

2 **E2SSB 5439** - H COMM AMD **ADOPTED 4/6/95**

3 By Committee on Children & Family Services

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "**Sec. 1.** RCW 13.32A.010 and 1979 c 155 s 15 are each amended to  
8 read as follows:

9 The legislature finds that within any group of people there exists  
10 a need for guidelines for acceptable behavior and that, presumptively,  
11 experience and maturity are better qualifications for establishing  
12 guidelines beneficial to and protective of individual members and the  
13 group as a whole than are youth and inexperience. The legislature  
14 further finds that it is the right and responsibility of adults to  
15 establish laws for the benefit and protection of the society; and that,  
16 in the same manner, the right and responsibility for establishing  
17 reasonable guidelines for the family unit belongs to the adults within  
18 that unit. The legislature reaffirms its position stated in RCW  
19 13.34.020 that the family unit is the fundamental resource of American  
20 life which should be nurtured and that it should remain intact in the  
21 absence of compelling evidence to the contrary.

22 The legislature recognizes that the public is concerned about the  
23 growing problem with runaways. The legislature further recognizes that  
24 children have run away from home, are substance abusers, or have  
25 serious acting out behaviors and their parents have sought help. The  
26 legislature recognizes that families with children who are endangering  
27 themselves and others by their behavior also need services.

28 The legislature finds that many parents do not know their rights  
29 regarding their adolescent children and law enforcement, and parents  
30 and courts feel they have insufficient legal recourse for the chronic  
31 runaway child who is endangering himself or herself through his or her  
32 behavior. The legislature further finds that the juvenile justice  
33 reform enacted in 1977 does not adequately protect youth and families  
34 and that chronic runaways with substantial problems are left without  
35 adequate protection or legal recourse.

1        The legislature further recognizes that for chronic runaways whose  
2 behavior puts them in serious danger of harming themselves or others,  
3 secure facilities must be provided to assist parents and protect their  
4 children. The legislature intends, in chapter . . ., Laws of 1995  
5 (this act), to give tools to law enforcement, courts, and parents to  
6 keep families together and reunite them whenever possible.

7        The legislature intends to provide for the protection of children  
8 who, through their behavior, are endangering themselves. The  
9 legislature intends to provide appropriate residential services,  
10 including secure facilities, to protect, stabilize, and treat children  
11 with serious problems. The legislature further intends to empower  
12 parents by providing them with the assistance they require to raise  
13 their children.

14        NEW SECTION. Sec. 2. This act may be known and cited as the  
15 "Becca bill."

16        **Sec. 3.** RCW 13.32A.030 and 1990 c 276 s 3 are each amended to read  
17 as follows:

18        As used in this chapter the following terms have the meanings  
19 indicated unless the context clearly requires otherwise:

20        (1) "Department" means the department of social and health  
21 services;

22        (2) "Child," "juvenile," and "youth" mean any individual who is  
23 under the chronological age of eighteen years;

24        (3) "Parent" means the legal custodian(s) or guardian(s) of a  
25 child;

26        (4) "~~((Semi-secure))~~ Secure facility" means any facility, including  
27 but not limited to crisis residential centers or specialized foster  
28 family homes, operated in a manner to reasonably assure that youth  
29 placed there will not run away(~~(: PROVIDED, That such facility shall~~  
30 ~~not be a secure institution or facility as defined by the federal~~  
31 ~~juvenile justice and delinquency prevention act of 1974 (P.L. 93-415;~~  
32 ~~42 U.S.C. Sec. 5634 et seq.)~~ and regulations and clarifying  
33 instructions promulgated thereunder. Pursuant to rules established by  
34 the department, the facility administrator shall establish reasonable  
35 hours for residents to come and go from the facility such that no  
36 residents are free to come and go at all hours of the day and night.  
37 To prevent residents from taking unreasonable actions, the facility

1 administrator, where appropriate, may condition a resident's leaving  
2 the facility upon the resident being accompanied by the administrator  
3 or the administrator's designee and the resident may be required to  
4 notify the administrator or the administrator's designee of any intent  
5 to leave, his or her intended destination, and the probable time of his  
6 or her return to the center. The facility administrator shall notify  
7 a parent and the appropriate law enforcement agency within four hours  
8 of all unauthorized leaves));

9 (5) "Multidisciplinary team" means those persons involved in  
10 helping a child who meets the definition of an at-risk youth. This  
11 group shall include the parent, guardian, or custodian, a department  
12 case worker, a representative of the counties, and a member of the  
13 following disciplines: Mental health and substance abuse. This group  
14 may include, but is not limited to the following persons: Educators,  
15 law enforcement personnel, probation officers, employers, church  
16 persons, tribal members, a member of the child's cultural community,  
17 therapists, medical personnel, social service providers, placement  
18 providers, and extended family members. Team members shall be  
19 volunteers who do not receive compensation for team activities unless  
20 an individual team member's employer chooses to provide such  
21 compensation.

22 (6) "At-risk youth" means an individual under the chronological age  
23 of eighteen years who:

24 (a) Is absent from home for more than seventy-two consecutive hours  
25 without consent of his or her parent;

26 (b) Is beyond the control of his or her parent such that the  
27 child's behavior substantially endangers the health, safety, or welfare  
28 of the child or any other person; or

29 (c) Has a serious substance abuse problem for which there are no  
30 pending criminal charges related to the substance abuse.

