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2026 CASE LAW AND LEGISLATIVE UPDATE

Dependency Courts

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Case Law Updates

In re Dependency of Baby Boy B.

3 Wn.3d 569, 554 P.3d 1196 (2024) (Supreme Court)
8/29/2024
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QUESTIONS	ANSWERS
Does the Juvenile Court Act require superior courts to hold shelter care review hearings every 30 days as long as a child is in shelter care?	Yes. Absent a valid waiver or agreed continuance, the statute requires a superior court to hold a shelter care review hearing every 30 days, even if there are no allegations of a change in circumstances.

FACTS

Baby Boy was removed from the care of mother shortly after birth and placed in relative care at the initial 72-hour shelter care hearing. Shelter care hearings were held in April, May, and June, where there were no contested issues and the case remained in status quo. The court declined to set additional 30-day hearings, absent a filing of a request for a hearing based on a change in circumstances. The Court of Appeals agreed, holding that while the statute required an *order* every 30 days, it did not necessarily require a *hearing* every 30 days.

ANALYSIS

While the statute, in isolation, does not require a hearing, the use of the word "order" implies that the parties be afforded an opportunity to be heard before an order is issued. Requiring judicial review during shelter care is consistent with the court's continued oversight obligations throughout dependency and termination proceedings, as well as the legislative goal of reducing the disproportionate removal of children of color from their families. A shelter care order is an extraordinary measure and is intended to be an interim solution in place for a short time, because the order separates a child from their family after only a minimal evidentiary showing. Under these circumstances, requiring the superior court to routinely inquire into the need for ongoing shelter care is critical to reuniting the family as soon as is safely possible, holding parties accountable, ensuring that the case proceeds either to dismissal or dependency, and ensuring the "health, welfare, and safety of the child."

In the Matter of the Dependency of H.W.

34 Wash. App. 2d 819, 572 P.3d 481 (2025) (Court of Appeals, Division I)
7/21/2025
Link

QUESTIONS	ANSWERS
1. Can a private individual (not DCYF) file a dependency petition? 2. Must DCYF be joined as a party to a privately filed dependency petition? 3. Is a pre-filing review by a county probation officer required before a private dependency petition may be filed?	1. Yes. Under RCW 13.34.040(1), any person may file a dependency petition, and such a person is a real party in interest under CR 17(a). 2. No. DCYF does not need to be joined as a party in a private dependency proceeding. 3. No. The absence of pre-filing review by a probation officer does not require dismissal. The statute does not make pre-approval a condition precedent to filing.

FACTS

Six-year-old H.W. lived alternately with her mother and her father. Following the death of H.W.'s mother, the mother's cousin filed a private dependency action, alleging concerns about the child's living conditions while in the father's care. DCYF was not involved. On the father's motion, the juvenile court dismissed the dependency petition, finding that the petitioner-cousin was not a real party in interest under CR 17(a) and that RCW 13.34.040(1) should not be read to allow any person to file a dependency petition. This section provides: "Any person may file with the clerk of the superior court a petition showing that there is within the county, or residing within the county, a dependent child and requesting that the superior court deal with such child as provided in this chapter." The juvenile court further supported its dismissal by finding that the cousin had not secured pre-filing review of her petition by a probation officer under RCW 13.34.040(2). The cousin appealed the dismissal.

ANALYSIS

After disposing of the father's jurisdictional and procedural arguments, the Court of Appeals reversed the juvenile court's dismissal of the dependency petition. The Court emphasized that RCW 13.34.040(1) plainly states that "any person may file" a dependency petition and because the Legislature chose not to limit who may file, the statute confers standing on private petitioners. This made the cousin a proper "party in interest" under CR 17(a) so the trial court's narrower interpretation was erroneous. The Court further held that a private dependency petition does not require DCYF to be joined as a party, as nothing in the statute makes the State a necessary participant and the dependency scheme contemplates both agency-initiated and privately initiated actions. Finally, the Court rejected the juvenile court's conclusion that the cousin's failure to obtain pre-filing probation officer review under RCW 13.34.040(2) required dismissal, noting that the statute does not impose such review as a condition precedent to filing and the trial court improperly added requirements not found in the statutory text.

