

Superior Court of Washington, County of _____
Juvenile Court

Dependency of:

No:

Shelter Care Hearing Order (SCOR)

Amended

Agreed as to Parent 1 Parent 2 Other

Contested as to Parent 1 Parent 2 Other

Did not appear Parent 1 Parent 2 Other

Clerk's Action Required: Para. 3.5 (EDL), 3.9

D.O.B.:

The parties shall:

Hold a case conference/ _____:

On: (Date) _____ at _____ a.m./p.m.

At: _____

Address: _____

Not hold a case conference at this time because the parent(s) did not appear at shelter care did not want to participate.

The court shall:

Conduct a _____ hearing:

On: (Date) _____ at _____ a.m./p.m.

At: _____ Court, Room/Department: _____

Address: _____

I. Hearing

1.1 Petition: A dependency petition was filed in this matter on (date) _____ by DCYF Other _____.

The child was removed from the parents' care on (date) _____ by court order protective custody hospital/doctor hold voluntary placement agreement. The court held a shelter care hearing on this date or on (date) _____.

1.2 Appearance: The following persons appeared at the hearing:

- | | |
|---|---|
| <input type="checkbox"/> Child | <input type="checkbox"/> Child's Lawyer |
| <input type="checkbox"/> Parent 1 | <input type="checkbox"/> Parent 1's Lawyer |
| <input type="checkbox"/> Parent 2 | <input type="checkbox"/> Parent 2's Lawyer |
| <input type="checkbox"/> Alleged Parent _____ | <input type="checkbox"/> Alleged Parent _____ |
| <input type="checkbox"/> Guardian or Legal Custodian | <input type="checkbox"/> Guardian's or Legal Custodian's Lawyer |
| <input type="checkbox"/> Child's GAL/CASA | <input type="checkbox"/> GAL's Lawyer |
| <input type="checkbox"/> DCYF Worker | <input type="checkbox"/> DCYF's Lawyer |
| <input type="checkbox"/> Tribal Representative | <input type="checkbox"/> Current Caregiver |
| <input type="checkbox"/> Interpreter for <input type="checkbox"/> Parent 1 <input type="checkbox"/> Parent 2 (name) _____ | |

1.3 Basis:

The court considered the dependency petition, declarations, testimony, if any, and the relevant court records.

1.4 Appointment of Counsel for Child

- The child is 12 years old or older and the court made the inquiry required by RCW 13.34.212(2)(g).
- The child is at least 8 years old and subject to appointment under RCW 13.34.212(3) pursuant to the current implementations schedule as developed by the Washington State Office of Civil Legal Aid.
- The child already has counsel.

II. Findings

2.1 Notice:

The petitioner gave adequate notice as required under RCW 13.34.062 to the:

- Parent 1 Parent 2 Child, if age 12 or older Guardian Legal custodian
 Other: _____

The petitioner has has not made diligent efforts to provide notice to the:

- Parent 1 Parent 2 Child Guardian Legal custodian
 Other: _____ and to inform them of their rights.

2.2 Indian Child Welfare Act Findings:

The court asked each participant on the record whether the participant knows or has reason to know that the child is or may be an Indian child.

The petitioner has has not made a good faith effort to determine whether the child is an Indian Child.

- Based upon the following, there is not a reason to know the child is or may be an Indian child, as defined in RCW 13.38.040 and 25 U.S.C. § 1903(4), and the Federal and Washington State Indian Child Welfare Acts do not apply to this proceeding:

Based upon the following information currently available to the court, the child is an Indian child, as defined in RCW 13.38.040 and 25 U.S.C. § 1903(4), and the Federal and Washington State Indian Child Welfare Acts apply to this proceeding, or there is reason to know the child is or may be an Indian child, as defined in RCW 13.38.040 and 25 U.S.C. § 1903(4), and the Federal and Washington State Indian Child Welfare Acts do apply to this proceeding, unless and until it is determined on the record that the child does not meet the definition of an Indian child: _____

 The petitioner has has not made preliminary efforts to notify all tribes to which the petitioner or court knows or has reason to know the child may be a member, or eligible for membership of this proceeding.

DCYF made or initiated active efforts to prevent the breakup of the Indian family, including, _____

 DCYF did not make or initiate active efforts to prevent the breakup of the Indian family; however

Releasing the child to either parent would subject the child to substantial and immediate danger or threat of such danger.

Because active efforts were not possible or required, emergency removal or placement is necessary to prevent imminent physical damage or physical harm to the child.

DCYF did not make or initiate active efforts to prevent the breakup of the Indian family.

Releasing the child to either parent would not subject the child to substantial and immediate danger or threat of such danger, and the child must immediately be returned to the care of Parent 1 Parent 2.