31 NEW SECTION. Sec. 4. A new section is added to chapter 13.32A RCW  
32 to read as follows:

33 The department shall establish appropriate security requirements  
34 for all crisis residential centers. The requirements shall be designed  
35 to prevent children from leaving the centers without authorization.  
36 Security requirements may include, but not be limited to, locked doors  
37 and windows, electronic monitoring bracelets, and perimeter fences or  
38 patrols. The crisis residential center administrator shall notify

1 parents and the appropriate law enforcement within four hours of all  
2 unauthorized leaves.

3 **Sec. 5.** RCW 13.32A.040 and 1994 c 304 s 3 are each amended to read  
4 as follows:

5 Families who are in conflict or who are experiencing problems with  
6 at-risk youth may request family reconciliation services from the  
7 department. The department shall involve the local multidisciplinary  
8 teams in determining the services to be provided and in providing those  
9 services, if a local multidisciplinary team exists. Such services  
10 shall be provided to alleviate personal or family situations which  
11 present a serious and imminent threat to the health or stability of the  
12 child or family and to maintain families intact wherever possible.  
13 Family reconciliation services shall be designed to develop skills and  
14 supports within families to resolve problems related to at-risk youth  
15 or family conflicts and may include but are not limited to referral to  
16 services for suicide prevention, psychiatric or other medical care, or  
17 psychological, welfare, legal, educational, or other social services,  
18 as appropriate to the needs of the child and the family. Upon a  
19 referral by a school or other appropriate agency, family reconciliation  
20 services may also include training in parenting, conflict management,  
21 and dispute resolution skills.

22 **Sec. 6.** RCW 13.32A.130 and 1994 sp.s. c 7 s 508 are each amended  
23 to read as follows:

24 A child admitted to a crisis residential center under this chapter  
25 who is not returned to the home of his or her parent or who is not  
26 placed in an alternative residential placement under an agreement  
27 between the parent and child, shall, except as provided for by RCW  
28 13.32A.140 and 13.32A.160(2), reside in the placement under the rules  
29 established for the center for a period not to exceed five consecutive  
30 days from the time of intake, except as otherwise provided by this  
31 chapter. Crisis residential center staff shall make ~~((a concerted))~~  
32 every reasonable effort to protect the child and achieve a  
33 reconciliation of the family. If a reconciliation, using family  
34 reconciliation services, and voluntary return of the child has not been  
35 achieved within forty-eight hours from the time of intake, and if the  
36 person in charge of the center does not consider it likely that  
37 reconciliation will be achieved within the five-day period, then the

1 ((person in charge shall inform the parent and child of (1) the  
2 availability of counseling services; (2) the right to file a petition  
3 for an alternative residential placement, the right of a parent to file  
4 an at risk youth petition, and the right of the parent and child to  
5 obtain assistance in filing the petition; and (3) the right to request  
6 a review of any alternative residential placement)) facility  
7 administrator or his or her designee shall immediately convene the  
8 multidisciplinary team, if one exists.

9 At no time shall information regarding a parent's or child's rights  
10 be withheld if requested. The department shall develop and distribute  
11 to all law enforcement agencies and to each crisis residential center  
12 administrator a written statement delineating the services and rights.  
13 Every officer taking a child into custody shall provide the child and  
14 his or her parent(s) or responsible adult with whom the child is placed  
15 with a copy of the statement. In addition, the administrator of the  
16 facility or his or her designee shall provide every resident and parent  
17 with a copy of the statement.

18 NEW SECTION. Sec. 7. A new section is added to chapter 13.32A RCW  
19 to read as follows:

20 (1) Each county shall have the authority to assemble a  
21 multidisciplinary team. To the extent possible, the multidisciplinary  
22 team shall draw upon existing community resources.

23 (2) The multidisciplinary team, if one exists, shall make every  
24 reasonable effort to protect the child and achieve a reconciliation of  
25 the family whenever possible. If a crisis residential center  
26 administrator or his or her designee makes a referral, the team must  
27 respond as soon as possible but no later than twelve hours after the  
28 referral is made. The team shall have the authority to assess the  
29 juvenile, and family members, if appropriate and agreed to, and shall:

30 (a) With parental input, develop a plan of appropriate available  
31 services and assist the family in obtaining those services;

32 (b) Make a referral to the designated chemical dependency  
33 specialist or the county designated mental health professional, if  
34 appropriate;

35 (c) Recommend no further intervention because the juvenile and his  
36 or her family have resolved the problem causing the family conflict; or

1 (d) With the family's consent, work with the family on a longer-  
2 term basis to achieve reconciliation of the child and family, whenever  
3 possible.

4 (3) To the maximum extent possible, the members of the  
5 multidisciplinary team shall include members who are representative of  
6 the cultures in the family's community.

7 NEW SECTION. **Sec. 8.** A new section is added to chapter 13.32A RCW  
8 to read as follows:

9 (1) The purpose of the multidisciplinary team is to coordinate and  
10 communicate about services offered to the child and family.

11 (2) At the first meeting of the multidisciplinary team, it shall  
12 choose a member to act as case manager for the family. The parent  
13 member of the multidisciplinary team must agree with the choice of case  
14 manager. Thereafter, the team shall meet periodically.

