 2018

Enacted to turn the focus of the current child welfare system toward keeping children safely with their families to avoid the trauma that results when children are placed in out-of-home care. To increase the number of children who can remain safely at home with their families, the law provides families with greater access to mental health services, substance use treatment, and/or improved parenting skills. This law significantly shifts how the country provides services for families and youth. In particular, it changed the role of community service providers, how courts advocate and make decisions for families, and the types of placements that youth placed in out-of-home care experience. The law also created the Title IV-E Prevention Services Clearinghouse, which consists of a continuously updated comprehensive list of evaluated and tested prevention services and programs that States can use title IV-E funds toward to prevent disruption within families.

Reasonable Efforts

Reasonable efforts are the standard that the court applies when determining if the state has provided the assistance and services needed to preserve and reunify families.

The reasonable efforts mandate in federal and state laws was intended to give the court tools to monitor the actions of DCYF and improve the lives of children and their families. Judicial officers should apply the standard of reasonable efforts to ensure that children are not unnecessarily being removed from the home, and that parents have a fair opportunity to reunite with their children.

Active Efforts

If there is reason to know a child is or may be an Indian child as defined under the Indian Child Welfare Act, DCYF must make active efforts to preserve or reunify the family. Active efforts place a higher standard on the state than reasonable efforts.

Section 5: Permanency Planning

Promoting Permanency Video:

The best part about being home is having my family.

What I missed most, was my family.

My mother, my brother, my aunt, my uncle, my little baby cousins.

Every day when I wake up, I know they're in there. I go to sleep and they're still there.

Every child needs to have someone that loves them and has a place to call home.

My plan for when I was aging out—I really didn't have one. I probably would have felt a little confused about how I was going to get a job or a house. Couldn't get a house, food, things I needed to survive.

What I would say to a new caseworker is: never put a youth in a placement and assume that there is no other option for that youth. I think we have to make reintegration a priority. We have to find the resources to support it. We also have to engage youth, parents, community, and other systems. If we really listen to what families need and want, then we can provide a wraparound array of services and supports that help families strengthen their ability to parent.

The primary issue is finding that caregiver—whether it's a biological parent, a relative, fictive kin—who is interested in caring for a child. From there, if we have a child who has complex mental health needs, we can build the supports around that child and that family so we can reintegrate the child into the home. If you create the right supports, provide the right support to the caregiver, and the right education, that child can succeed in the community.

The CPS reintegration project is a set of services, it's a philosophy. We help to get children out of CPS state custody and back to their families—either to a parent or another relative caregiver, or a symbolic relative. Without the CPS reintegration project, a lot of our older youth would either languish in residential treatment centers or age out of the system without having forever families.

We work with the family for at least three months to prepare them for this transition. We ensure that the placement the youth is currently at is working to prepare the youth. We ensure that there are visits happening, that the child is getting used to the caregiver if they don't already have that bond. So when the youth does come back home, everything is already in place and the transition is much easier.

When there's a big team working together—usually an interdisciplinary team—we do transition planning and put services, supports, and a team in place for the youth. That way, when they come home, they and the family have the support they need to be successful. Once the youth is home, we work with them for up to a year to help stabilize and maintain that placement.

This project has given us an opportunity to really look at the number of youth of color who are in out-of-home placement, specifically in residential treatment centers. The children referred to the reintegration project were primarily children of color—that's reflective of the disproportionately high numbers of children of color in the foster care system.

As a result, it's really important to design programs reflective of those populations. It's very important to provide training for staff who work within those programs—training on family engagement, culturally competent services, and understanding the communities from which families come. Programs must tap into the unique components within communities that can be used as part of the support network for children as they reintegrate.

When I look at success stories with this project, I think of three particular families that are part of this video. What I see are three very unique and different families, from different backgrounds, with different experiences, working with children who had unique but very different challenges.

When I was 10, I got taken away from a placement to Cassius and his family. It was definitely a unique situation with a strong family bond. There was a huge interest in Cassius returning home. However, Cassius had major needs that had to be addressed.

They said at first that we couldn't take care of him because we were too old and I was sick. I had just come out of the hospital after a stroke.

The CPS reintegration project was helpful to Cassius and his family by keeping them together forever. Once CPS stepped out of the picture, they let us know we could adopt Cassius, and we were really happy.

The grandparents needed a lot of emotional, physical, and financial support. "They showed us how to take care of the boys, told us what to do in order to get the boys."