The Petitioner improperly removed the child, under RCW 13.38.160, and the court should decline jurisdiction over the petition and the child should be immediately returned to Parent 1 Parent 2.

The child is in need of shelter care to prevent imminent physical damage or physical harm.

2.3 Rights:

The parties present at the hearing were informed of their rights, pursuant to RCW 13.34.065 and 13.34.090.

2.4 Waiver of Shelter Care Hearing:

Parent 1 Parent 2 Guardian Legal custodian requested a waiver of the shelter care hearing. The court determined that the parent, guardian, or legal custodian was was not represented by an attorney and the waiver of the shelter care hearing was knowing and voluntary.

2.5 Shelter Care Inquiries:

The court made the following inquiries:

- (a) What services DCYF provided to the family to prevent or eliminate the need for removal of the child from the child's home.
 - Lack of suitable housing was a significant factor in the removal of the child and the court considered whether DCYF provided housing assistance to the family. DCYF did did not provide housing assistance.
- (b) Whether the child can be safely returned to the home pending the dependency fact-finding hearing.
- (c) Whether restraining orders or orders excluding an allegedly abusive household member from the house of a non-abusive parent, guardian, or legal custodian will allow the child to safely remain in the home.
- (d) What efforts DCYF made to place the child with a relative or other suitable person known to the child and with whom the child has a relationship. The court inquired whether DCYF has discussed this issue with the parents.
- (e) Whether the placement proposed by DCYF is the least disruptive and most family-like setting that meets the needs of the child.
- (f) Appointment of an attorney or guardian *ad litem* for the child's parent, guardian, or legal custodian, or for the child.
- (g) The terms and conditions for parental, sibling, and family visits.

2.6 Reasonable Efforts:

Petitioner has has not made reasonable efforts to prevent or eliminate the need for removal of the child from the child's home for the reasons set forth in the dependency petition, supporting declarations and affidavits, and the testimony presented to the court.

This finding is also based on the following: _____

Specific services offered or provided to the parent(s) have been unable to remedy the unsafe conditions in the home and make it possible for the child to return home including the following specific services: _____

DCYF did **not** make reasonable efforts to prevent or eliminate the need for removal of the child from the child's home.

This finding is based on the following: _____

2.7 Shelter Care:

The court does not find reasonable cause to believe that shelter care is needed.

The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070, or

- The child has no parent, guardian, or legal custodian to provide supervision and care for said child, or
- Removal of the child 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, or a pattern of severe neglect; and
 - Taking in the explicit restrictions set forth in RCW 13.34.065(5)(a)(ii)(B)(I), a causal relationship between the conditions in the home and the imminent physical harm to the child exists, including: _____

 - It is contrary to the welfare of the child to be returned home, and
 - Considering the particular circumstances of the child, any imminent physical harm to the child outweighs the harm the child will experience as a result of removal, including:

2.8 Placement In-Home on Conditions:

- Does not apply.
- The court found that removal of the child is necessary to prevent imminent physical harm to the child due to child abuse or neglect that is contrary to the welfare of the child, and outweighs the harm the child will experience as result of removal, and
 - Participation in the following prevention service(s) prevents or eliminates or the need for the child to be removed from the home: _____

 - After consulting with counsel, the parent, guardian, or legal custodian agrees to participate in the service(s) listed above. Pursuant to the Order below, the child is placed in the care of the parent, guardian, or legal custodian on condition that they comply with the above listed services.
 - The parent, guardian, or legal custodian does not agree to participate in the service(s) listed above and the child shall be placed out of home.
 - A *Temporary Protection Order* removing people from the child's home will will not eliminate the need to remove the child.

2.9 Placement - Out of Home:

- Does not apply.
- The court inquired with the petitioner and any person present at the hearing whether a relative or suitable person was willing to care for the child. The Court inquired whether any relatives or other suitable persons:
 - (a) Has expressed an interest in becoming a caregiver for the child;
 - (b) Is able to meet any special needs of the child;
 - (c) Is willing to facilitate the child's sibling and parent visitation if such visitation is ordered by the court; and
 - (d) Supports reunification of the parent and child once reunification can safely occur;

The following people were identified as potential relative or other suitable persons for placement of the child: _____

The following are the stated preferences of the parent, guardian, or legal custodian, and the child: _____

DCYF made the following efforts toward placement with a relative or other suitable person: _____

The child shall be placed with a relative or other suitable person pursuant to the Order below.

There are no relatives or other suitable persons willing to care for the child.

There is reasonable cause to believe:

Placement in licensed foster care 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, or a pattern of severe neglect, because no relative or other suitable person is capable of ensuring the basic safety of the child because _____

The efforts to reunite the parent and child will be hindered because _____

DCYF did did not report to the court, at the shelter care hearing, or the location of the licensed foster placement identified for the child.