15 **Sec. 9.** RCW 13.32A.140 and 1990 c 276 s 9 are each amended to read  
16 as follows:

17 (~~The department shall~~) A juvenile, his or her parent, guardian,  
18 or custodian, or the case manager of the multidisciplinary team may  
19 file a petition to approve an alternative residential placement on  
20 behalf of a child under any of the following sets of circumstances:

21 (1) The child has been admitted to a crisis residential center or  
22 has been placed with a responsible person other than his or her parent,  
23 and:

24 (a) The parent has been notified that the child was so admitted or  
25 placed;

26 (b) Seventy-two hours, including Saturdays, Sundays, and holidays,  
27 have passed since such notification;

28 (c) No agreement between the parent and the child as to where the  
29 child shall live has been reached;

30 (d) No petition requesting approval of an alternative residential  
31 placement has been filed by either the child or parent or legal  
32 custodian;

33 (e) The parent has not filed an at-risk youth petition; and

34 (f) The child has no suitable place to live other than the home of  
35 his or her parent.

36 (2) The child has been admitted to a crisis residential center and:

1 (a) Seventy-two hours, including Saturdays, Sundays, and holidays,  
2 have passed since such placement;

3 (b) The staff, after searching with due diligence, have been unable  
4 to contact the parent of such child; and

5 (c) The child has no suitable place to live other than the home of  
6 his or her parent.

7 (3) An agreement between parent and child made pursuant to RCW  
8 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer  
9 acceptable to parent or child, and:

10 (a) The party to whom the arrangement is no longer acceptable has  
11 so notified the department;

12 (b) Seventy-two hours, including Saturdays, Sundays, and holidays,  
13 have passed since such notification;

14 (c) No new agreement between parent and child as to where the child  
15 shall live has been reached;

16 (d) No petition requesting approval of an alternative residential  
17 placement has been filed by either the child or the parent;

18 (e) The parent has not filed an at-risk youth petition; and

19 (f) The child has no suitable place to live other than the home of  
20 his or her parent.

21 Under the circumstances of subsections (1), (2), or (3) of this  
22 section, the child shall remain in a licensed child care facility,  
23 including but not limited to a crisis residential center, or in any  
24 other suitable residence to be determined by the department until an  
25 alternative residential placement petition filed by the department on  
26 behalf of the child is reviewed by the juvenile court and is resolved  
27 by such court. The department may authorize emergency medical or  
28 dental care for a child placed under this section. The state, when the  
29 department files a petition for alternative residential placement under  
30 this section, shall be represented as provided for in RCW 13.04.093.

31 **Sec. 10.** RCW 13.32A.150 and 1992 c 205 s 208 are each amended to  
32 read as follows:

33 (1) Except as otherwise provided in this section the juvenile court  
34 shall not accept the filing of an alternative residential placement  
35 petition by the child or the parents or the filing of an at-risk youth  
36 petition by the parent, unless verification is provided that a family  
37 assessment has been completed by the department. The family assessment  
38 provided by the department shall involve the multidisciplinary team as

1 provided in RCW 13.32A.040, if one exists. The family assessment or  
2 plan of services developed by the multidisciplinary team shall be aimed  
3 at family reconciliation, reunification, and avoidance of the out-of-  
4 home placement of the child. If the department is unable to complete  
5 an assessment within two working days following a request for  
6 assessment the child or the parents may proceed under subsection (2) of  
7 this section or the parent may proceed under subsection (3) of this  
8 section.

9 (2) A child or a child's parent may file with the juvenile court a  
10 petition to approve an alternative residential placement for the child  
11 outside the parent's home. The department shall, when requested,  
12 assist either a parent or child in the filing of the petition. The  
13 petition shall only ask that the placement of a child outside the home  
14 of his or her parent be approved. The filing of a petition to approve  
15 such placement is not dependent upon the court's having obtained any  
16 prior jurisdiction over the child or his or her parent, and confers  
17 upon the court a special jurisdiction to approve or disapprove an  
18 alternative residential placement.

19 (3) A child's parent may file with the juvenile court a petition in  
20 the interest of a child alleged to be an at-risk youth. The department  
21 shall, when requested, assist the parent in filing the petition. The  
22 petition shall be filed in the county where the petitioning parent  
23 resides. The petition shall set forth the name, age, and residence of  
24 the child and the names and residence of the child's parents and shall  
25 allege that:

26 (a) The child is an at-risk youth as defined in this chapter;

27 (b) The petitioning parent has the right to legal custody of the  
28 child;

29 (c) Court intervention and supervision are necessary to assist the  
30 parent to maintain the care, custody, and control of the child; and

31 (d) Alternatives to court intervention have been attempted or there  
32 is good cause why such alternatives have not been attempted.

33 The petition shall set forth facts that support the allegations in  
34 this subsection and shall generally request relief available under this  
35 chapter. The petition need not specify any proposed disposition  
36 following adjudication of the petition. The filing of an at-risk youth  
37 petition is not dependent upon the court's having obtained any prior  
38 jurisdiction over the child or his or her parent and confers upon the  
39 court the special jurisdiction to assist the parent in maintaining



1 parental authority and responsibility for the child. An at-risk youth  
2 petition may not be filed if the court has approved an alternative  
3 residential placement petition regarding the child or if the child is  
4 the subject of a proceeding under chapter 13.34 RCW. A petition may be  
5 accepted for filing only if alternatives to court intervention have  
6 been attempted. Juvenile court personnel may screen all at-risk youth  
7 petitions and may refuse to allow the filing of any petition that lacks  
8 merit, fails to comply with the requirements of this section, or fails  
9 to allege sufficient facts in support of allegations in the petition.