If we hadn't gotten involved with him, or tried to get him straightened out, he probably would be back out on the street, running around. I think he'd be in some prison somewhere. Having him back with us is a wonderful feeling.

I first went into care back in 2000 when my rights were terminated. She was in CPS custody for nine years, in multiple placements—psychiatric hospitals, residential treatment centers, foster homes, shelters. She was removed from her mother along with three siblings for neglect, and she was really struggling.

After nine years in care, her CASA volunteer thought: "This isn't working. We have to try something else. She's getting close to 18, and she's going to age out with nothing and no one."

She started out in foster care with a couple, along with her three siblings. But instead of going uphill, she went downhill. She kept moving from one place to another. That's when I started misbehaving and had to be moved again.

What I wanted was to go back home with my mom, but that wasn't possible at the time.

Over nine years, she accumulated multiple diagnoses, a lot of medications, and unhealthy coping skills. She expressed anger and frustration through aggression—verbal and physical.

When I was in care, I was so determined not to be adopted. When my rights were terminated, I was just the devil's child. I wouldn't stay in one place.

Within a few months of coming home, she was off all her medications. She went to school every day, whereas before she had truancy issues and lost credits. There were no behaviors, no crises, not one issue when she was home.

This youth—who once had multiple diagnoses and medications—was no longer considered mentally ill, no longer considered to have mental health challenges. Maybe she never had biologically based mental health challenges. Maybe she just needed to be with her family.

The only place I really ever wanted to be was home. No matter how much help I received in care or foster homes, it was nothing compared to being with my family and working out problems with people you love.

There's another caregiver who helped us learn a lot and did fabulously. The youth in her care was her nephew, whom she had adopted. He had been through severe trauma—abuse and neglect. He went into a family placement that didn't work, then into CPS custody. He moved from one placement to another, and it eventually took a toll on him—his safety, his stability, his mental health.

“I didn't have the parenting skills to take care of him. The CPS reintegration project gave us the tools and resources we needed to be successful parents.”

He moved from a self-contained classroom in an alternative school to a mainstream classroom in a regular school. He graduated from therapy. He attended normal camps. We feel this is because his caregiver was willing to do whatever it took to get him home.

What we've seen is that many of these youths' challenges in child welfare were really a function of being in the system, not being with their families.

We have to tell the story about the success of reintegration and use it to get caseworkers and managers energized about the possibilities. Reintegration can make a difference in the lives of our children, our youth, and their families.

It's an ambitious goal, but we think it's possible to help the legal system and child welfare system think about community options for youth with significant needs. Agencies and caseworkers can do a variety of things to support reintegration, including:

Providing staff with time to work with families and youth.

Ensuring transportation for families to stay connected.

Training staff.

Building good community connections.

Providing flexible funding to allow programs to succeed.

I can't put a finger on what has been the best part of my youth coming home, other than—that's the way it's meant to be. It's a good feeling to see them come up together and be part of it. It's a good feeling. It doesn't get better than that.

He means the world to me. He means the world to me.

Permanency Plan:

1. Reunification
2. Adoption
3. Guardianship
4. Placement with a Fit and Willing Relative
5. Another Planned Permanent Living Arrangement

Section 6: Dependency Timelines

Within the legal framework and requirements of federal and state laws, dependency courts must hold a series of hearings in order to make key decisions in child welfare cases that will help facilitate safe and timely permanency for children. Each hearing has a specific role in the process meant to ensure due process rights of the parents, while still guaranteeing the safety of the child and working towards a permanent outcome.

Case Timeline:

1. Petition Filed

A dependency petition is a legal document addressed to the court about concerns that your child has been abused, neglected, or abandoned and there is no parent able to safely care for your child. The dependency petition asks the court to step in and protect your child from harm and have the State assume temporary legal custody of your child.

If the court finds that the child is at the risk of imminent harm as defined under RCW 13.34.050, the court may enter an order directing a law enforcement officer, probation counselor, or child protective services official to take a child into custody. This is commonly referred to as a "Pick Up" order. Once this order is signed, the child is removed from the home and placed into out-of-home care, either with a relative or a foster home

2. Initial Family Time Visit

An initial (family time) visit must occur within 72 hours of the removal of a child unless the court finds that extraordinary circumstances require a delay. This visit must be supervised unless the department determines supervision is not necessary (House Bill 1194)

3. Shelter Care Hearing

Shelter Care hearing must occur within 72 hours of the child being picked up, not including weekends and holidays.

