Fact-Finding Timeliness Measure Data

Fact-Finding (RCW 13.34.110) is a Hearing or trial to determine if a child is dependent under RCW 13.34.030(6) abandoned, abused, neglected, no parent, guardian or custodian capable[1]. The Fact-Finding hearing on the petition shall be held no later than seventy-five days after the filing of the petition, unless exceptional reasons for a continuance are found (RCW 13.34.070(1)).

The parent, guardian, or legal custodian of the child may waive his or her right to a Fact-Finding hearing by stipulating or agreeing to the entry of an order of dependency establishing that the child is dependent within the meaning of RCW **13.34.030**. The parent, guardian, or legal custodian may also stipulate or agree to an order of disposition pursuant to RCW **13.34.130** at the same time.

Immediately after the entry of the findings of fact, the court shall hold a disposition hearing, unless there is good cause for continuing the matter for up to fourteen days.

Fact-Finding Hearing Related Forms needed for the data:

Washington State Dependency Court Forms -Dependency Proceedings
1. Order of Dependency: As to Parent 1, Parent 2, Both, or Dismissed. Disposition Order included Form number: **WPF JU 03.0400**
2. Order of Disposition on Dependency Form number: **WPF JU 03.0410**
3. Order on Motion to Continue Fact-Finding: Granted, Denied Form number: **WPF JU 03.????**

Fact-Finding Codes for the data categories[2]:

1. Proceeding Codes:
   - FFHRG "Fact-Finding Hearing"
   - FFDHRG "Fact-Finding and Disposition Hearing"
   - DSPHRG "Disposition Hearing"
   - MTHRG "Motion Hearing"
2. Order Codes:
   - OROD1 "Order of Dependency Parent 1"
   - OROD2 "Order of Dependency Parent 2"
   - OROD "Order of Dependency Parents" (used for Both parents on one order)
   - ORDNE "Order of Dependency Not Established"
   - ORDD "Order of Disposition on Dependency" included
   - ORCNTFF "Order on Motion to Continue Fact-Finding -Granted"
   - ORDYFF "Order on Motion to Continue Fact-Finding -Denied"
3. Event Codes:
   - Exceptional Circumstance Codes, located in section 2.2 of the Order on Motion to Continue Fact-Finding
     - DEX "Discovery Related Circumstance"
     - IEX "ICWA Related Circumstance"
     - CEX "Court Availability Related Circumstance"
     - PEX "Party Availability Related Circumstance"
     - LEX "Lawyer Availability Related Circumstance"
     - EEX "Pre-Dependency Engagement Related Circumstance"
     - OEX "Other General Related Circumstance"

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[1] Washington State Legislature SB 6006 will update the definition 7/1/2025
[2] The iDTR looks for one of these listed codes to determine the category for compliance data

Where to find the data:
iDTR
   1. Fact-Finding Workbook
      a. Compliance is shown in the Fact-Finding Sheet

Additional details are available in the FJCIP Data Mapping Tool

RCW:

RCW 13.34.070(1) Summons when petition filed – Service procedure –Hearing, when –Contempt upon failure to appear –Required notice regarding Indian Children.
(1) Upon the filing of the petition, the petitioner shall issue a summons, one directed to the child, if the child is twelve or more years of age, and another to the parents, guardian, or custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to hear the petition. If the child is developmentally disabled and not living at home, the notice shall be given to the child's custodian as well as to the child's parent. The developmentally disabled child shall not be required to appear unless requested by the court. When the custodian is summoned, the parent or guardian or both shall also be served with a summons. The Fact-Finding hearing on the petition shall be held no later than seventy-five days after the filing of the petition, unless exceptional reasons for a continuance are found. The party requesting the continuance shall have the burden of proving by a preponderance of the evidence that exceptional circumstances exist. To ensure that the hearing on the petition occurs within the seventy-five-day time limit, the court shall schedule and hear the matter on an expedited basis.

RCW 13.34.110 Hearings—Fact-Finding and disposition—Time and place, notice.
(1) The court shall hold a Fact-Finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor. The rules of evidence shall apply at the Fact-Finding hearing and the parent, guardian, or legal custodian of the child shall have all of the rights provided in RCW **13.34.090**(1). The petitioner shall have the burden of establishing by a preponderance of the evidence that the child is dependent within the meaning of RCW **13.34.030**….