10 **Sec. 11.** RCW 13.50.010 and 1994 sp.s. c 7 s 541 are each amended  
11 to read as follows:

12 (1) For purposes of this chapter:

13 (a) "Juvenile justice or care agency" means any of the following:  
14 Police, diversion units, court, prosecuting attorney, defense attorney,  
15 detention center, attorney general, the multidisciplinary team formed  
16 under chapter 13.32A RCW, the department of social and health services  
17 and its contracting agencies, schools; and, in addition, persons or  
18 public or private agencies having children committed to their custody;

19 (b) "Official juvenile court file" means the legal file of the  
20 juvenile court containing the petition or information, motions,  
21 memorandums, briefs, findings of the court, and court orders;

22 (c) "Social file" means the juvenile court file containing the  
23 records and reports of the probation counselor;

24 (d) "Records" means the official juvenile court file, the social  
25 file, and records of any other juvenile justice or care agency in the  
26 case.

27 (2) Each petition or information filed with the court may include  
28 only one juvenile and each petition or information shall be filed under  
29 a separate docket number. The social file shall be filed separately  
30 from the official juvenile court file.

31 (3) It is the duty of any juvenile justice or care agency to  
32 maintain accurate records. To this end:

33 (a) The agency may never knowingly record inaccurate information.  
34 Any information in records maintained by the department of social and  
35 health services relating to a petition filed pursuant to chapter 13.34  
36 RCW that is found by the court, upon proof presented, to be false or  
37 inaccurate shall be corrected or expunged from such records by the  
38 agency;

1 (b) An agency shall take reasonable steps to assure the security of  
2 its records and prevent tampering with them; and

3 (c) An agency shall make reasonable efforts to insure the  
4 completeness of its records, including action taken by other agencies  
5 with respect to matters in its files.

6 (4) Each juvenile justice or care agency shall implement procedures  
7 consistent with the provisions of this chapter to facilitate inquiries  
8 concerning records.

9 (5) Any person who has reasonable cause to believe information  
10 concerning that person is included in the records of a juvenile justice  
11 or care agency and who has been denied access to those records by the  
12 agency may make a motion to the court for an order authorizing that  
13 person to inspect the juvenile justice or care agency record concerning  
14 that person. The court shall grant the motion to examine records  
15 unless it finds that in the interests of justice or in the best  
16 interests of the juvenile the records or parts of them should remain  
17 confidential.

18 (6) A juvenile, or his or her parents, or any person who has  
19 reasonable cause to believe information concerning that person is  
20 included in the records of a juvenile justice or care agency may make  
21 a motion to the court challenging the accuracy of any information  
22 concerning the moving party in the record or challenging the continued  
23 possession of the record by the agency. If the court grants the  
24 motion, it shall order the record or information to be corrected or  
25 destroyed.

26 (7) The person making a motion under subsection (5) or (6) of this  
27 section shall give reasonable notice of the motion to all parties to  
28 the original action and to any agency whose records will be affected by  
29 the motion.

30 (8) The court may permit inspection of records by, or release of  
31 information to, any clinic, hospital, or agency which has the subject  
32 person under care or treatment. The court may also permit inspection  
33 by or release to individuals or agencies, including juvenile justice  
34 advisory committees of county law and justice councils, engaged in  
35 legitimate research for educational, scientific, or public purposes.  
36 The court may also permit inspection of, or release of information  
37 from, records which have been sealed pursuant to RCW 13.50.050(11).  
38 Access to records or information for research purposes shall be  
39 permitted only if the anonymity of all persons mentioned in the records

1 or information will be preserved. Each person granted permission to  
2 inspect juvenile justice or care agency records for research purposes  
3 shall present a notarized statement to the court stating that the names  
4 of juveniles and parents will remain confidential.

5 (9) Juvenile detention facilities shall release records to the  
6 juvenile disposition standards commission under RCW 13.40.025 upon  
7 request. The commission shall not disclose the names of any juveniles  
8 or parents mentioned in the records without the named individual's  
9 written permission.

10 **Sec. 12.** RCW 13.32A.050 and 1994 sp.s. c 7 s 505 are each amended  
11 to read as follows:

12 A law enforcement officer shall take a child into custody:

13 (1) If a law enforcement agency has been contacted by the parent of  
14 the child that the child is absent from parental custody without  
15 consent; or

16 (2) If a law enforcement officer reasonably believes, considering  
17 the child's age, the location, and the time of day, that a child is in  
18 circumstances which constitute a danger to the child's safety or that  
19 a child is violating a local curfew ordinance; or

20 (3) If an agency legally charged with the supervision of a child  
21 has notified a law enforcement agency that the child has run away from  
22 placement; or

23 (4) If a law enforcement agency has been notified by the juvenile  
24 court that the court finds probable cause exists to believe that the  
25 child has violated a court placement order issued pursuant to chapter  
26 13.32A RCW or that the court has issued an order for law enforcement  
27 pick-up of the child under this chapter.

28 Law enforcement custody shall not extend beyond the amount of time  
29 reasonably necessary to transport the child to a destination authorized  
30 by law and to place the child at that destination.

31 An officer who takes a child into custody under this section and  
32 places the child in a designated crisis residential center shall inform  
33 the department of such placement within twenty-four hours.