The court inquired about the location of the child's placement, as required by RCW13.34.065 (5)(j)(i)(A-E).

2.10 Restraining Order:

The court finds reasonable cause to believe that an incident of sexual or physical abuse has occurred and that a restraining order is necessary, pursuant to RCW 26.44.063(2).

A restraining order is entered, pursuant RCW 26.44.063, and shall be incorporated by reference into this order. Placement of the child with (name) _____ shall be contingent on continued compliance with the terms of the restraining order.

2.11 Services:

The court inquired into whether the child, the parent or parents, or the legal guardian requires examinations, evaluations, or immediate services. The court also inquired into whether the parent(s) agree(s) to any recommended services and the parents agree to participate in the services listed in the Order.

DCYF recommends the following examinations, evaluations, or immediate services for the child:

The child is 12 or older and agrees to the services was notified of the services was notified that they may request an attorney.

2.12 Education Status:

The child is not of school age.

The court considered whether it is in the best interest of the child to remain enrolled in (name of school, developmental program, or child care) _____

_____ the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care to ensure educational stability for the child.

The child should not remain enrolled in the child's present school, developmental program, or child care and the reasons for the transfer to a new school, developmental program, or child care are: _____

DCYF should enroll the child in school, developmental program, or child care immediately and within 7 school days and request transfer of records.

DCYF is responsible for coordinating the student's educational information.

The child meets the criteria for appointment of an educational liaison. DCYF recommends that the court appoint (name) _____ as the child's educational liaison.

The parents are not able to serve as the educational liaison because:

2.13 Release of Information:

Parent 1 Parent 2 agrees to allow DCYF, attorney for DCYF, parent's attorney, the *guardian ad litem*, and the attorney for the child to receive all records and all reports related to services completed by the parents.

2.14 Visitation

DCYF was required, under RCW 13.34.065(9)(d), to provide the parents the first visit within 72 hours of the child being into DCYF's custody and the visit took place did not take place.

The child was not removed from the parents prior to the Shelter Care hearing. There are extraordinary circumstances that prevent visitation between Parent 1 Parent 2 and the child within the first 72 hours from the child being delivered into custody of DCYF. The circumstances are:

2.15 **Other:** _____

III. Order

3.1 Shelter care is denied. The child is released to the child's parent, guardian, or legal custodian:

Name(s): _____

Shelter care is denied on conditions stated herein. The child is released to the child's parent, guardian, or legal custodian:

Name(s): _____

Subject to the following conditions: _____

Shelter care is granted. The child is placed in or shall remain in shelter care, in the temporary custody and under the supervision of DCYF which shall place the child in:

(*Name*) _____ is a relative or other suitable person and has shown a desire to become a licensed foster care parent. DCYF shall commence an assessment of the home within 10 days. If qualified, DCYF will issue an initial license to the above. If not qualified, DCYF will report back to the court within 1 week of determination.

Relative placement with (*name*) _____.

Placement with a suitable person (*name*) _____.

Placement with the relative or suitable person is contingent upon the caregiver's cooperation with the DCYF case plan and compliance with this, and all subsequent court orders related to the care and supervision of the child, including but not limited to parent-child contact, sibling contacts, and any other conditions imposed by the court. Placement conditions: _____

Licensed foster care:

With the child's siblings.

In a location that is within _____
of the child's: parent school home.

In a less restrictive placement than proposed: _____

Other: _____

DCYF shall continue to make reasonable efforts to locate and investigate an appropriate relative or other suitable person who is available and willing to care for the child, and is authorized to share information with potential relative or other suitable person placement resources as necessary to determine their suitability and willingness as a placement for the child.

DCYF shall have authority to place the child with an appropriate relative with prior reasonable notice to the parties, subject to review by the court.

3.2 Visitation:

DCYF shall provide visits between the child and parent, guardian, or legal custodian as follows:

Per visitation attachment.

As follows: _____

If siblings are not placed together, DCYF shall provide sibling visits or contact as follows:

Visitation may be expanded upon agreement of the parties.

If the child was removed by this Order, the first visit must take place within 72 hours from the child being delivered into custody of DCYF unless the court made the finding in section 2.14 that extraordinary reason exist for the delay.

3.3 Attorney/GAL Appointments:

Attorney and guardian *ad litem* appointments are as follows:

attorney guardian *ad litem* for (*name*) _____.

- attorney guardian *ad litem* for (name) _____.
- attorney guardian *ad litem* for (name) _____.
- attorney guardian *ad litem* for (name) _____.