Resources for further learning:

Fact-Finding Hearings are a crucial component of administrative and judicial processes, ensuring that decisions are based on accurate and verified information. Module 4 of the Dependency 101 for Judicial Officer trainings provides a comprehensive guide to understanding and conducting dependency Fact-Finding Hearings in Washington State. Estimated length: 60 minutes.
Module 4: Fact-Finding

Fact-Finding Benchbook chapter, published March 26, 2024.
The court shall hold a Fact-Finding hearing on a dependency petition no later than 75 days after the filing of the petition, unless the court finds exceptional reasons for a continuance[3]. The party requesting the continuance has the burden of proving by a preponderance of the evidence that exceptional circumstances exist[4]. The court shall give preference to those cases where the child is placed in out-of-home care[5].

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[3] RCW 13.34.070(1); but *see also* JuCR 3.4(c) (allowing continuance for "good cause.")
[4] RCW 13.34.070(1), WAC 110-30-0300(1)
[5] JuCR 3.4(c)

Compliance for Fact-Finding is identified three ways:

Exceptional Circumstance	Exceptional Circumstance is granted through the dependency case within 75 days of the dependency petition filing date using the associated event codes on the Order on Motion to Continue Fact-Finding.
Hearing/Trial	Fact-Finding hearing or trial is held and an Order of Dependency is entered for one or both Parents through the dependency case within 75 days of the dependency petition filing date.
Dismissal	Order of Dependency Not Established is granted through the dependency case within 75 days of the dependency petition filing date, dismissing the dependency case.

The data uses the earliest code for the hearing, order of dependency or disposition, exceptional circumstance or dismissal code to mark compliance within 75 days from the dependency petition date.

Exceptional Circumstance:

The Order on Motion to Continue Fact -Finding must have an exception code entered prior to the Fact-Finding due date to be found compliant.
<u>See example below to support clerk entry</u>.

Superior Court of Washington, County of _____
Juvenile Court

Dependency of:

_____

D.O.B.: _____

No: _____
Order on Motion to Continue Fact-Finding
[**X**] Granted (ORCNTFF)
[ ] Denied   (ORDYFFC)
Clerk's Action Required: **2.2** and 3.1
([ ] DEX [ ] IEX [ ] CEX [ ] PEX
[ ] LEX [ ] EEX [ ] OEX)

I. Basis

1.1   This matter is before the court on an [ ] Agreed [ ] Co[ ] Fact-Finding hearing filed by:
[ ] DCYF   [ ] Parent 1   [ ] Parent 2   [ ] GAL
[ ] Other: _____

1.2   The following parties objected to the continuance:
[ ] DCYF   [ ] Parent 1   [ ] Parent 2   [ ] GAL/CASA/Advocate   [ ] Child
[ ] Other: _____

II Findings

2.1   The above [ ] has shown [ ] has not shown good cause for a continuance of the Fact-Finding hearing within 75 days of the filing of the dependency petition scheduled on:
(Date) _____ at _____ a.m./p.m.

2.2   Exceptional circumstances exist to continue the Fact-Finding hearing on the dependency petition to a date later than 75 days after the filing of the petition, due to the following: (please choose ___)

[ ] Discover
[ ] ICWA rel
[ ] Court ava
[ ] Party ava
     day. (PEX)

RCW 13.34.070
(01/2025)
JU03.0420

Order Continuing
Fact Finding Hearing
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Select the box that matches section 2.2

Select one box, in section 2.2. Mark the corresponding box under Clerk's Action Required. More options on Page 2.

Party who is unavaila
[ ] Lawyer availability: a
     by the 75th day. (LEX
     Lawyer who is unava
[ ] Pre-Dependency eng
[ ] Other, General Comp

Exceptional Circumstance Codes are event codes; your local clerk's office will have the information on how they enter these types of codes. Below are some additional resources.
Demo video for Event tab in Odyssey Navigator:
<u>Events in Navigator - for Juvenile Users - Overview (wa.gov)</u>

Adding an Event Code <u>Odyssey Manual</u>

Dependency Fact-Finding; Hearings, Trials and Orders:

The data must find at least one of the applicable hearing or order codes within the set timeframe to be found compliant.