34 (5) Nothing in this section affects the authority of any political  
35 subdivision to make regulations concerning the conduct of minors in  
36 public places by ordinance or other local law.

37 (6) If a law enforcement officer receives a report that causes the  
38 officer to have reasonable suspicion that a child is being harbored

1 under RCW 13.32A.080 or for other reasons has a reasonable suspicion  
2 that a child is being (~~unlawfully~~) harbored under RCW 13.32A.080, the  
3 officer shall remove the child from the custody of the person harboring  
4 the child and shall transport the child to one of the locations  
5 specified in RCW 13.32A.060.

6 **Sec. 13.** RCW 13.32A.060 and 1994 sp.s. c 7 s 506 are each amended  
7 to read as follows:

8 (1) An officer taking a child into custody under RCW 13.32A.050 (1)  
9 or (2) shall inform the child of the reason for such custody and shall  
10 either:

11 (a) Transport the child to his or her home. The officer releasing  
12 a child into the custody of the parent shall inform the parent of the  
13 reason for the taking of the child into custody and shall inform the  
14 child and the parent of the nature and location of appropriate services  
15 available in their community; or

16 (b) Take the child to the home of an (~~adult~~) extended family  
17 member, a designated crisis residential center, or the home of a  
18 responsible adult after attempting to notify the parent or legal  
19 guardian:

20 (i) If the child expresses fear or distress at the prospect of  
21 being returned to his or her home which leads the officer to believe  
22 there is a possibility that the child is experiencing in the home some  
23 type of child abuse or neglect, as defined in RCW 26.44.020, as now law  
24 or hereafter amended; or

25 (ii) If it is not practical to transport the child to his or her  
26 home; or

27 (iii) If there is no parent available to accept custody of the  
28 child.

29 The officer releasing a child into the custody of an extended  
30 family member or a responsible adult shall inform the child and the  
31 extended family member or responsible adult of the nature and location  
32 of appropriate services available in the community.

33 (2) An officer taking a child into custody under RCW 13.32A.050 (3)  
34 or (4) shall inform the child of the reason for custody(~~and~~). An  
35 officer taking a child into custody under RCW 13.32A.050(3) shall take  
36 the child to a designated crisis residential center licensed by the  
37 department and established pursuant to chapter 74.13 RCW. (~~However,~~)  
38 An officer taking a child into custody under RCW 13.32A.050(4) (~~may~~)

1 shall place the child in a juvenile detention facility as provided in  
2 RCW 13.32A.065. The department shall ensure that all the enforcement  
3 authorities are informed on a regular basis as to the location of the  
4 designated crisis residential center or centers in their judicial  
5 district, where children taken into custody under RCW 13.32A.050 may be  
6 taken.

7 (3) "Extended family members" means an adult who is a grandparent,  
8 brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin  
9 with whom the child has a relationship and is comfortable, and who is  
10 willing and available to care for the child.

11 **Sec. 14.** RCW 13.32A.065 and 1981 c 298 s 4 are each amended to  
12 read as follows:

13 (1) A child (~~may~~) shall be placed in detention after being taken  
14 into custody pursuant to RCW 13.32A.050(4). The court shall hold a  
15 detention review hearing within twenty-four hours, excluding Saturdays,  
16 Sundays, and holidays. The court shall release the child after twenty-  
17 four hours, excluding Saturdays, Sundays, and holidays, unless:

18 (a) A motion and order to show why the child should not be held in  
19 contempt has been filed and served on the child at or before the  
20 detention hearing; and

21 (b) The court believes that the child would not appear at a hearing  
22 on contempt.

23 (2) If the court orders the child to remain in detention, the court  
24 shall set the matter for a hearing on contempt within seventy-two  
25 hours, excluding Saturdays, Sundays, and holidays.

26 **Sec. 15.** RCW 13.32A.070 and 1986 c 288 s 2 are each amended to  
27 read as follows:

28 (1) Except when expressly required otherwise in this chapter, an  
29 officer taking a child into custody under RCW 13.32A.050 may, at his or  
30 her discretion, transport the child to the home of a responsible adult  
31 who is other than the child's parent or extended family member where  
32 the officer reasonably believes that the child will be provided with  
33 adequate care and supervision and that the child will remain in the  
34 custody of such adult until such time as the department can bring about  
35 the child's return home or an alternative residential placement can be  
36 agreed to or determined pursuant to this chapter. An officer placing  
37 a child with a responsible adult other than his or her parent or

1 extended family member shall immediately notify the department's local  
2 community service office of this fact and of the reason for taking the  
3 child into custody.

4 (2) A law enforcement officer acting in good faith pursuant to this  
5 chapter in failing to take a child into custody, in taking a child into  
6 custody, or in releasing a child to a person other than a parent or  
7 extended family member of such child is immune from civil or criminal  
8 liability for such action.

9 (3) A person other than a parent of such child who receives a child  
10 pursuant to this chapter and who acts reasonably and in good faith in  
11 doing so is immune from civil or criminal liability for the act of  
12 receiving such child. Such immunity does not release such person from  
13 liability under any other law including the laws regulating licensed  
14 child care and prohibiting child abuse.

15 (4) As used in this section, "extended family member" has the  
16 meaning prescribed in RCW 13.32A.060.

