JAY INSLEE
Governor

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PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05

20-33
Department of Children, Youth, and Families - Child Visitation and Remedial Services

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington state as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, 20-27, 20-28, 20-29, 20-30, 20-31, and 20-32, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, to curtail the spread of the COVID-19 pandemic in Washington State and to protect our most vulnerable populations, it is critical to limit person to person contact through social distancing and limiting person to person contact; and

WHEREAS, many of the children and youth who are found to be dependent by superior courts are ordered into the custody of the Department of Children, Youth, and Families, resulting in the placement of many children into the care of foster parents, relatives, group homes, and other suitable persons approved by the court with statutorily required visitation between the children and their families, as well as statutorily required fact-to-face visits between the children and Department of Children, Youth, and Families case workers; and

WHEREAS, an adequate number of relative caregivers, other suitable persons, foster parents, and group homes is necessary to provide essential services to dependent children, and the COVID-19 pandemic is anticipated to significantly reduce the availability of relative, other suitable person, foster care, and group care beds if dependent children are exposed to people outside of the foster or group home through in-person visits with parents, siblings, or other family members; and

WHEREAS, relatives, other suitable persons, foster families, and group home operators are anticipated to withdraw their services and homes for placement if there is a risk that COVID-19 will spread within the home; and

WHEREAS, it is necessary to immediately waive and suspend in-person visitation requirements under RCW 13.34 and RCW 74.13 that require in-person visitation of children in the custody of the Department of Children, Youth, and Families by parents or other family members and by Department of Children, Youth, and Families case workers; and

WHEREAS, the Department of Children, Youth, and Families is required by RCW 13.34.025 to provide remedial services to parents of dependent children, and to report to the court when these services are not available; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington has resulted in many providers of remedial services to parents of dependent children temporarily shutting down; and

WHEREAS, the state's juvenile and superior courts are operating on a limited basis, only hearing emergent civil matters, and are not fully available to respond to statutorily required reports under RCW 13.34.025 by the Department of Children, Youth, and Families when remedial services are not available, and as a result these reports and any related hearings are an unnecessary burden on currently overtaxed systems; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 as amended remains in effect, and that Proclamation 20-05 is amended to waive and suspend specified statutes that prevent, hinder or delay action in coping with the COVID-19 State of Emergency that is necessary to prevent a destabilization of the foster care system.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military

Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the following statutory and regulatory obligations or limitations will risk destabilizing the state's foster and group home system and prevent, hinder, or delay the response by the Department of Children, Youth, and Families necessary to cope with the COVID-19 pandemic State of Emergency under Proclamation 20-05, and that the language of each statutory and regulatory provision specified below is hereby waived and suspended in its entirety, except as otherwise provided herein, until midnight on April 25, 2020:

1. RCW 13.34.136(2)(b)(ii)(A), the following words only in the third sentence: "the maximum" and "possible";
2. RCW 13.34.136(2)(b)(ii)(C), the following words only: "limited or" and "limitation or";
3. RCW 13.34.025(2)(c), in its entirety;
4. RCW 74.13.031(6), the following words only: "face-to-face" – both references.

Nothing in this Order is intended to prevent compliance with a private parenting plan.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 26th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State