



DEPENDENCY AND
PERMANENCY:
LEGAL BURDENS,
TIMELINES AND
REQUIREMENTS

DUE PROCESS ■

RIGHT TO:

- NOTICE AND OPPORTUNITY TO BE HEARD
- ATTORNEY (COURT APPOINTED IF INDIGENT)

INITIATING DEPENDENCY

DEPENDENCY PETITION

+

PICK UP ORDER
(IMMINENT HARM)

OR

ORDER SETTING SHELTER CARE
HEARING

PLACEMENT AUTHORITY

- COURT ORDER
- LAW ENFORCEMENT
(PROBABLE CAUSE = ABUSED/NEGLECTED IF COURT ORDER REQUIRED)
- HOSPITAL OR DOCTOR
(REASONABLE CAUSE = IMMINENT DANGER IF RETURNED PARENT)
- VOLUNTARY PLACEMENT AGREEMENT

SHELTER CARE HEARING

- HELD W/IN 72 HOURS PLACEMENT
- MUST PROVE BY REASONABLE CAUSE THAT:
 - ✓ SERIOUS THREAT OF SUBSTANTIAL HARM TO CHILD IF RETURNED *OR*
 - ✓ NO PARENT AVAILABLE AND
 - ✓ REASONABLE EFFORTS WILL NOT PREVENT NEED FOR REMOVAL
- MUST RENEW ORDER EVERY 30 DAYS

DEPENDENCY FACT-FINDING

- HELD WITHIN 75 DAYS OF FILING
- MUST PROVE BY PREPONDERANCE OF THE EVIDENCE THAT CHILD:
 - ✓ ABANDONED
 - ✓ ABUSED/NEGLECTED
 - ✓ HAS NO PARENT CAPABLE SUCH THAT CHILD SUBSTANTIAL DANGER
- RULES OF EVIDENCE APPLY

DEPENDENCY DISPOSITION

- HELD W/IN 14 DAYS OF FACT-FINDING
- ADDRESSES PLACEMENT / SERVICES / VISITATION
- FOR PLACEMENT MUST PROVE:
 - ✓ CLEAR, COGENT, CONVINCING EVIDENCE OF MANIFEST DANGER TO CHILD OR
 - ✓ NO PARENT AVAILABLE OR WILLING AND
 - ✓ REASONABLE EFFORTS WON'T PREVENT PLACEMENT
- RULES OF EVIDENCE DO NOT APPLY
- ADD'L REQUIREMENTS IF INDIAN CHILD WELFARE ACT APPLIES

RELATIVE OR OTHER SUITABLE PERSON PLACEMENT

- MUST BE CONSIDERED IN MAKING PLACEMENT DECISION AT EACH HEARING
- SUCH PLACEMENTS REQUIRED IF:
 - ✓ CHILD HAS A RELATIONSHIP WITH PERSON
 - ✓ PLACEMENT WON'T HINDER REUNIFICATION
 - ✓ WELFARE OF CHILD IS NOT JEOPARDIZED
 - ✓ PLACEMENT IN CHILD'S BEST INTERESTS
 - ✓ BACKGROUND CHECKS COMPLETE

VISITATION

- MAXIMUM CONTACT ENCOURAGED
- ONLY LIMIT/DENY IF NECESSARY TO PROTECT THE CHILD'S HEALTH, SAFETY, WELFARE
- CANNOT BE LIMITED/DENIED BASED FAILURE TO FOLLOW CT ORDERS OR SERVICES UNLESS IMPACTS CHILD'S HEALTH, SAFETY, WELFARE
- SEE RCW 13.34.136(2)(B)(ii)

DEPENDENCY REVIEW HEARING

- HELD 90 DAYS FROM DISPO OR 6 MONTHS FROM PLACEMENT (WHICHEVER COMES FIRST) AND EVERY 6 MONTHS THEREAFTER
- REVIEW STATUS OF CASE RE: SERVICES / PLACEMENT / VISITS & MODIFY IF NECESSARY

PERMANENCY PLANNING HEARING

- HELD EVERY 12 MONTHS FROM DATE OF PLACEMENT
- CAN BE COMBINED WITH REGULAR 6 MONTH REVIEW HEARINGS
- COURT MUST APPROVE A PERMANENCY PLAN FOR THE CHILD
- COURT MUST ORDER DEPT. TO FILE A TERMINATION PETITION IF THE CHILD HAS BEEN IN OUT OF HOME CARE FOR 15 OF THE LAST 22 MONTHS UNLESS THERE IS A GOOD CAUSE EXCEPTION

PERMANENT PLAN OPTIONS

- RETURN HOME
- ADOPTION
- GUARDIANSHIP
- PERMANENT LEGAL 3RD PARTY CUSTODY (RCW 26.10)
- LONG TERM FOSTER/RELATIVE CARE
- INDEPENDENT LIVING (16+YR OLDS)

TERMINATION OF PARENTAL RIGHTS

- MUST ESTABLISH BY CLEAR, COGENT AND CONVINCING EVIDENCE THAT:
 - ✓ CHILD IS DEPENDENT
 - ✓ DISPOSITION ORDER HAS BEEN ENTERED
 - ✓ CHILD OUT OF HOME FOR 6 MONTHS PER DEPENDENCY
 - ✓ ALL COURT ORDERED AND AVAILABLE NECESSARY SERVICES THAT CAN CORRECT PARENTAL DEFICIENCIES IN THE FORESEEABLE FUTURE HAVE BEEN OFFERED
 - ✓ THERE IS LITTLE LIKELIHOOD THAT CONDITIONS WILL CHANGE SO THAT THE CHILD CAN BE RETURNED TO THE PARENT IN THE NEAR FUTURE
 - ✓ CONTINUING THE PARENT-CHILD RELATIONSHIP WILL DIMINISH THE CHILD'S PROSPECTS FOR A PERMANENT HOME
- THERE IS A PREPONDERANCE OF THE EVIDENCE THAT TERMINATION IS IN THE CHILD'S BEST INTERESTS
- ADD'L REQUIREMENTS IF INDIAN CHILD WELFARE ACT APPLIES