3.4 Services:

DCYF shall offer or provide and the parent/guardian/custodian may choose to participate in the following agreed upon examinations, evaluations, or immediate services:

Parent 1 agrees to participate in the following: _____

Parent 1 agrees to participate in the following service and it is a condition of the child remaining in the home: _____

Parent 2 agrees to participate in the following: _____

Parent 2 agrees to participate in the following service and it is a condition of the child remaining in the home: _____

Alleged Parent 3 (name) _____ agrees to participate in the following:

Alleged Parent 3 agrees to participate in the following service and it is a condition of the child remaining in the home: _____

The guardian/legal custodian agrees to participate in the following:

DCYF shall provide and the child shall participate in the following examinations, evaluations, or immediate services:

Per attached service plan.

Other: _____

3.5 Education:

- DCYF or its designee shall immediately and within 7 school days timely enroll the child in school and request transfer of records.
- DCYF or its designee shall provide the child's school with a certified copy of the *Order and Authorization Re: Health Care and Education*.
- (Name) _____ is appointed as the child's educational liaison to carry out the responsibilities described in RCW 13.34.046. The educational liaison must complete criminal background checks required by DCYF.

3.6 Paternity:

- The alleged parent _____ shall cooperate in the establishment of paternity and shall complete all interviews, paperwork, and genetic testing within _____ days of the entry of this order.
- Parent 1 shall cooperate in the establishment of paternity and shall complete all interviews, paperwork, and genetic testing within _____ days of the entry of this order.
- The child shall be made available for genetic testing.

3.7 Release of Information:

- Parents shall sign all necessary releases to allow DCYF to comply with all federal and state relative search requirements to include the names, addresses, and phone numbers of any relatives or other suitable persons who may be placement resources for the child.

Parents shall sign all necessary releases for court ordered services that are a condition for the child's in-home placement.

3.8 General:

If a child is placed in the custody of DCYF, DCYF shall have the right to access, inspect, and copy all records pertaining to the above-named child, including but not limited to health, medical, mental health, and educational records.

DCYF may authorize evaluations of the child's physical or emotional condition, routine medical and dental examination and care, and all necessary emergency care. DCYF must inform the child's parent, guardian, or legal custodian of the appointment unless they cannot be reached. DCYF must provide the parent, guardian, or legal custodian an opportunity to attend the appointment unless the parent is prohibited from attending below:

- Parent 1 Parent 2 is prohibited from attending any appointments.

DCYF shall make reasonable efforts to advise the child's Parent 1 Parent 2 legal guardian or custodian of the status of this case, including the date and time of the hearings scheduled below and their rights, under RCW 13.34.090.

3.9 Restraining Order:

The court signed a separate restraining order on this date.

The restraining order entered, pursuant to RCW 26.44.063, is incorporated into this order.

Placement of the child with (*name*) _____ is contingent on continued compliance with all the terms of the restraining order. Failure to comply with any and all terms of this order may result in removal of the child.

The person having physical custody of the child has an affirmative duty to assist in the enforcement of this restraining order and to notify law enforcement, DCYF, and the court as necessary to request assistance and/or report violations of the order.

3.10 Information about Child's Indian Status:

Any party who subsequently receives information that provides a reason to know the child is an Indian child, under 25 C.F.R. § 23.107, shall inform the court.

Parents shall provide any known information regarding possible membership in or descent from an Indian tribe.

3.11 All parties shall appear at the next scheduled hearing (see page 1).

3.12 Placement moves while the child is in shelter care and DCYF's failure to comply with court orders while the child is in shelter care will be considered in determining whether DCYF made reasonable efforts, under RCW 13.34.110.

3.13 Other: _____

Dated: _____

Judge/Commissioner

Presented by: _____

Signature

Print Name/Title

WSBA No.

Copy Received. Approved for entry, notice of presentation waived.

Signature of **Child**

 Signature of Child's Lawyer

Print Name

WSBA No.

 Signature of **Parent 1**
 Pro Se, Advised of Right to Counsel

 Signature of Parent 1's Lawyer

Print Name

WSBA No.

 Signature of **Parent 2**
 Pro Se, Advised of Right to Counsel

 Signature of Parent 2's Lawyer

Print Name WSBA No.

 Signature of **Guardian or Legal Custodian**
 Pro Se, Advised of Right to Counsel

 Signature of Guardian or Legal Custodian's Lawyer

Print Name WSBA No.

 Signature of Child's **GAL**

 Signature of Lawyer for the Child's GAL

Print Name

Print Name WSBA No.

Signature of **DCYF Representative**

Signature of DCYF Representative's Lawyer

Print Name

Print Name WSBA No.

 Signature of **Tribal Representative**

 Signature of Tribal Representative's Lawyer

Print Name

Print Name WSBA No.

Lawyer for _____