

**MEMORANDUM OF UNDERSTANDING
BETWEEN
JUVENILE COURTS OF THE STATE OF WASHINGTON
AND
THE DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES (DCYF)**

This Memorandum of Understanding is intended to establish collaborative and cooperative mechanisms for a partnership between county Juvenile Courts and the state child welfare agency, DCYF.

Pursuant to this MOU, DCYF and Juvenile Courts will work cooperatively to facilitate support for children, young people and families, identify needed and available resources or supports, and implement strategies to meet the needs for children and young people under the age of 18, who are not under DCYF placement and care authority, are ready for release and do not have a legally responsible person willing to pick them up.

For young people who are under the placement and care authority of DCYF subject to a 13.34 RCW dependency proceeding, DCYF and county Juvenile Courts will work cooperatively to ensure that there is a safe discharge plan with appropriate resources to meet the child or young person's needs before the young person is to be discharged.

For purposes of this MOU, "detention facility" includes exclusion holding areas in counties without detention centers.

SHARED GOALS:

- Juvenile Courts and DCYF have a mutual interest in ensuring safety for a young person not adjudged dependent who has not been picked up from a detention facility by a parent, guardian or responsible adult.
- Juvenile Courts and DCYF share a mutual goal of preventing young people from remaining in criminal offender detention facilities for lack of an available release option

SHARED ASSUMPTIONS:

- Young people cannot be released from detention to homelessness or without an adult to supervise.
 - *RCW 13.40.050 (7) states that "A juvenile may be released only to a responsible adult or the Department". This statute authorizes the courts to release dependent young people to the Department. It does not provide independent statutory authority to the Department to take into custody non-dependent young people where there is no other statutory authority to do so.*
- Juvenile Courts may lose jurisdiction or authority to continue to hold a young person under the Juvenile Justice Act when no option for a release to a responsible adult has been identified and the young person is not dependent upon the State under RCW 13.34.130.

- Juvenile detention facilities do not have the authority to continue holding young people who have been legally released. Young people who would otherwise be released should not be detained due to lack of housing placement. Detention is not a housing placement
- DCYF cannot investigate or file a case unless there are allegations of abuse and neglect.
- DCYF cannot file a petition unless there is a legally sufficient case that abuse or neglect has occurred, the child has been abandoned, or there is imminent risk of harm.
 - A child is abandoned if a parent capable of exercising their parental rights and responsibilities expresses by statement or conduct that they intend to forego, for an extended period, those parental rights and responsibilities. RCW 13.34.030(1). A parent's concern that they cannot provide a safe home for their family if a child returns home does not constitute abandonment of the child.
 - Absent other concerns, and for the purposes of this agreement only, the courts agree that a parent or guardian refusing to pick up a young person preventing the young person's discharge does not constitute abandonment, abuse or neglect. RCW 13.34.030(1); RCW 26.44.020(6).
- Effective July, 1, 2023, both the emergency custody statute (RCW 13.34.050(1)) and the shelter care statute (RCW 13.34.065) will require DCYF to show that taking the child into DCYF care is necessary to prevent imminent physical harm to the child. (See HB 1227)
- DCYF maintains placement and care authority for a young person who is a dependent of the State of Washington and is placed in a county detention facility.
- Juvenile Courts will attempt to facilitate the return of young people not previously found dependent to their parent, guardian, or responsible adult's home after a stay in detention.
- Juvenile Court will make active efforts to coordinate a safe release option for the young person being released from detention.
- Juvenile Court personnel are mandated reporters. If they have cause to believe the young person has suffered abuse or neglect the Juvenile Court will report the allegations of child abuse or neglect to DCYF Central Intake immediately. (RCW 26.44.030)
- Juvenile Court may:
 - Consult with the DCYF Regional Cross-Systems Liaison at any time for support in identifying and navigating available resources for young people and their families
 - Educate families about the CHINS/ARY process/proceeding as a pathway to needed services.
- DCYF will:
 - Respond to the requests of juvenile court staff and offer voluntary services for eligible families .
 - Stay engaged with dependent young people who are in detention, including participation in planning for their educational needs, healthcare needs, and transition planning needs during the young person's entire time in the detention facility.