Fact-Finding Only Hearing (FFHRG) ([Statistical Manual](#))
A hearing to determine the dependency of a juvenile, when a disposition hearing does not immediately follow.

Fact-Finding and Disposition Hearing (FFDHRG) ([Statistical Manual](#))
A hearing to determine the dependency of a juvenile, where a disposition hearing immediately follows.

Use of one of these two codes will tell you as the Coordinator that dependency outcome has been determined for the child, also known as the resolution for the petition, or Fact-Finding.

These two codes should <u>only</u> be used for the actual Fact-Finding Hearing or Trial. If holding other types of hearings prior to the Fact-Finding Hearing or Trial you refer to the Statistical Manual under Pre-Resolution Hearings (4.C.). Using these codes when not having the actual Fact-Finding hearing will result in the data showing the wrong date the Fact-Finding occurred. <u>See below for alternative hearing options</u>. [Statistical Manual.](#)

- ❖ **Status Conference** (STAHRG)- A status conference is a hearing before the court to determine the condition or state of a case, generally occurring at the midpoint in the life of a case.
- ❖ **Motion Hearing** (MTHRG)- A motion hearing is a proceeding before the court for an order to set forth specific relief as requested.
- ❖ **Pre-Fact-Finding Management Hearing** (PTMHRG)- A hearing whereby the court considers compliance with discovery and motion deadlines, attempts to frame issues of fact and law for a Fact-Finding hearing, sets a briefing schedule, and makes further rulings as necessary, including the determination of readiness for a Fact-Finding hearing.
- ❖ **Settlement Conference/Hearing Held** (STLCON)- A hearing whereby parties or their attorneys prepare and present their issues in an effort to reach settlement.

Order of Dependency (Multiple Codes available on the form)
The Order of Dependency is a pattern form, WPF JU 03.400. It allows the user to select from a list of codes in the caption to select the docket code the clerk will enter. For example, OROD1 for Parent 1's Order of Dependency.
- ❖ *Section 4.1 Dependency, tells the reader if the dependency was dismissed or a dependency was found pursuant to RCW 13.34.030.*

When a dependency is established, refer to the [Statistical Manual for Resolution Codes](#) for resolution of the dependency petition. Case "resolution" occurs when the case is "tried, settled, or otherwise concluded" that is, **resolution is defined for juvenile dependency cases when the court decision has been rendered regarding the initial petition filed**.
- ❖ *Your clerk will enter the resolution for the dependency petition based on the available options.*
- ❖ *A case must be resolved before it can be completed.*

Order of Disposition on Dependency (ORDD)
The Order of Disposition on Dependency is a pattern form, WPF JU 03.0410. If the Fact-Finding Hearing did not immediately follow with a disposition hearing for the referenced parent, you will see this order. It will follow the hearing code, <u>Disposition Hearing</u> (**DSPHRG**).

❖ *This is only used when Fact-Finding previously occurred.*

Dismissal:

Final resolution by the court dismissing the case before, during, or after a Fact-Finding hearing has commenced.

Order of Dependency
This order has the ability to mark the applicable coding to note the case is dismissed. The dismissal code used will be ORDNE, Order of Dependency Not Established, allowing the dismissed cases to be removed from your Re-Dependency data if the case returns into the system.

Order Dismissing Dependency
Prior to the Fact-Finding Hearing or Trial you may have the <u>Order Dismissing Dependency</u> used to dismiss the case.

To remove the case from your active cases, the clerk must complete the case.

Refer to the <u>Statistical Manual</u> for guidance:

❖ Case "completion" occurs when all necessary dispositive documents have been filed with the clerk.

❖ A case must be resolved before it can be completed. In certain situations, resolution and completion can occur simultaneously (e.g., order of dismissal). The case resolution date must be on the same day or prior to the case completion date entered on the case management's basic screen.
   o This will be typical to see at this stage of the case.

❖ Do not docket dismissal hearing (DSMHRG) through the Fact-Finding hearing duration.
   o If the dismissal is the resolution of the dependency petition found through the Fact-Finding hearing or trial, you can utilize the Order of Dependency to document this resolution and complete the case.