

RCW 13.34.050 Court order to take child into custody, when—

Hearing. (1) The court may enter an order directing a law enforcement officer, probation counselor, or child protective services official to take a child into custody if: (a) A petition is filed with the juvenile court with sufficient corroborating evidence to establish that the child is dependent; (b) an affidavit or declaration is filed by the department in support of the petition setting forth specific factual information evidencing insufficient time to serve a parent with a dependency petition and hold a hearing prior to removal; and (c) the allegations contained in the petition, if true, establish that there are reasonable grounds to believe that removal is necessary to prevent imminent physical harm to the child due to child abuse or neglect, including that which results from sexual abuse, sexual exploitation, a pattern of severe neglect, or a high-potency synthetic opioid. The court shall give great weight to the lethality of high-potency synthetic opioids and public health guidance from the department of health related to high-potency synthetic opioids in determining whether removal is necessary to prevent imminent physical harm to the child due to child abuse or neglect.

(2) Any petition that does not have the necessary affidavit or declaration demonstrating a risk of imminent harm requires that the parents are provided notice and an opportunity to be heard before the order may be entered.

(3) The petition and supporting documentation must be served on the parent, and if the child is in custody at the time the child is removed, on the entity with custody other than the parent. If the court orders that a child be taken into custody under subsection (1) of this section, the petition and supporting documentation must be served on the parent at the time of the child's removal unless, after diligent efforts, the parents cannot be located at the time of removal. If the parent is not served at the time of removal, the department shall make diligent efforts to personally serve the parent. Failure to effect service does not invalidate the petition if service was attempted and the parent could not be found. [2024 c 328 s 102; 2021 c 211 s 6; 2005 c 512 s 9; 2000 c 122 s 3; 1998 c 328 s 1; 1979 c 155 s 38; 1977 ex.s. c 291 s 33.]

Findings—Intent—2024 c 328: "(1) The legislature finds that since 2018 there has been a significant increase in the number of child fatalities and near fatalities involving fentanyl.

(2) The legislature finds that fentanyl and other highly potent synthetic opioids pose a unique and growing threat to the safety of children in Washington state. Fentanyl is a high-potency synthetic opioid and, according to the centers for disease control and prevention, is 50 times more potent than heroin and 100 times more potent than morphine. Even in very small quantities high-potency synthetic opioids may be lethal to a child.

(3) The legislature intends to provide clarity to judges, social workers, advocates, and families about the safety threat that high-potency synthetic opioids pose to vulnerable children. The legislature declares that the lethality of high-potency synthetic opioids and public health guidance from the department of health related to high-potency synthetic opioids should be given great weight in determining whether a child is at risk of imminent physical harm due to child abuse or neglect.

(4) The legislature recognizes the challenges for recovery and rehabilitation regarding opioid use and resolves to increase services and supports. The legislature further resolves to increase training and resources for state and judicial employees to accomplish their mission and goals in a safe and effective manner.

(5) The legislature recognizes that supporting families in crisis with interventions and services, including preventative services, voluntary services, and family assessment response, minimizes child trauma from further child welfare involvement and strengthens families." [2024 c 328 s 1.]

Effective date—Short title—Finding—Intent—2021 c 211: See notes following RCW 13.34.040.

Finding—Intent—Effective date—Short title—2005 c 512: See notes following RCW 26.44.100.

Effective date—Severability—1979 c 155: See notes following RCW 13.04.011.

Effective dates—Severability—1977 ex.s. c 291: See notes following RCW 13.04.005.