



**STATE OF WASHINGTON  
DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**

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August 4, 2021

**TO:** All Child Welfare Field Operations Staff  
**FROM:** Darcey Hancock, Director of Field Operations  
**SUBJECT:** Additional HB1194 Guidance

The following document provides additional guidance in support of implementation of HB 1194 concerning Family Time.

**Approval not to provide a 72-hour visit**

When a caseworker has assessed that a visit would be physically and/or emotionally unsafe for child(ren), the caseworker must first obtain permission from the Area Administrator (AA) to proceed with obtaining court approval for not providing the 72-hour visit.

**If the Department is requesting a pick-up order:**

The petition or motion should include the following standard language and detail regarding why the visit would be unsafe:

*“The Department is asking that the court find there are extraordinary circumstances that prevent Family Time between the [ ] mother [ ] father and the child within the first 72 hours from the child being delivered into custody of DCYF because: (specific detail).”*

If the court does not make the finding of extraordinary circumstances, the visit will need to proceed.

**If the Department is not requesting a pickup order:**

If either or both of the following conditions apply, attempt to schedule the initial shelter care hearing within the 72-hour timeframe (including weekends and holidays), including the standard language detailed above in the petition:

- It is unsafe for a child(ren) to visit; and/or
- Law Enforcement advises against the child(ren) having contact, but a No Contact Order has not been issued

At the shelter care hearing, request that the court relieve the Department of the 72-hour visit requirement.

- If it is within the 72-hour timeframe and the court does not make this finding, the visit will need to be held within the 72-hour timeframe. If the court orders us to complete the visit and we fail to do so, DCYF would be in contempt.
- If the shelter care hearing occurs after the 72-hour time frame and the court does not make this finding, we are not in compliance with the law, but not in contempt. The court will then order Family Time visits.

In these situations, the court could make a finding that the Department has not made reasonable efforts, which means the child(ren) will not be eligible for Title IV-E funding.

If the shelter care hearing cannot be scheduled earlier within the 72-hour time frame, and law enforcement advises against contact in the absence of a No Contact Order, but there is no evidence that the visit would be unsafe, the visit will need to proceed. Inform law enforcement we will be completing the visit.

### **Tracking Missed 72-Hour Family Time**

If the initial Family Time does not occur within 72-hours of placement, the 72-hour Family Time Tracking Sheet must be completed. This smartsheet form can be found here:

<https://app.smartsheet.com/b/form/1a2f3e17640e4102bac4fce974e48caa>

Tracking data regarding how this law is impacting children, youth, families and staff allows us to tell the story to the legislature. Tracking missed 72-hour Family Time will assist in articulating impact in order to seek additional; resources or statutory changes to better support the work.

### **Updated Temporary Custody Notification**

The Temporary Custody Notification, 09-731 form, has been updated to include a section regarding Family Time and HB 1194. If you have printed copies of this form, please discard those copies and use the updated form found here: [http://intranet.dcyf.wa.gov:8090/drupal-8.4.0/forms?field\\_form\\_number\\_value=09-731&title](http://intranet.dcyf.wa.gov:8090/drupal-8.4.0/forms?field_form_number_value=09-731&title)

### **Resources for Staff**

Multiple communications and training have been provided to staff to support implementation of HB 1194. Some of the resources available to support you include:

- **Supervision Level Family Time Resource Guide**  
<http://intranet.dcyf.wa.gov:8090/drupal-8.4.0/sites/default/files/forms/10-031.pdf>
- **Emergent 72-hour Initial Visit Plan/Referral Quick Help Guide**  
<http://intranet.dcyf.wa.gov:8090/drupal-8.4.0/sites/default/files/training/72hrVisitReferral-TrainingMaterial.pdf>
- **Visit Plan/Referral** <http://intranet.dcyf.wa.gov:8090/drupal-8.4.0/sites/default/files/training/VisitPlanReferral-TrainingMaterial.pdf>

- **HB 1194 Office Hours.** These optional Zoom meetings are available for staff to ask questions and discuss issues that arise after July 25. Click [here](#) to view the office hours and meeting links.
- **Intranet Page.** An [intranet page for HB 1194](#) has been established. You'll find links to training and resource materials, updated FAQs, archived communication, and other important updates on this page.