Exceptional Placements in Hotels FAQ

On June 29, 2021, a federal judge ordered the Washington State Department of Children, Youth, and Families (DCYF) to improve the way it treats children and youth in foster care who do not have placement. Here are some questions and answers about what the new requirements mean for youth waiting for placement.

1. Can I still be forced to spend the night in a hotel?

DCYF is trying to get rid of the need for hotel stays. In the meantime, some children and youth may have no option but to spend the night in a hotel with after hours staff if DCYF can’t find a placement for them.

If this happens, DCYF should provide a hotel room and enough after hours staff to keep everyone safe. This is a hard situation, so if necessary to get through this very difficult time, DCYF should use a crisis plan and give reasonable accommodations (see below).

2. What is a crisis plan?

A crisis plan is a plan for how a person can stay safe, even when things are really hard. The plan can look different for different people, and may list different things to prevent crises from getting worse, as well as strategies and people to help the person safely cope when they are feeling upset.

Some youth may have a crisis plan, especially if they are or have been in the WISe program. If you already have crisis plan, DCYF should ask you if this plan needs to change while you are in a hotel stay. If you are in WISe, your team should work with you and DCYF to make sure the mobile crisis plan will work when you are in hotel stays. (See https://www.hca.wa.gov/health-care-services-supports/behavioral-health-recovery/wraparound-intensive-services-wise for more info on WISe.) If you do not already have a crisis plan, you can ask for a referral for help to make one.

Once you have a crisis plan, DCYF needs to follow it.

3. What are reasonable accommodations?

A reasonable accommodation is a change in how things are usually done for someone who has a disability or mental health related need. You can ask for a reasonable accommodation if 1) you have a disability or mental health condition, and 2) the way things are being done is not working for you.
The reasonable accommodation can’t be something that would be too hard on everyone else, but it can be a compromise that can make things better for people with disabilities or mental health conditions. If you ask for an accommodation that is too difficult for DCYF to provide, DCYF should suggest alternatives, and be open to other suggestions that could help.

After accommodations are agreed, DCYF needs to follow them.

4. What am I supposed to do during the day? And what can I have to eat?

For all youth who are in school, DCYF has to make sure they can keep going to school. If youth are doing online school, DCYF has to make sure there is a quiet space and someone to help if needed. If youth are not in school, DCYF should provide things to do that are normal for other kids their age.

DCYF also has to make sure that youth have plenty to eat. You’re still growing, so you need to have lots of healthy food. You might go out for some meals, but DCYF should also keep healthy food and drinks for you to eat at the office.

5. If I come back into care at night, will I have to spend the night at the office?

If a youth has been on the run and returns to a DCYF office after 10 pm, DCYF should provide a safe and comfortable place to spend the night. DCYF has to try their best to find a suitable placement or a hotel, even if you come back late at night. In some cases, this might not be possible. If this happens, DCYF should provide staff to keep you safe, as well as a pillow, blanket, and a cot or similar place to sleep at the office. There also should be an incident report that explains why a hotel or other placement was not possible, which should go to your public defender and/or CASA/GAL. If you don’t have a public defender or CASA, Disability Rights Washington (DRW) will get a copy.

6. What should I do if I am taken to a placement where I don’t feel safe?

DCYF should never place youth in an unsafe setting. If you have concerns about a placement, you should let your social worker know as soon as possible, and suggest any ideas about what would work better.

You do not need to run away in order to avoid a placement. Even if you decline a placement, DCYF must provide you with either another suitable placement or a hotel room with after hours staff. DCYF may never require you to stay in a car or an office during night hours just because you are saying no to a placement.
Also, if DCYF offers a placement that you think is unacceptable, DCYF has to set a Family Team Decision Meeting (FTDM) within the next two (2) days.

7. What if I don’t have a placement for more than five nights in a row?

A lot of young people only spend one or two nights in a hotel. But if DCYF cannot find a placement, some youth may have to stay in a hotel for longer. If you have not refused a suitable placement, then starting on the 6th night, DCYF must give you the choice to stay in the same room and to leave any of your things in your room during the day. But you don’t have to leave your things in your room if you don’t want to.

DCYF also has to set a Shared Planning Meeting (SPM) as soon as possible, and no later than three (3) business days after the 5th night. If you still don’t have a placement ten (10) days later, DCYF has to have another meeting, and has to keep having meetings every ten (10) days after that until you have a placement.

If DCYF keeps offering placements that you don’t think will work, and you and DCYF both agree that having more meetings won’t help anymore, then DCYF doesn’t have to keep having these meetings. But DCYF must tell you and your public defender if DCYF thinks the meetings are pointless. DCYF can’t stop having meetings if you still want people to keep getting together to figure out a plan.

8. How are all these meetings supposed to help?

The purpose of the FTDM and SPM is to give you and your advocates a chance to explain your concerns, get your questions answered, and help brainstorm solutions. DCYF should invite you, your public defender, your CASA/GAL and your family (unless there is specific safety concern).

Even though no one should be forced to attend these meetings, they can be a good opportunity for you and your advocates to educate DCYF about what isn’t working and suggest other things. You might be afraid people won’t understand, but you’re probably better at explaining things than you think you are!

Overall, DCYF should listen and be open to everyone’s ideas. Whether or not DCYF agrees, they should include everyone’s concerns and suggestions in the meeting notes – including yours.
9. Am I allowed to speak up for myself outside of meetings?
Youth should never be afraid to say if something isn’t right. You should be able to talk to your social workers if you need something you aren’t getting. Even if you don’t think people will listen, you have a right to say what you need without being afraid of getting in trouble.

10. Who can I call for help?
It is important for youth to talk with their social workers, as well as advocates and trusted adults, to keep them in the loop about what is going on. If you think that something isn’t fair, or you are having trouble being heard, you can always let your public defender or CASA/GAL know, and ask them to help you. If you have complaints about DCYF, you can also report your concerns to the Office of Children and Family Ombuds (OFCO). You can find information about OFCO complaints at https://ofco.wa.gov/filing-complaint.

If you believe DCYF is not following these new requirements, and/or you don’t have an attorney who can help you, you can also contact the attorneys working on this case. You can call Leecia Welch at the National Center for Youth Law (NCYL) at 415.602.5202 or email Leecia at lwelch@youthlaw.org. You can also call Susan Kas at Disability Rights Washington (DRW) at 206-324-1521, or 1-800-562-2702 (ext. 243), or email Susan at susank@dr-wa.org. If you don’t have your own phone, your social worker should provide you with a phone and let you have a private call with NCYL or DRW.

11. Where can I learn more?

For more information about the lawsuit that resulted in these changes, you can go to https://www.disabilityrightswa.org/cases/d-s-v-washington-state-department-of-children-youth-and-families/