

2026 Child Welfare Case Law & Legislative Update

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Case Law Updates



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3 Wn.3d 569,
554 P.3d 1196

In re Dependency of Baby Boy B.

Supreme Court

8/29/2024

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?

34 Wash. App. 2d
819, 572 P.3d 481

In the Matter of the Dependency of H.W.

Court of Appeals, Division I

7/21/2025

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?

35 Wash. App. 2d
73, 572 P.3d 1254

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

Court of Appeals, Division I

7/29/2025

Is a non-custodial parent
entitled to a timely shelter
care hearing?

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

Court of Appeals, Division I

8/1/2025

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?

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

Court of Appeals, Division I

2/9/2026

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?

In the Matter of the Guardianship of J.S.

Court of Appeals, Division I

8/5/2025

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...)?”
2. What does the court need to find in order to deny termination of a Title 11 guardianship?

5 Wn. 3d. 266, 574
P.3d 556

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

Supreme Court

8/28/2025

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?

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

Court of Appeals, Division II

3/10/2026

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?

In the Matter of the Detention of M.E.

Supreme Court

3/19/2026

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?

Legislative Updates



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SB 5911

Financial Stability of Youth in Care

Effective: 1/1/2027

- 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.

SB 5911 (Continued)

Financial Stability of Youth in Care

Effective: 1/1/2027

- 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.

Questions?

Thank You!

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