PROTOCOLS

Both parties will provide contact information for identified personnel who are familiar with this MOU and its requirements. DCYF and Juvenile Court will provide each other with regular updates to contact information and inform each other of any changes in operation or services. DCYF and Juvenile Court will have administrative staff and supervisors meet semiannually.

A. Young Person subject to a petition filed by the Department under RCW 13.34

1. As soon as an assigned DCYF Social Service Specialist (SSS) becomes aware that a young person has become or is involved with the juvenile justice system, the SSS will inquire as to whether the young person has been assigned a juvenile probation counselor (JPC). If so, the SSS will contact the JPC to share contact information along with any other relevant information.
2. If a dependent young person is diverted or does not meet the detention criteria on the Risk Assessment and therefore will not be placed into detention, Juvenile Court will notify the DCYF assigned Social Service Specialist. Juvenile Court will work with the young person's caregiver to coordinate pickup from court or detention.
3. Juvenile Court will notify the DCYF assigned Social Service Specialist that the dependent young person is in detention within one business day of placement in the facility (if an assigned SSS is noted in the juvenile court MIS system or as soon as they become aware). Juvenile Court will provide information regarding the status of the criminal charges and the anticipated release date. Social Service Specialists will document the notification in a FamLink case note and notify the young person's attorney in the dependency matter.
4. Juvenile Court will inform the DCYF Social Service Specialist a minimum of 24 hours in advance of any movement of the young person. If a young person is moved in an emergency, Juvenile Court will inform the DCYF Social Service Specialist on the next business day after the move. Assigned GAL/CASAs and the young person's attorney will be notified as soon as possible by Juvenile Court staff.
5. DCYF Social Service Specialists will include designated Juvenile Court personnel in scheduled portions of Family Team Decision Making meetings (in accordance with DCYF policy on confidential information) for young people who are dependent and involved with Juvenile Court.

B. Young Person NOT subject to a petition filed by the Department

1. Prior to the young person's release date, Juvenile Court will make regular and ongoing attempts to contact the custodial parent or guardian and arrange with them to pick up the young person from detention. All attempted contacts, including names and phone numbers of individuals, must be documented in the young person's case notes.
2. Prior to release, if there is concern that the young person may not be picked up at the time of release, Juvenile Court may speak with parents about the process for requesting voluntary services from DCYF and will reach out to the DCYF Regional Cross-Systems Liaison to discuss next steps.

In the Event that Young Person NOT Subject to a Department Petition Is Unable to Return Home

1. If a parent or guardian is willing but unable to pick up the young person from detention, Juvenile Court will work with the parent or guardian to problem solve and address barriers to picking up the young person on time.
2. When the Juvenile Court becomes aware that it is likely that the parent or designated adult will not take custody of the young person, the Juvenile Court will provide as much advanced notice as possible to the DCYF Regional Cross-Systems Liaison and request assistance in finding a solution. The Juvenile Court will provide the details of all efforts and attempts made at coordinating with the parent or other designated adult.
 - a. If the young person's case is related to domestic violence, the Juvenile Court will refer to Family Reconciliation Services as soon as possible.
3. If there are safety issues or other stated reasons why the young person cannot return home, Juvenile Court will:
 - a. Discuss with the parent or guardian the potential outcomes of this decision and possible resources to support healing of the relationship between the parent and young person
 - b. Ask the parents or guardians if there are other family members (including non-custodial parent) or responsible adults to whom the young person could be released
 - c. If the parent is unwilling to name another person to pick up the young person, Juvenile Court will contact the DCYF Regional Cross-Systems Liaison and request assistance in locating alternate placement options.
 - d. If a young person is released and there is no adult present to pick up the young person from detention, Juvenile Court will contact DCYF Central Intake and identify the family. DCYF intake staff will automatically screen the referral in for Family Reconciliation Services (FRS). (See below). FRS does not include placement out of home.

MAKING A SERVICE REFERRAL TO DCYF

Service referrals to Central Intake should be made on weekdays between the hours of 8:00 a.m. and 4:30 p.m. and as early in the day as possible.