In the Matter of the Dependency of J.Y. and N.Y.

35 Wash. App. 2d 73, 572 P.3d 1254 (2025) (Court of Appeals, Division I)
7/29/2025
Link

QUESTIONS	ANSWERS
Is a non-custodial parent entitled to a timely shelter care hearing?	Yes. Additionally: (a) The court is required to assess the reasonableness of efforts 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 as to all parents, regardless of where the children reside prior to removal. (b) The burden for showing parental unfitness is on DCYF. It is improper to shift the burden to a parent to show that they are fit. (c) A court must apply all the shelter care statutory analysis for removal to all parents when conducting a shelter care hearing.

FACTS

J.Y. (age 11) and N.Y. (age 6) lived with their mother in Washington. DCYF filed a dependency petition in October 2023 alleging imminent physical harm due to the mother's neglect, unsafe home conditions, and refusal to engage in services. DCYF had not located the father, M.Y., who lived in New Mexico with his wife and three other children. DCYF searched for M.Y. but did not immediately use its parent locator service. The children were placed in foster care at an initial shelter care hearing.

About a month after removal, M.Y. learned about the dependency from relatives, contacted DCYF, and was appointed counsel. He immediately requested a shelter care hearing, presenting evidence of stable sobriety (drug court participation, nearly one year clean), stable housing, medical insurance, and preparation for the children's schooling and medical care. He argued there was no evidence he posed any risk to the children and that the new 2023 statute required their release to him. DCYF agreed it had no evidence of abuse or neglect by M.Y. and could not argue he was unfit.

Despite recognizing that DCYF had presented no basis to continue out-of-home care as to M.Y., the trial court refused to apply the shelter care statute, reasoning that because the children did not live with M.Y. prior to removal, "there wasn't a removal from his home." The court instead treated him as a "placement resource" and required him to prove parental fitness. The trial court repeatedly postponed ruling and ultimately continued shelter care based on its findings as to the mother—not M.Y.

During the appeal, the children's visits with M.Y. progressed successfully. Both children expressed wanting to live with him, and DCYF eventually moved for placement with M.Y. The dependency was dismissed after the children transitioned safely into his care.

ANALYSIS

Two new issues were raised on appeal: DCYF requested the Court dismiss the appeal as moot and father requested the Court address concerns about gender bias. The Court declined to address these issues.

Timely Shelter Care Hearing

Shelter care is an extraordinary measure that separates a child from their parents. None of the shelter care statutes differentiate between a custodial and non-custodial parent. The terms "removal" and "return home" do not limit the shelter care requirements to custodial parents. To excuse DCYF from meeting its burden toward a noncustodial parent simply because DCYF hasn't located the parent at the time of removal would be an "extraordinary restriction" of the rights of noncustodial parents. father should have been afforded a timely shelter care hearing when he demanded one.

Shelter Care Standard

A trial court cannot order shelter care unless DCYF shows 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." RCW 13.34.065(5)(a)(i). This "reasonable efforts" requirement applies to both parents, regardless of where the children resided prior to removal.

DCYF must show "reasonable cause to believe . . . that a child has no parent. . . to provide supervision and care for such child." RCW 13.34.065(5)(a)(ii)(A). In this case, the court placed the burden on father to show that he was fit, not on DCYF to show that he was unfit. This was in error.

The Court ordered continued shelter care based on its earlier findings regarding Mother and did not complete an evaluation regarding father. DCYF did not demonstrate that the children would face a risk of imminent harm tied to the conditions in father's home. Accordingly, the court should have found that continued shelter care was not warranted as to M.Y.

In the Matter of the Parental Rights to K.C.W. and G.C.W.