17 NEW SECTION. Sec. 16. A new section is added to chapter 13.32A  
18 RCW to read as follows:

19 (1) Any person who, without legal authorization, provides shelter  
20 to a minor and who knows at the time of providing the shelter that the  
21 minor is away from the parent's home without the permission of the  
22 parent, shall promptly report the location of the child to a local law  
23 enforcement agency. The report may be made by telephone or any other  
24 reasonable means.

25 (2) Unless the context clearly requires otherwise, the definitions  
26 in this subsection apply throughout this section.

27 (a) "Shelter" means the person's home or any structure over which  
28 the person has any control.

29 (b) "Promptly report" means to report within four hours after the  
30 person has knowledge that the minor is away from home without parental  
31 permission.

32 (c) "Parent" means any parent having legal custody of the child,  
33 whether individually or joint.

34 (3) Violation of this section is a gross misdemeanor.

35 NEW SECTION. Sec. 17. A new section is added to chapter 46.20 RCW  
36 to read as follows:

1       When the department of licensing is provided with a notice under  
2 section 18 of this act, the department shall suspend for ninety days  
3 all driving privileges of the juvenile identified in the notice. To  
4 the extent it may be required to provide due process, the department  
5 may adopt rules to provide the juvenile with an opportunity to  
6 challenge the notice.

7       NEW SECTION.   **Sec. 18.** A new section is added to chapter 13.32A  
8 RCW to read as follows:

9       When petitioned to do so by a parent, the department shall  
10 determine whether the parent's child has, on two or more occasions  
11 within a twelve-month period, been absent from home for more than  
12 seventy-two consecutive hours without parental consent. If the  
13 department finds that the child has and also that the child has a  
14 Washington state driver's license, then the department shall provide a  
15 notice of its findings to the department of licensing which shall  
16 suspend the child's driver's license as provided in section 17 of this  
17 act. The twelve-month period shall be the twelve-calendar-month period  
18 immediately before the month in which the department receives the  
19 petition. The department shall develop procedures for verifying  
20 absences and if requested by either a parent or child shall conduct a  
21 hearing on the question of whether the absences have occurred.

22       **Sec. 19.** RCW 13.32A.196 and 1991 c 364 s 14 are each amended to  
23 read as follows:

24       (1) At the dispositional hearing regarding an adjudicated at-risk  
25 youth, the court shall consider the recommendations of the parties and  
26 the recommendations of any dispositional plan submitted by the  
27 department. The court may enter a dispositional order that will assist  
28 the parent in maintaining the care, custody, and control of the child  
29 and assist the family to resolve family conflicts or problems.

30       (2) The court may set conditions of supervision for the child that  
31 include:

32       (a) Regular school attendance;

33       (b) Counseling;

34       (c) Participation in a substance abuse treatment program;

35       (d) If ordered under subsection (3) of this section, placement in  
36 a secure facility or other secure program of treatment;

1       (e) Reporting on a regular basis to the department or any other  
2 designated person or agency; and

3       (~~(e)~~) (f) Any other condition the court deems an appropriate  
4 condition of supervision.

5       (3) If requested by a parent of an at-risk youth who is a habitual  
6 runaway, the court may include in its dispositional order or orders a  
7 requirement that the youth be placed, for up to one hundred eighty  
8 consecutive days, in a secure facility or other court-ordered secure  
9 program of treatment. The court may not include this requirement  
10 unless, at the disposition hearing, it finds that the placement is  
11 necessary in order to protect the at-risk youth and that a less-  
12 restrictive order or orders not requiring such placement would be  
13 inadequate to protect the youth, given the youth's age, maturity,  
14 propensity to run away from home, past exposure to serious risk when  
15 the youth ran away from home, and possible future exposure to serious  
16 risk should the youth run away from home again. For purposes of this  
17 section, an at-risk youth is a "habitual runaway" if the youth, on each  
18 of three or more occasions within the twelve-month period preceding the  
19 month in which the at-risk youth petition was filed, has been absent  
20 from home for more than seventy-two consecutive hours without parental  
21 consent; or if the youth during such twelve-month period has been  
22 absent from home without parental consent for more than thirty  
23 consecutive days. This subsection constitutes a method of placement or  
24 commitment that is in addition to methods prescribed under other laws  
25 and is not intended as the exclusive method for placement or commitment  
26 of children who qualify as at-risk youth.

27       (4) Except as provided in this section for habitual runaways, no  
28 dispositional order or condition of supervision ordered by a court  
29 pursuant to this section shall include involuntary commitment of a  
30 child for substance abuse or mental health treatment.

31       (~~(4)~~) (5) The court may order the parent to participate in  
32 counseling services or any other services for the child requiring  
33 parental participation. The parent shall cooperate with the court-  
34 ordered case plan and shall take necessary steps to help implement the  
35 case plan. The parent shall be financially responsible for costs  
36 related to the court-ordered plan; however, this requirement shall not  
37 affect the eligibility of the parent or child for public assistance or  
38 other benefits to which the parent or child may otherwise be entitled.  
39 The parent may request dismissal of an at-risk youth proceeding at any



1 time and upon such a request, the court shall dismiss the matter and  
2 cease court supervision of the child unless a contempt action is  
3 pending in the case. The court may retain jurisdiction over the matter  
4 for the purpose of concluding any pending contempt proceedings,  
5 including the full satisfaction of any penalties imposed as a result of  
6 a contempt finding.