The complete list of inquiries that the court must make at Shelter Care is found in RCW 13.34.065(4)

Reasonable Efforts Finding: At shelter care, the court needs to find two things in order to remove a child:

- 1) Reasonable Efforts were made to prevent removal
- 2) Risk of harm
 - *No parent is available to care for the child OR*
 - *Release of the child to the parent presents a serious threat of substantial harm to the child*

An order for out-of-home placement may be made only if the court finds that reasonable efforts have 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, specifying the services, including housing assistance, that have been provided to the child and the child's parent, guardian, or legal custodian, and that prevention services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home.

ICWA: At the commencement of every dependency, the court must inquire whether there is “reason to know” a child is an Indian child 25 CFR § 23.107(a). If the court has “reason to know” a child is or may be an Indian child, the court must treat the child as an Indian child until or unless it determines the child does not meet the definition of an Indian child.

ICWA Removal Standard: “No involuntary foster care placement may be ordered in a child custody proceeding in the absence of a determination, supported by clear and convincing evidence, including testimony of qualified expert witnesses, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.” 13.38.130(2)

ICWA Placement Preference: Preferences for placement in ICWA cases can be found in RCW 13.38.180(2)

Question of Return Home: The judicial officer decides whether it is safe for the child to return home or whether out-of-home care remains necessary to ensure the safety of the child. The focus of the initial shelter care hearing is to protect the child and offer ways for the parent to address the issues that led to the state's involvement.

Family Time Visitation: If the child is ordered to remain in out-of-home care, the court will determine an appropriate Family Time/Visitation) plan. This includes visitation with both parents AND siblings. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and allowing family reunification. The court shall order a visitation plan individualized to the needs of the family with a goal of providing the maximum parent, child, and sibling contact possible.

Placement: Out-of-home placement should be in the least disruptive and most family-like setting that meets the needs of the child. *If* the child is ordered to remain in out-of-home care, the court shall order placement with a relative or suitable other person, unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered. The person must be willing and available to care for the child and be able to meet any special needs of the child, facilitate the child's visitation with siblings, and the court must find that such placement is in the best interests of the child. At the time of Shelter Care, the court shall ask the parents whether the department discussed with them the placement of the child with a relative or other suitable person, and shall determine what efforts have been made toward such a placement. If a relative or suitable other caregiver is not available, the court may order placement into licensed foster care or a Qualified Residential Treatment Program (QRTP).

4. Case Conference

A shelter care order shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing or does not agree to the case conference, the court shall not include the requirement for

the case conference in the shelter care order. If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference, which shall be no later than 30 days before the fact-finding hearing.

What is a Case Conference?

Purpose: develop and specify in a written service agreement the expectations of both the department and the parent regarding voluntary services for the parent. The written service agreement expectations must correlate with the court's findings at the shelter care hearing

Who Attends: The case conference shall include the parent, counsel for the parent, caseworker, counsel for the state, guardian ad litem, counsel for the child, and any other person agreed upon by the parties.

When: The Case conference shall occur no later than 30 days before the fact-finding hearing. In addition, at any other stage in a dependency proceeding, the department, upon the parent's request, shall convene a case conference.

5. Shelter Care Review Hearing(s)

Orders authorizing shelter care are valid for 30 days. For cases where shelter care extends past 30 days, the court needs to renew the shelter care order either through a Shelter Care Review Hearings or an agreed ex parte order. Courts are required to hold shelter care review hearings every 30 days while the dependency decision is pending, unless there is a valid waiver or agreed continuance.

6. Fact-Finding Hearing

Must be held within 75 days of filing of the petition, absent exceptional circumstances.

At the time of Fact-Finding, the Court decides whether a child meets the statutory definition of "dependent child" by a **preponderance of the evidence**. Parents may choose to enter into an agreed order of dependency. Parents who do not agree to dependency have the right to a Fact-Finding Hearing within 75 days of the petition being filed. Parents make this decision independently (e.g., the mother could agree to dependency and the father could go to Fact-Finding).

Agreed Order of Dependency: The parent, guardian, or legal custodian of the child may waive his or her right to a fact-finding hearing by stipulating or agreeing to the entry of an order of dependency establishing that the child is dependent.