34 Wash. App. 2d 687, 573 P.3d 448 (2025) (Court of Appeals, Division I)
8/1/2025
Link

QUESTIONS	ANSWERS
1. Did the juvenile court abuse its discretion by denying the mother's third and fourth motions to continue her termination trial while related criminal charges were still pending? 2. Did the court err by refusing the mother's alternative request for a partial stay—allowing DCYF to present its case and pausing the trial until the criminal matter concluded?	1. No. The Court of Appeals held that the juvenile court did not abuse its discretion. After twice granting continuances, the court properly determined that the children's compelling interest in timely permanency outweighed the mother's Fifth Amendment concerns as time continued to pass. 2. No. The court also acted within its discretion in denying the partial stay, finding it would prolong the case, risk retraumatizing the children, and delay stability and permanency.

FACTS

In August 2021, the mother was arrested and criminally charged with attempted murder and felony harassment after allegedly threatening and attempting to kill her children. DCYF filed dependency petitions the next day because the children had no safe parent available. The children were eventually placed with an adult half-sibling.

While the dependency case proceeded, the mother was found incompetent to stand trial and committed to Western State Hospital for restoration. The juvenile court entered dependency orders, citing abuse, neglect, and lack of a capable caregiver. A dispositional order required her to undergo a psychological evaluation, but she declined due to her ongoing criminal exposure. The children did not seek contact with their mother.

In March 2023, DCYF petitioned to terminate the mother's rights. Concerned about incriminating herself if she testified in the dependency/termination proceedings, the mother twice requested—and was granted—continuances. These continuances delayed trial by nine months total. When her criminal case remained unresolved, she sought a third continuance, which the court denied. At the start of trial, she renewed that request and alternatively requested a partial stay, which the court also denied. The mother presented no evidence at trial, did not testify, and the court ultimately terminated her parental rights. She appealed solely on the denial of the continuances.

ANALYSIS

The Court of Appeals affirmed the juvenile court's decision, concluding that the trial court did not abuse its discretion when it denied the mother's third and fourth motions to continue her termination trial.

Applying the eight-factor balancing test from *King v. Olympic Pipeline Co.*, 104 Wn. App. 338 (2000), the court reviewed:

(1) the extent to which the mother's Fifth Amendment rights were implicated,
(2) the overlap between the civil termination case and the criminal charges,
(3) the status and uncertain timeline of the criminal case,
(4) the children's and DCYF's strong interests in timely permanency and the prejudice resulting from delay,
(5) the burdens the proceeding placed on the mother,
(6) judicial efficiency concerns,
(7) the interests of nonparties—particularly the children—and
(8) the public interest.

After evaluating these competing considerations, the Court held that although the mother's Fifth Amendment interests were significant, the children's need for stability and prompt permanency grew increasingly compelling as time passed. Because the mother had already been granted two lengthy continuances and her criminal case remained unresolved with no reliable timeline, further delay would have prolonged instability for the children, who had already been out of the home for more than 30 months. Balancing the parent's rights against the children's urgent need for permanency, the Court of Appeals concluded the trial court acted within its discretion in denying further continuances. The opinion was initially unpublished but later ordered published on DCYF's motion.

In the Matter of the Dependency of J.H.W., Jr., and J.K.W.

2026 WL 366461 (Court of Appeals, Division I)
2/9/2026
Link

QUESTIONS	ANSWERS
1. Was there substantial evidence to support the Court's findings that (a) DCYF provided all necessary and reasonable services and visitation, (b) there was little likelihood that the parental deficiencies would be remedied in the near future (c), father's continued relationship with the children would diminish their prospects for early integration into a stable and permanent home, and (d) termination is in the child's best interest? 2. Should the Court have addressed the relationship between siblings in its findings?	1. Yes. Substantial evidence supported the trial court's findings. Regarding services, the Court of Appeals found that DCYF provided all necessary and reasonably available services, including those accessible during incarceration. The Court of Appeals noted that COVID-19 restrictions and correctional facility limitations justified gaps in services and visitation, that DCYF's efforts were reasonable, and that additional services would have been futile given the father's lengthy incarceration and unremedied deficiencies. Additionally, the legal relationship with the father impeded adoption because the children had lived with their prospective adoptive parents for years

	and lacked a meaningful relationship with him. 2. Yes. The order terminating parental rights must include a statement addressing the children's relationship with siblings. Where the issue was addressed during the proceeding, the proper remedy is to remand for additional findings.