7 ~~((+5))~~ (6) The court may order the department to monitor  
8 compliance with the dispositional order, assist in coordinating the  
9 provision of court-ordered services, and submit reports at subsequent  
10 review hearings regarding the status of the case.

11 **Sec. 20.** RCW 13.32A.198 and 1990 c 276 s 15 are each amended to  
12 read as follows:

13 (1) Upon making a disposition regarding an adjudicated at-risk  
14 youth, the court shall schedule the matter on the calendar for review  
15 ~~((within three months))~~, advise the parties of the date thereof,  
16 appoint legal counsel for the child, advise the parent of the right to  
17 be represented by legal counsel at the review hearing at the parent's  
18 own expense, and notify the parties of their rights to present evidence  
19 at the hearing. The review hearing shall commence within ninety  
20 consecutive days after the date in which the dispositional order or  
21 orders are entered. However, if the order or orders provide for the  
22 placement of a habitual runaway in a secure facility or secure program  
23 of treatment, then the review hearing shall commence within thirty  
24 consecutive days after such date.

25 (2) At the review hearing, the court shall approve or disapprove  
26 the continuation of court supervision in accordance with the goal of  
27 assisting the parent to maintain the care, custody, and control of the  
28 child. The court shall determine whether the parent and child are  
29 complying with the dispositional plan. If court supervision is  
30 continued, the court may modify the dispositional plan. However, in  
31 the case of a habitual runaway placed in a secure facility or secure  
32 program of treatment, the court may continue the placement for an  
33 additional period only if requested by the parent and if the court  
34 finds that its findings under RCW 13.32A.196 are still accurate.

35 (3) Except for the placement of a habitual runaway in a secure  
36 facility or secure program of treatment, court supervision of the child  
37 may not be continued past one hundred eighty consecutive days from the  
38 day the review hearing commenced unless the court finds, and the parent

1 agrees, that there are compelling reasons for an extension of  
2 supervision. Any extension granted pursuant to this subsection shall  
3 not exceed ninety days. The court may not require the placement of a  
4 habitual runaway for longer than a period of one hundred eighty  
5 consecutive days and may not provide for any extension of the placement  
6 beyond such period.

7 (4) The court may dismiss an at-risk youth proceeding at any time  
8 if the court finds good cause to believe that continuation of court  
9 supervision, including the placement of a habitual runaway, would serve  
10 no useful purpose or that the parent is not cooperating with the court-  
11 ordered case plan. The court shall dismiss an at-risk youth proceeding  
12 if the child is the subject of a proceeding under chapter 13.34 RCW.

13 **Sec. 21.** RCW 28A.225.020 and 1992 c 205 s 202 are each amended to  
14 read as follows:

15 If a juvenile required to attend school under the laws of the state  
16 of Washington fails to attend school without valid justification, the  
17 juvenile's school shall:

18 (1) Inform the juvenile's custodial parent, parents or guardian by  
19 a notice in writing or by telephone that the juvenile has failed to  
20 attend school without valid justification after one unexcused absence  
21 within any month during the current school year;

22 (2) Schedule a conference or conferences with the custodial parent,  
23 parents or guardian and juvenile at a time and place reasonably  
24 convenient for all persons included for the purpose of analyzing the  
25 causes of the juvenile's absences after two unexcused absences within  
26 any month during the current school year. If a regularly scheduled  
27 parent-teacher conference day is to take place within thirty days of  
28 the second unexcused absence, then the school district may schedule  
29 this conference on that day; and

30 (3) Take steps to eliminate or reduce the juvenile's absences.  
31 These steps shall include, where appropriate, adjusting the juvenile's  
32 school program or school or course assignment, providing more  
33 individualized or remedial instruction, preparing the juvenile for  
34 employment with specific vocational courses or work experience, or  
35 ~~((both))~~ refer the juvenile to a community truancy board, and assisting  
36 the parent or student to obtain supplementary services that might  
37 eliminate or ameliorate the cause or causes for the absence from  
38 school.

1       **Sec. 22.** RCW 28A.225.030 and 1992 c 205 s 203 are each amended to  
2 read as follows:

3       If action taken by a school pursuant to RCW 28A.225.020 is not  
4 successful in substantially reducing a student's absences from school,  
5 any of the following actions may be taken after five or more unexcused  
6 absences during the current school year: (1) The attendance officer of  
7 the school district or the community truancy board through its attorney  
8 may petition the ((juvenile)) court to assume jurisdiction under RCW  
9 28A.200.010, 28A.200.020, and 28A.225.010 through 28A.225.150 for the  
10 purpose of alleging a violation of RCW 28A.225.010 by the parent; or  
11 (2) a petition alleging a violation of RCW 28A.225.010 by a child may  
12 be filed with the ((juvenile)) court by the parent of such child or by  
13 the attendance officer of the school district or the community truancy  
14 board through its attorney at the request of the parent. If the court  
15 assumes jurisdiction in such an instance, the provisions of RCW  
16 28A.200.010, 28A.200.020, and 28A.225.010 through 28A.225.150, except  
17 where otherwise stated, shall apply.

18       NEW SECTION. **Sec. 23.** A new section is added to chapter 28A.225  
19 RCW to read as follows:

20       For purposes of this chapter, "community truancy board" means a  
21 board comprised of members of the local community in which the juvenile  
22 attends school. The local school district shall direct the formation  
23 of the board, and if possible include a variety of representatives from  
24 the community. The community truancy board shall set conditions  
25 designed to improve school attendance and monitor subsequent school  
26 attendance.

