



**Nick Brown**

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June 16, 2025

*Sent via email to [rosannaw@co.skagit.wa.us](mailto:rosannaw@co.skagit.wa.us)*

Rosanna Wadkins, Court Administrator  
205 W. Kincaid Street, Room 202  
Mount Vernon, WA 98273

**RE: Comments on Skagit County's Proposed Local Rule Changes**

Dear Rosanna Wadkins:

The Attorney General's Office is submitting these comments to proposed changes to the Local Rules.

**Comment on proposed changes to SCLJuCR2.3(a)(1)(iii):**

The last sentence as proposed reads "*Request for a pickup order shall be presented no later than 3:00 p.m. for same day judicial review.*" As proposed, if a child were placed at imminent risk of physical harm either after 3:00 p.m., or in the afternoon of any day given the time it takes to draft documents and arrive at the courthouse, the rule would prevent the court from considering a pickup order request if it is presented after the 3:00 pm deadline. This could place a child in danger of harm or death. While hopefully these situations are rare, it is foreseeable that this may occur.

We propose the rule be revised by adding the italicized language below, which is the same language proposed in SCLJuCR2.3(a)(1):

*"Request for a pickup order shall be presented no later than 3:00 p.m. for judicial review, absent prior court approval for emergent situations only."*

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## **Comment on proposed SCLJuCR 2.3(a)(4):**

RCW 13.34.090(5) governs when copies of the Department's records must be provided to legal parties prior to a shelter care hearing. RCW 13.34.090(5) contains the requirement that "[t]he department shall make every effort to provide all other discoverable material to the child's parent, guardian, legal custodian, or his or her legal counsel prior to any shelter care hearing." This statute balances the importance of providing parties with a meaningful opportunity to be heard with the realities of emergencies surrounding child placement decisions at the beginning of a dependency case.

The Local Court Rule, as proposed, would require the Department to provide a copy of all of its records to parties at the time of filing, which would be very challenging given the requirement to hold a Shelter Care Hearing within 72 hours of a hospital hold or protective custody case, or in a situation where a pick up order is imminently needed but large copies of historical documents are in a Department file. Delaying the ability to file a petition until a copy of the file is ready to distribute to all parties would result in later filings with the Superior Court and could potentially impact child safety.

New dependency filings may present with the challenge of receiving an unknown case from the hospital or law enforcement, meeting and assessing the family to determine if ongoing out-of-home placement is required, gathering the input of the family in a team meeting, drafting and filing legal documents, offering services and visitation, and holding a shelter care hearing which is challenging in the compressed 72 hour time period. The Department is also required to make reasonable and/or active efforts to prevent or eliminate the need for removal of the child from the home prior to any shelter care hearing. The proposed rule imposes an additional obligation that is not required by the Legislature prior to filing a dependency petition.

We propose that the proposed language to the local rule be stricken and replaced with the following italicized language consistent with the statute:

4. Discovery. The Department shall electronically provide all discovery supporting the dependency petition to all appointed and provisionally appointed attorneys and the Guardian ad Litem program prior to the scheduled shelter care hearing *within a reasonable period of time in advance to allow an opportunity to review the records prior to the hearing*. When a parent appears without provisionally appointed counsel, such discovery shall be provided directly to the parent at the shelter care hearing absent direct contact with the Attorney General's Office.

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Thank you for your consideration of these suggestions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Christina Beusch".

CHRISTINA BEUSCH

Deputy Attorney General

cc: Jennifer Mankowski-Dixon  
Sarah Reyes  
Lisa LaGuardia