FACTS

The father, J.H.W., was the parent of two boys, ages 5 and 3 at the time of trial. Beginning in 2019, DCYF received multiple reports of severe parental deficiencies, including parental substance use, domestic violence, criminal activity, and failure to meet the children's needs. The father received referrals for urinalysis testing, substance use treatment, parenting assessments, and domestic violence assessments but did not follow through with recommended services. All drug tests in 2019 were positive, and he failed to engage in treatment.

In 2020, after a domestic violence incident, the father was incarcerated. During his incarceration, video visitation was inconsistent due to pandemic restrictions, facility technological limitations, and coordination issues. Eventually, visitation resumed. The father later enrolled in several classes offered by DOC, but these were not equivalent to the court-ordered services. He was convicted of second-degree rape (domestic violence) and second-degree assault with deliberate cruelty, receiving a sentence of 158 months, with earliest release in 2032.

Both children had lived with their foster family since they were infants or toddlers, were thriving, and were strongly bonded to their caregivers. After a full termination trial at which the father testified but did not show progress toward correcting deficiencies, the juvenile court terminated his parental rights. The father appealed.

ANALYSIS

The Court of Appeals found that DCYF met its burden with regards to the elements of termination. The Court found that DCYF had made efforts to make visitation occur while father was incarcerated but was stymied by the capabilities of father's facilities. The Court found that DCYF had offered all reasonable services to father, both when he was out of custody and when he was in custody, subject to the availability of those services in the correctional facilities. The Court found that even if father engaged in all of his services, his term of incarceration made it unlikely that he would be able to remedy his parental deficiencies in the foreseeable future. Ultimately, the Court found that termination of the father's rights was in the children's best interest.

Under RCW 13.34.200(3), an order terminating parental rights must include a statement regarding the child(ren)'s relationship with siblings. The record reflects that the Court discussed the sibling relationships at length during the proceeding, but the Court's ultimate findings failed to include a discussion of those relationships.

The Court upheld the termination findings but remanded the matter for additional findings consistent with the requirement of RCW 13.34.200(3) to address the children's sibling relationships.

A substitute opinion was issued in February 2026, clarifying that the appropriate evidentiary standard by which a Court must find that termination is in the child's best interest. The correct standard is that DCYF must prove that termination is in the child's best interest by a preponderance of the evidence. *In re Welfare of A.B.*, 168 Wn.2d 908, 911-912, 232 P.3d 1104 (2010).

In the Matter of the Guardianship of J.S.

35 Wash.App.2d 103, 573 P.3d 923 (2025) (Court of Appeals, Division I)
8/5/2025
Link

QUESTIONS	ANSWERS
1. What is the standard and evidence necessary to establish a Title 11 guardianship under RCW 11.110.185(2)(c) ("no parent… willing or able to exercise parenting functions…)?"	1. A Title 11 guardianship may be ordered under RCW 11.130.185(2)(c) if there is clear and convincing evidence that no parent is willing or able to exercise parenting functions and the court finds the appointment is in the minor's best interest.
2. What does the court need to find in order to deny termination of a Title 11 guardianship?	2. When termination of a guardianship would be harmful to the child and not in the best interest of the child, the court may deny termination of a Title 11 guardianship pursuant to RCW 11.13.240.

