



**STATE OF WASHINGTON**  
**DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**  
1500 Jefferson Street, SE • P.O. Box 40975 • Olympia WA 98504-0975

**POLICY MEMO**

June 27, 2023

TO: Child Welfare Employees

FROM: Natalie Green, Assistant Secretary *N. Green*

RE: Changes to [4308. Dependency Petition Process](#) policy

EFFECTIVE DATE: July 1, 2023

SUNSET REVIEW DATE: July 1, 2024

**Purpose**

The purpose of this memo is to provide guidance to Child Welfare (CW) employees of the updated policy and procedure requirements to align with [House Bill 1227: Keeping Families Together Act, KW](#), and [LCS](#) supreme court decisions.

This policy is under full review for further revisions, but the following changes will take effect July 1, 2023:

**New Policy Requirements**

Caseworkers must:

- File dependency petitions seeking removal when removal is necessary to prevent imminent physical harm to children or youth due to child abuse or neglect (CA/N), including that which results from sexual abuse, sexual exploitation, or a pattern of severe neglect.
- Make diligent efforts to notify parents and guardians as soon as possible in an understandable manner in their primary language of:
  - The fact that their children or youth have been or may be removed from their custody.
  - The reasons why their children or youth have been or may be removed.
  - Their legal rights.
  - Date, time, and location of the Shelter Care Hearing.

**New Procedural Requirements**

- If recommending out-of-home placement, caseworkers must:
  - Show that removal is necessary to prevent imminent physical harm to the children or youth due to CA/N, including that which results from sexual abuse, sexual exploitation, or a pattern of severe neglect.
  - Identify the harm of removal specific to the children or youth the Department seeks to remove and the steps the Department has taken or is proposing to take to mitigate any harm that might be caused by removal.
  - If determined that a dependency petition will be filed, it must include:
    - Whether there is a reason to know that children are or may be Indian children, per [RCW 13.38.040](#).

- If there is a reason to know that the children are or may be Indian children, the petition must also include verification that notices have been sent to the relevant tribes.
  - Statements:
    - That are clear and specific as to the harm that will occur if the children or youth remains in the care of their parent or guardian.
    - Supporting the need for the dependency.
  - Facts showing:
    - If seeking a pick-up order, reasonable grounds to believe that removal is necessary to prevent imminent physical harm to the child, including that which results from sexual abuse, sexual exploitation, or a pattern of severe neglect if the children are not removed from their parents or guardians.
    - If seeking a pick-up order, that there was insufficient time to serve the parent with the dependency petition and hold a Shelter Care Hearing prior to removing the children or youth. This explanation must include concrete reasons.
    - Causal relationship between conditions in the home and imminent physical harm to the child.
    - Whether participation by a parent or guardian in any agreed prevention services would prevent or eliminate the need for removal of the child, and why or why not.
- Caseworkers must:
  - Make to serve the parents or guardians with the following documents at the time of the children's or youth's removal:
    - Notification they have been taken into custody.
    - General information about their placement.
    - The [Temporary Custody Notification DCYF 09-731](#) form to inform them of their rights and the shelter care hearing.
    - A copy of the dependency petition that is in an understandable manner, taking into considerations the parents' or guardians':
      - Primary language.
      - Level of education
      - Culture.
    - Summons.
    - Court order authorizing the child/youth to be placed into DCYF custody.
  - If, after diligent efforts, the parents or guardians cannot be located or served at the time of removal, caseworkers must continue to make diligent efforts to personally serve them.
- Caseworkers must:
  - Remove any addresses protected by protection orders when filing a dependency petition.
  - Use the statewide dependency petition template and guide. Any regional or office additions to the template, must be approved by your local AAGs.
  - When necessary, file dependency petitions without motioning for a pick-up order or asking for removal. Caseworkers must follow all other policy and procedures highlighted in the dependency petition process.

**Resources**

- [Understanding the Dependency Court Process Publication](#)
- [Child Custody Transfer DCYF 10-157](#) form will be revised and available on 7/1/2023.

**Questions**

If you have any questions, please contact Tarassa Froberg, CPS-FVS Program Manager, at [tarassa.froberg@dcyf.wa.gov](mailto:tarassa.froberg@dcyf.wa.gov) or 360-515-8092.

Cc: Brenda Villarreal