Fact-Finding Trial: When a parent does not agree to dependency, a trial is held to determine if the allegations in the dependency petition can be proven. At this hearing, the parties can present evidence to the court, including witness testimony. After the fact-

finding hearing, the court will issue an order. The order will say whether the child will be returned home or remain in the custody of the state and be in foster care or go to relatives of the family. It will also say what services the parents are ordered to complete and what DCYF must do to support parents in completing requirements. This order will also include the conditions for return (i.e., what needs to happen in order for the children to return home). If there is insufficient evidence provided by the state to support the allegations in the dependency petition, the court may order that the case be dismissed.

The court will make a ruling to either:

1. Dismiss the dependency order and return the child for in-home care;
2. Order the child is a dependent of the state and is able to return/remain home with court oversight; OR
3. Rule the child is a dependent of the state and out-of-home placement remains necessary

7. Disposition

Must occur within 14 days of dependency being ordered.

The order of disposition is typically included in the order of dependency. If an order of disposition IS NOT included in the order of dependency and there is good cause for continuing the matter, a Disposition Hearing must be held within 14 days of dependency being ordered.

The court shall order one of the following dispositions of the case:

1. Order a disposition that maintains the child in his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. RCW 13.34.130(1)(a)
2. Order the child to be removed from his or her home and into the custody, control, and care of a relative or other suitable person, the department, or agency responsible for supervision of the child's placement. If the court orders that the child be placed with a caregiver over the objections of the parent or the department, the court shall articulate, on the record, his or her reasons for ordering the placement. RCW 13.34.130(1)(b)

8. First Dependency Review Hearing

The first Dependency Review Hearing must occur 90 days from disposition or 6 months after original placement, whichever is first. The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145(1)(a) or 13.34.134.

9. Dependency Review Hearings

Dependency Review Hearings must occur every 6 months, although it is recommended to hold review hearings more frequently, such as every 3-4 months. **Reasonable Efforts Findings**

At a review hearing, RCW 13.34.138(2)(c) "If the child is not returned home, the court shall establish in writing: (i) Whether the department is making reasonable efforts to provide services to the family and eliminate the need for placement of the child."

Progress & Compliance Findings: The court will determine each parent's level of compliance with the court-ordered case plan and level of progress that has been made toward correcting the problems that necessitated the child's placement in out-of-home cases.

Question of Return Home: A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions that led to removal. If the child is not returned home, the court shall establish in writing the findings located in RCW 13.34.138(2)(c)

Trial Return Home: If a child is returned, casework supervision by the department shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

10. Permanency Planning Hearing

A permanency planning hearing must be held between nine and 12 months after the child is placed in out-of-home care. This is when a permanent plan is established for the child. If the child remains in out-of-home care, permanency planning hearings are held every 12 months to decide what is best for the child.

Permanent Plan: The court determines the permanent plan (return home, adoption, guardianship, non-parental custody, long-term foster care, independent living).

Concurrent Planning: Courts can also order more than one permanent plan for a family as either a concurrent/dual plan or a secondary/alternative plan. This is called "Concurrent Planning". Cases often start out with a primary plan of return home. If cases remain open for a significant amount of time, courts may decide to order a dual or alternative plan to help ensure timely permanency for the child(ren). For example, a judicial officer may order a primary plan of Return Home with an alternative plan for Guardianship.

Guardianship: If a child has lived with a foster parent or relative for more than six months, the court must instruct the department to discuss guardianship as a permanent option for the child with the child's parents and caregiver as an alternative to termination of parental rights and adoption. SHB 1747

11. Termination Petition

If the child is out of the home for 15 of 22 months, then a termination petition must be filed unless the court finds a compelling reason not to. This opens a termination case and begins termination proceedings.

The State must prove by clear, cogent, and convincing evidence:

- The child is dependent.
- A disposition plan has been entered.
- Child has been removed from the parents' custody under an order of dependency for 6 months (with exceptions).
- All services ordered, and all necessary services reasonably available, have been offered or provided.
- Little likelihood that the parent will remedy parental deficiencies in the near future;
- Continuation of the parent-child relationship diminishes a child's prospects for early integration into a permanent and stable home.
- Current parental unfitness.

State must prove by a **preponderance of evidence**:

- Termination is in the child's best interests

ICWA: "No involuntary termination of parental rights may be ordered in a child custody proceeding in the absence of a determination, supported by evidence beyond a reasonable doubt, including testimony of qualified expert witnesses, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child." RCW 13.38.130(3)

Closing

Congratulations, you have completed the Introduction to Child Dependency Module. You can learn more about this module by clicking on the tabs on the bottom of the screen. Click the done button when you are ready to exit this module.