FACTS

J.S. was born in 2019 to J.L. and K.S. When J.S. was three months old, J.L. was awarded sole custody and became her primary caregiver. Over the next two years, J.L. moved J.S. among numerous unstable homes with various relatives and girlfriends. Throughout this period, multiple caregivers observed that J.L. failed to meet J.S.'s basic needs: he regularly forgot to feed or change her, left her unattended for long periods, rarely bathed her, maintained poor hygiene himself, and routinely delegated caregiving to others while spending time playing video games or smoking marijuana.

Family members and caregivers repeatedly saw signs of developmental delay, including that J.S. could not speak and did not appear to hear. After J.L. moved out of his father Kie and stepmother Kelly's home, he signed a six-month "temporary guardianship affidavit" giving Kelly authority to care for J.S. Once in Kelly's care, J.S. was found to have severe fluid buildup in her ears that left her nearly deaf, requiring surgery, and she was behind on vaccinations. J.L. did not attend the surgery or inquire about her medical needs. Kelly enrolled J.S. in early-intervention services and preschool, and J.S. improved significantly.

Shortly after leaving J.S. with Kie and Kelly, J.L. punched Kelly in the mouth during an argument and was arrested. Kelly obtained a no-contact order, but J.L. still made no attempts to see J.S. for over a year, even though others sent him updates and told him he could visit her. When the no-contact order expired in 2022, J.L. suddenly arrived wanting to take J.S. overnight despite having had virtually no contact with her for more than a year. This prompted Kie and Kelly to file an emergency minor guardianship petition.

During the guardianship proceedings, J.L. repeatedly requested expanded visitation, but he consistently failed to demonstrate he could safely parent J.S. He did not secure stable housing, failed to disclose that he was living with his girlfriend's son — a registered sex offender — and provided inconsistent or misleading information about where J.S. would live. He also failed to participate in parenting, mental-health, or substance-abuse services, missed phone visits, arrived late to in-person visits, and lacked essential items for J.S. during visits. Over the previous two years, he had not spent more than five hours alone with her. By contrast, Kie and Kelly had been her primary caregivers for most of her life and provided a safe, stable, and developmentally supportive environment.

ANALYSIS

J.L. challenged the superior court's decision to appoint Kie and Kelly as guardians for his child, J.S., arguing that the court's finding—that he was willing but not able to perform parenting functions—was not supported by substantial evidence. He further argued that, because that finding lacked evidentiary support, the guardianship should now be terminated since the original basis no longer existed. A guardianship for a minor may be ordered if there is clear and convincing evidence that no parent of the minor is willing or able to exercise parenting functions as defined in RCW 26.09.004, and if the court finds the appointment is in the minor's best interest. RCW 11.130.185(2)(c). "Parenting functions" means those aspects of the parent-child relationship in which the parent makes decisions and performs functions necessary for the care and growth of the child and is further spelled out in the statute. RCW 26.09.004(2). In this case, the trial court made findings that J.L. had a pattern of abdicating parental responsibilities to others, providing minimal financial support, having housing instability, arriving late to visits, and failing to participate in J.S.'s education – among other findings. Based on the record in this matter, the Court found that the trial court did not abuse its discretion in finding that J.L. was not able to exercise parenting functions, as required under RCW 11.130.185. In contrast, Kie and Kelly had provided J.S. with a stable and nurturing home, handled all her medical and developmental care, and supported her financially without assistance from J.L. Given these facts, the Court concluded that the trial had not abused its discretion in appointing Kie and Kelly as guardians under RCW 11.130.185(2)(c).

With regard to J.L.'s request to terminate the guardianship, the trial court explicitly found such termination would be harmful to J.S. and not in her best interest, which is a valid basis under RCW 11.130.240 to maintain the guardianship. As a result, the Court affirmed the guardianship order.

In the Matter of the Dependency of C.J.J.I., R.A.R., Jr., and C.V.I.

