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SUPREME COURT  
STATE OF WASHINGTON  
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BY SUSAN L. CARLSON  
CLERK

NO. 94529-2

**SUPREME COURT OF THE STATE OF WASHINGTON**

HBH; SAH; and TREY  
HAMRICK, litigation guardian ad  
litem on behalf of KEH, JBH, and  
KMH,  
  
Respondents,  
  
v.  
  
STATE OF WASHINGTON,  
  
Petitioner.

PETITIONER  
STATE OF WASHINGTON'S  
SECOND STATEMENT OF  
ADDITIONAL AUTHORITIES

Pursuant to RAP 10.8, Petitioner State of Washington submits as additional authority "Ex. 2" that Respondents have cited in each of the three briefs they have filed in this Court.<sup>1</sup>

"Ex. 2" refers to Plaintiffs' Trial Exhibit 2, and consists of a DSHS policy statement: Chapter 4000: Child Welfare Services, Policy 4421 Health and Safety of Children. CP 1558 (Exhibit Record from trial). Policy 4421 is the DSHS policy regarding social workers' health and safety visits

<sup>1</sup> See Answer to Pet. for Review at 3 ("According to DSHS policy, Wooldridge was required to conduct regular 'health and safety' visits that required a visit away from the home in a safe setting, such as a school, at least every ninety (90) days. Ex. 2."); Resp'ts' Suppl. Br. at 3 ("According to DSHS policy, Wooldridge was required to conduct regular 'health and safety' visits that required a visit away from the home in a safe setting, such as a school, at least every ninety (90) days. Ex. 2."); Resp'ts' Ans. to WSAJ Foundation and KCSARC Amicus Br. at 3 ("DSHS caseworkers failed to conduct proper 'health and safety' visits as to the children. Ex. 2.").

**ORIGINAL**

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with children in out-of-home care that was in effect during the relevant pre-adoption time in this matter. “Ex. 2” was offered by Plaintiffs at trial and admitted. *See* CP 646 (Minutes of Proceeding 2/9/15 10:38 AM).

“Ex. 2” was not independently made part of the record on appeal. However, in light of Respondents’ third citation to it, the State is providing it for the full information and convenience of the Court. *See* attached. It can also be found in the appellate record as an exhibit to the Declaration of Staci Hamrick f/k/a Samantha Strane, submitted in support of Plaintiffs’ Opposition to State’s Motion for Summary Judgment. CP 277-78.

RESPECTFULLY SUBMITTED this 8th day of February, 2018.

ROBERT W. FERGUSON  
Attorney General

*s/ Allyson Zipp*  
\_\_\_\_\_  
ALLYSON ZIPP WSBA#38076  
Assistant Attorney General  
Attorney for Respondent  
OID No. 91023

# ATTACHMENT

**4420 GENERAL POLICY/PROCEDURES****4421 HEALTH AND SAFETY OF CHILDREN**

CA services are provided while keeping the health and safety of children as a primary principle. In an attempt to promote the health and safety of children, DCFS and Division of Licensed Resources (DLR) social workers must pursue the following guidelines for all cases open for service.

- A. The assigned social worker must interview children in out-of-home care in face-to-face visits in the out-of-home care facility at least once every 90 days and document the interview in the case SER. DLR licensers must also interview children in out-of-home care in face-to-face visits using the guidelines contained in this section when the licensers conduct health and safety reviews. See paragraph E, below, for guidance regarding observation of non-verbal children.
- B. Social workers must provide each child capable of reading, writing, and using the telephone a card with the social worker's name, office address, and phone number.
- C. During face-to-face visits, social workers must inquire of the child's caretaker about the health, safety, and emotional wellbeing of the child. For example, inquiries might include:
  - 1. The child's daily schedule.
  - 2. The child's progress in school.
  - 3. If the child is in out-of-home care, how the child is adjusting.
  - 4. Behavior or medical/dental problems of the child and what services are being provided to care for such problems.
  - 5. How the caretaker has responded to any discipline problems.
  - 6. Significant events in the caretaker's residence that might impact the care of this child; e.g., deaths, separation from cared about adults.
  - 7. Special needs of the caretaker to care for this child.
  - 8. How often the child is left alone, asleep, or in bed.
  - 9. How often the child is allowed privacy, is bathed, and is involved in self-stimulating behavior.
  - 10. Whether the child engages in self-destructive activities.
  - 11. Whether the child has had problems with the law or other institutions.
  - 12. Whether family members feel safe with this child.
  - 13. What makes the child happy or upset.

- D. During face-to-face visits, the social workers must talk to the child, and discussion may include:
1. Whether they feel safe or have concerns about their home or setting.
  2. Whether they get enough to eat.
  3. How they are disciplined.
  4. Who they would call in an emergency.
  5. What makes them happy or sad.
- E. With non-verbal children or infants, social worker observation is important to determine if there are concerns. The worker must particularly check and document in the case SER:
1. How the child appears to be developmentally, physically, medically.
  2. How the caretaker responds to the child.
  3. Whether the caretaker has appropriate in-home assistance, respite, and support.
  4. Whether the caretaker appears attached to the child.
  5. If there are others besides the primary caretakers with close contact with the child capable of appropriate behavior with the child.
- F. Besides face-to-face contact, the social worker may inquire of others involved in the child's life to determine if there are any concerns. For example, collateral contacts might include teachers, doctors, mental health professionals, or the GAL.
- G. If the social worker has concerns about a licensed placement provider, the worker shall report those concerns in writing to the licensing authority for the home or facility.
- H. The social worker also may, with concerns of a serious nature, consult with his/her supervisor about removing the child from the home or facility. Should a decision be reached to pursue removal from the home or facility, the social worker shall proceed with the move following procedures for out-of-home placements contained the CA *Case Services Policy Manual*, chapters 3000, 4000, and 5000, and chapters 2000, 3000, and 4000 of this manual.
- I. For guidelines relating to health and safety reviews for children in group care and therapeutic foster care, see the CA protocol *Health and Safety Standards: Procedures for Group Care & Therapeutic Foster Care Health and Safety Review*.

## DECLARATION OF SERVICE

I declare that on this 8th day of February, 2018, I caused to be electronically filed the foregoing documents with the Clerk of the Washington State Supreme Court using the CM/ECF system, which will also send notification of this filing to the following.

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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 8th day of February 2018, at Seattle, Washington.

/s/Judith A. St. John  
Judith A. St. John, Paralegal

**WASHINGTON ATTORNEY GENERAL'S OFFICE**

**February 08, 2018 - 1:08 PM**

**Transmittal Information**

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Second Statement of Additional Authorities

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