The following information will be needed in the event an intake call is made to DCYF:

a. *Identifying Information:*

- i. Who in the family is requesting services;
- ii. The young person's DOB and school information;
- iii. full names, addresses, and telephone numbers for all known family members (including any relatives);
- iv. Knowledge of eligibility or membership in an American Indian Tribe or Nation (including enrollment number if available); including any information indicating the young person may have American Indian, Alaska Native, or Canadian First Nation ancestry or may reside or be domiciled on a Reservation;

b. *Background Information about the Young Person and Family*

- i. Behavioral concerns, including any physical, sexual, or other behaviors that caregivers should be aware of;
- ii. Special health or safety concerns pertaining to the young person or to others with whom the young person may have contact;
- iii. Concerns about the parent or guardian's abilities to meet the young person's basic and special needs;

c. *Steps Taken by the Juvenile Court*

- i. Documentation of active search for placement discharge resources.

YOUNG PEOPLE COVERED BY INTERSTATE COMPACT ON JUVENILES

If the young person is from out-of-state, Juvenile Court will use the Interstate Compact on Juveniles (RCW 13.24.10) to return the child to the appropriate state. Court staff will notify the Washington ICJ Office at wa-icj@dcyf.wa.gov. The Holding and Demanding State ICJ Offices will coordinate the return of the young person following ICJ rules. All communication must occur between the ICJ Offices - ICJ rules do not allow for direct communication between states. Legal Guardians should be referred to their state's ICJ Office for questions regarding the ICJ process.

Dawn Bailey

Compact Administrator • Washington Interstate Compact for Juveniles

DESIGNATED CONTACTS:

The persons identified below are designated as the contact person for all communications concerning the service delivery system established by this MOU:

Region	DCYF Regional Cross-Systems Liaison	Counties in the Region
1	Phone: Email:	<i>Adams, Asotin, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens</i>
2	Brittany Lenihan Phone: Email:	<i>Benton, Columbia, Franklin, Kittitas, Klickitat, Walla Walla, Yakima</i>
3	Rachel DeWind Phone: Email:	<i>Island, San Juan, Skagit, Snohomish, Whatcom</i>
4	Karen Rall Phone: Email:	<i>King County</i>
5	Nerissa Shirley Phone: Email:	<i>Kitsap, Pierce</i>
6	Myranda Dixon Phone: Email:	<i>Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Lewis, Mason, Pacific, Skamania, Thurston, Wahkiakum</i>

TRAINING

DCYF will provide training to Juvenile Court staff on the mandatory reporting requirements and how to make a referral at least yearly, as determined by Juvenile Court and DCYF staff. Juvenile Court will provide Juvenile Justice/detention orientation training to DCYF staff as requested.

GRIEVANCE AND REVIEW PROCESS

Any grievance or dispute by either DCYF or Juvenile Court shall be resolved through direct contact between the Juvenile Court Administrator and the DCYF Regional Administrator.

MODIFICATIONS:

Modifications to this MOU shall be made only by written amendment executed by all Parties involved. Such amendments shall not be binding unless they are in writing and signed by personnel authorized to bind each of the Parties.

TERMINATION:

Either Party may terminate this agreement upon thirty (30) days advanced written notification.

FUNDS/PAYMENT:

This MOU does not obligate either Party to exchange funds.

ALL WRITINGS CONTAINED HEREIN:

This MOU contains all the terms and conditions agreed upon by all Parties. No other understanding, oral or otherwise, regarding the subject matter of this MOU shall be deemed to exist or to bind any of the Parties.

PERIOD OF PERFORMANCE:

The period of performance for this MOU is from September 1, 2023 through June 30, 2025. Upon the end of this performance period, this MOU may be reviewed by both Parties and be extended by mutually agreed to written amendment or renewal.

EXECUTION:

This MOU is executed by the persons signing below, who warrant that they have the authority to bind their party.

JUVENILE COURT	
<i>Presiding Judge/Commissioner</i>	
<i>Printed Name</i>	
<i>Date</i>	
<i>Juvenile Court Administrator</i>	
<i>Printed Name</i>	
<i>Date</i>	
WASHINGTON STATE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES	
<i>Stephen V. Cotter</i> <i>Office Chief, Contracts and Procurement</i>	
<i>Printed Name</i>	
<i>Date</i>	