5 Wn. 3d. 266, 574 P.3d 556 (2025) (Supreme Court)
8/28/2025
Link

QUESTIONS	ANSWERS
1. Must a juvenile court make an "active efforts" finding at the dependency fact-finding hearing when the child is in out-of-home care at the time of the hearing? 2. Is a dependency fact-finding hearing a "foster care placement" under ICWA and WICWA, triggering the heightened procedural protections—including active efforts, qualified expert witness (QEW) testimony, and proof of likely serious emotional or physical harm? 3. What is the proper remedy when a dependency court fails to make required active-efforts findings at the fact-finding stage?	1. Yes. A juvenile court must make active-efforts findings at the dependency fact-finding hearing when the child is placed out of home at the time of the hearing and the court does not return the child to their parents' care. 2. Yes. A dependency fact-finding hearing is a "foster care placement" because denying the dependency petition would result in the child's return home; thus, the hearing determines whether the child will remain legally removed from the parent. This triggers ICWA/WICWA protections—active efforts, clear and convincing evidence, and QEW testimony. 3. Remedy: The correct remedy is to vacate the dependency order and any subsequent disposition order and immediately return the children unless doing so poses substantial and immediate danger or the threat of such danger. Dismissal of the dependency petition is not required.

FACTS

M.R. is the mother of three children, two of whom are "Indian children" under the Indian Child Welfare Act and Washington Indian Child Welfare Act (ICWA, WICWA). In September 2022, following at least five years of DCYF involvement with this family, the juvenile court granted DCYF's motion to place the children out of home with the Tribe's agreement.

In November 2022, the juvenile court commenced a dependency fact-finding hearing at which M.R. offered evidence about DCYF's efforts to prevent the break-up of the Indian family. The court sustained DCYF's objection on the basis that such efforts are relevant only to out-of-home placement, which is addressed at the disposition hearing and not at the dependency fact-finding hearing. At the close of the dependency fact-finding hearing, the juvenile court entered written orders of dependency, which included an order continuing the children's out-of-home placement. The dependency orders did not address whether DCYF had made active efforts.

Six weeks later, the juvenile court held a disposition hearing and subsequently entered orders maintaining the children in out-of-home care. The court found that DCYF had made active efforts, that continued parental custody would result in serious emotional or physical damage, and that immediate return of the children to the parents' care would subject them to substantial and immediate danger or the threat of such danger.

M.R. appealed the orders of dependency and disposition. In August 2024, Division Three of the Court of Appeals issued an unpublished opinion holding that the trial court had erred by not addressing active efforts at the dependency fact-finding hearing. The COA remanded to the trial court to assess whether DCYF made active efforts and, if not, to return the children to the mother's care unless doing so would subject them to substantial and immediate danger or threat of such danger. The Supreme Court subsequently granted DCYF's motion for discretionary review.

ANALYSIS

The Washington Supreme Court began by examining whether ICWA and WICWA require a juvenile court to make "active efforts" findings at the dependency fact-finding hearing when an Indian child is placed out of the home at the time of the hearing. The Court rejected DCYF's argument that a dependency fact-finding hearing is not a "foster care placement," reasoning that the hearing determines whether the children will continue to be legally removed from their mother's custody. Had the court declined to find the children dependent, they would have immediately been returned home. The Court also reasoned that DCYF essentially sought the children's continued out-of-home placement by proceeding to the fact-finding hearing. Thus, the dependency hearing itself constituted a foster care placement and triggered ICWA and WICWA's mandatory protections, including proof of active efforts and qualified expert witness (QEW) testimony.

The Court emphasized that ICWA and WICWA were enacted to prevent unnecessary removals of Indian children and to counteract the historical pattern of separating Native families at disproportionately high rates. These statutes aim to ensure that state courts do not continue that legacy by requiring heightened procedural safeguards whenever a Native family faces state intervention. Because dependency fact-finding hearings involve evidentiary rules and greater due process protections than disposition hearings, the Court concluded they are the appropriate stage for determining whether DCYF made active efforts to prevent the breakup of the family and whether continued custody by the parent is likely to cause serious emotional or physical harm. The Court agreed with the reasoning of other states, such as New Mexico and Oklahoma, that adjudication-stage findings best protect Native parents' rights and ensure that QEW testimony is presented when evidence rules apply.

The Court further explained that the dependency fact-finding hearing in this case did more than simply determine whether the children met the statutory definition of "dependent." By continuing the children's out-of-home placement until disposition, the juvenile court's dependency ruling effectively operated as a foster care placement. Even if dependency and disposition are separate stages, any order that maintains a child in out-of-home care is a foster-care placement requiring the specified protections. The juvenile court therefore erred when it refused to consider evidence of active efforts during fact-finding and when it sustained DCYF's objections to evidence bearing on whether those efforts were made.

Finally, the Court turned to the appropriate remedy. Because the dependency order continued the children's placement outside the home without the required active efforts findings, the Court held that the dependency orders and any subsequent disposition orders must be vacated in their entirety. Under RCW 13.38.160, when a child has been improperly removed from their parents' custody in violation of ICWA or WICWA, the court must immediately return the child to the parent unless doing so would subject the child to substantial and immediate danger or threat of such danger. The Court declined to dismiss the dependency petition, but it required the trial court to determine whether immediate return presents such danger. Only if such danger exists may the court maintain the children's out-of-home placement.

In the Matter of Parental Rights to B.B.R.

No. 61638-6 (Division II)
3/10/2026
Link

QUESTIONS	ANSWERS
1. Do alleged parents have standing to participate in termination of parental rights proceedings? 2. Under due process considerations, must an alleged parent receive notice and the opportunity to be heard in a termination proceeding? 3. Can a Court terminate the parental rights of an alleged parent?	1. Yes. 2. Yes. 3. Yes.

FACTS

Child was born substance affected. Mother identified a father, but did not complete the birth paperwork at the hospital. A few months into the dependency, Mother disclosed a second alleged father and DCYF added him to the case. He expressed ongoing interest in the child, but struggled with substance use, incarceration, and housing instability. The trial court ordered alleged father to establish parentage through genetic testing or an acknowledgment of parentage, but he reported that he was unwilling to do paternity testing.

DCYF sought to terminate alleged father's parental rights. After DCYF rested its case, alleged father moved to dismiss the termination petition, arguing that DCYF had failed to prove an essential element of the case because it had not established that he was the child's parent. The court denied the motion and the proceedings continued. The court terminated alleged father's rights, finding, among other things, that the alleged father had been unwilling to complete genetic testing.

Alleged father argued that the trial court erred in terminating his "hypothetical parental rights" because RCW 13.34's definition of a parent does not include alleged parents. He contended that this deprived him of standing to participate in the termination proceedings.

ANALYSIS

Under *B.H.-W.*, 33 Wn. App. 2d 769, 564 P.3d 1000 (2025), alleged parents have common law standing in dependency actions since they *may* be biological parents, and their interests fall within the "zone of interests" protected by dependency statutes and constitutional due process. Because termination proceedings carry the grave consequence of severing a parent-child relationship, preservation of an alleged parent's due process rights apply with even greater force. Nothing hindered the court's ability to hold a full termination trial, which afforded alleged father all of the procedural protections a parent would receive. The court provided alleged father with the constitutionally required notice and opportunity to appear, the ability to assert his own version of the facts, and the ability to participate in proceedings.

Alleged father failed to establish parentage, despite many opportunities to do so, and did not make progress in becoming a suitable parent for the child. Allowing an alleged parent to preserve their potential parental rights by not establishing parentage would unnecessarily delay permanence for a child.

Continuing the holding in *B.H.-W.*, the trial court held an alleged parent has standing to participate in termination proceedings, and an alleged parent must have notice and the opportunity to be heard during the same. In this case, the trial court provided the alleged father with all the due process rights of a parent whose parentage was definitively established at the termination trial. In its opinion, the court was careful to note that it was not concluding that this alleged father was entitled to the full panoply of procedural and substantive protections under the dependency and termination statutes that he received. Rather, the alleged father's rights were not violated when he was afforded all the procedural and substantive rights of a parent.

In the Matter of the Detention of M.E.

No. 103252-8 (Supreme Court)
3/19/2026
Link

QUESTIONS	
1. Are the caseload standards set forth in the Standards for Indigent Defense mandatory? 2. Does the trial court retain the authority to ensure eligible individuals receive counsel, particularly in cases where liberty interests are at stake?	1. Yes. The caseload limits are mandatory. 2. Yes. Trial courts retain authority to ensure representation; however, courts cannot control how a public defense agency fulfills that duty. 3. No. In this particular case, the trial court did not order DPD to violate applicable caseload limits in the language of its orders because it

3. Did the trial court order the King County Department of Public Defense (DPD) to violate caseload limits?	required only that counsel be appointed, it left operational decisions to DPD, and it did not mandate assignment of specific attorneys or overload existing attorneys.
4. Did the trial court err in ordering the King County Executive (Executive) to provide counsel?	4. Yes. The trial court erred by ordering the Executive to provide counsel, as DPD has exclusive authority over indigent defense, and the Executive is prohibited from interfering.

FACTS

In 2024, the King County Department of Public Defense (DPD) faced a staffing shortage, resulting in its Involuntary Treatment Act (ITA) attorneys reaching their maximum capacity under the Standards for Indigent Defense. DPD made good-faith efforts to hire and contract with additional attorneys, but the supply of attorneys was insufficient. In several trial court orders, the court ordered DPD and the King County Executive to provide appointed counsel for ITA clients. DPD complied when ordered to do so, but both DPD and the Executive challenged the trial court's orders on appeal. The Supreme Court held that the issues raised on appeal were recurring issues of substantial public interest, overcoming a mootness challenge.

ANALYSIS

The caseload limits in the Standards for Indigent Defense (CrR 3.1) are binding, not advisory. Courts do not have authority to order defense counsel to violate the caseload limits. This interpretation is based on the structure and purpose of the rules, certification requirements, ethical obligations, and the need to protect the constitutional right to effective assistance of counsel. Courts must ensure that eligible individuals receive counsel, especially in ITA proceedings involving liberty interests; however, courts cannot control how a public agency fulfills that duty. In this case, the trial court did not order DPD to violate caseload limits because it required only that counsel be appointed, it left operational decisions to DPD, and it did not mandate assignment of specific attorneys or overload existing ones. As a result, the court acted within its authority and complied with GR 42. The trial court erred in ordering the Executive to provide counsel, as DPD has exclusive authority over indigent defense in King County and the Executive is prohibited from interfering. The court cannot compel an action that violates a valid local charter.

Legislative Updates

SB 5911 – Financial Stability of Youth in Care

Effective: 1/1/2027

Link

- Prohibits DCYF from using youth benefits to reimburse cost of care for young adults ages 18–21 in foster care, effective January 1, 2027.
- Requires DCYF to assess Social Security eligibility for all youth ages 18–21 in care who are not already receiving SSI or SSDI and to assist them in becoming their own representative payee whenever possible.
- Requires DCYF to help youth or their payees establish appropriate financial accounts, including ABLE accounts, checking/savings, or other electronic banking options. DCYF may evaluate whether the youth can manage the account independently.
- Allows DCYF to identify or serve as an authorized representative for young adults needing help managing benefits until a suitable individual is found; permits contracting with external entities to manage accounts.
- Clarifies that DCYF has no fiduciary duty to youth or non-DCYF payees when DCYF is not the representative payee.
- Updates DCYF's custodial account authority, including:
- Broadens what may be applied against public assistance to include any benefits or accruals paid on the youth's behalf.
- Beginning January 1, 2027, allows DCYF to conserve funds for 18–21year olds in qualifying protected accounts (e.g., ABLE accounts).
- Raises the threshold for when youth funds must be deposited in a protected account from $500 to $2,000.