27       **Sec. 24.** RCW 28A.225.150 and 1992 c 205 s 205 are each amended to  
28 read as follows:

29       The school district attendance officer shall report biannually to  
30 the educational service district superintendent, in the instance of  
31 petitions filed alleging a violation by a child under RCW 28A.225.030:

32       (1) The number of petitions filed by a school district or by a  
33 parent;

34       (2) The frequency of each action taken under RCW 28A.225.020 prior  
35 to the filing of such petition;

36       (3) When deemed appropriate under RCW 28A.225.020, the frequency of  
37 delivery of supplemental services; and

1 (4) Disposition of cases filed with the ((juvenile)) court,  
2 including the frequency of contempt orders issued to enforce a court's  
3 order under RCW 28A.225.090.

4 The educational service district superintendent shall compile such  
5 information and report annually to the superintendent of public  
6 instruction. The superintendent of public instruction shall compile  
7 such information and report to the committees of the house of  
8 representatives and the senate by September 1 of each year.

9 **Sec. 25.** RCW 70.96A.095 and 1991 c 364 s 9 are each amended to  
10 read as follows:

11 (1) Any person fourteen years of age or older may give consent for  
12 himself or herself to the furnishing of counseling, care, treatment, or  
13 rehabilitation by a treatment program or by any person. Consent of the  
14 parent, parents, or legal guardian of a person less than eighteen years  
15 of age is not necessary to authorize the care, except that the person  
16 shall not become a resident of the treatment program without such  
17 permission except as provided in RCW 70.96A.120 or 70.96A.140. The  
18 parent, parents, or legal guardian of a person less than eighteen years  
19 of age are not liable for payment of care for such persons pursuant to  
20 this chapter, unless they have joined in the consent to the counseling,  
21 care, treatment, or rehabilitation. The parent's, parents', or  
22 guardians' insurance carrier is also not liable for payment and shall  
23 not be billed for payment unless the parent, parents, or guardian has  
24 given consent.

25 (2) The parent of any minor may apply to an approved treatment  
26 program for the admission of the minor for purposes authorized in this  
27 chapter. The consent of the minor shall not be required for the  
28 application or admission. The approved treatment program shall accept  
29 the application as if it were submitted voluntarily by the minor. The  
30 ability of a parent to apply to an approved treatment program for the  
31 involuntary admission of his or her child does not create any right to  
32 this treatment or to obtain or benefit from any public funds or  
33 resources.

34 NEW SECTION. **Sec. 26.** A new section is added to chapter 70.96A  
35 RCW to read as follows:

1 Nothing in this chapter authorizes school district personnel to  
2 refer minors to any treatment program or treatment provider without  
3 providing notice of the referral to the parent, parents, or guardians.

4 **Sec. 27.** RCW 70.96A.110 and 1990 c 151 s 7 are each amended to  
5 read as follows:

6 (1) An alcoholic or other drug addict may apply for voluntary  
7 treatment directly to an approved treatment program. If the proposed  
8 patient is ((a minor or)) an incompetent person, he or she, a parent,  
9 a legal guardian, or other legal representative may make the  
10 application. If the proposed patient is a minor, the minor or the  
11 minor's parent, legal guardian, or other legal representative may make  
12 the application as provided in RCW 70.96A.095.

13 (2) Subject to rules adopted by the secretary, the administrator in  
14 charge of an approved treatment program may determine who shall be  
15 admitted for treatment. If a person is refused admission to an  
16 approved treatment program, the administrator, subject to rules adopted  
17 by the secretary, shall refer the person to another approved treatment  
18 program for treatment if possible and appropriate.

19 (3) If a patient receiving inpatient care leaves an approved  
20 treatment program, he or she shall be encouraged to consent to  
21 appropriate outpatient treatment. If it appears to the administrator  
22 in charge of the treatment program that the patient is an alcoholic or  
23 other drug addict who requires help, the department may arrange for  
24 assistance in obtaining supportive services and residential programs.

25 (4) If a patient leaves an approved public treatment program, with  
26 or against the advice of the administrator in charge of the program,  
27 the department may make reasonable provisions for his or her  
28 transportation to another program or to his or her home. If the  
29 patient has no home he or she should be assisted in obtaining shelter.  
30 If the patient is less than ((fourteen)) eighteen years of age or an  
31 incompetent person the request for discharge from an inpatient program  
32 shall be made by a parent, legal guardian, or other legal  
33 representative or by the ((minor or)) incompetent if he or she was the  
34 original applicant.

35 **Sec. 28.** RCW 70.96A.140 and 1993 c 362 s 1 are each amended to  
36 read as follows:

1 (1) When a designated chemical dependency specialist receives  
2 information alleging that a person is incapacitated as a result of  
3 chemical dependency, the designated chemical dependency specialist,  
4 after investigation and evaluation of the specific facts alleged and of  
5 the reliability and credibility of the information, may file a petition  
6 for commitment of such person with the superior court or district  
7 court.

8 If a petition for commitment is not filed in the case of a minor,  
9 the parent, guardian, or custodian who has custody of the minor may  
10 seek review of that decision made by the designated chemical dependency  
11 specialist in superior or district court. The parent, guardian, or  
12 custodian shall file notice with the court and provide a copy of the  
13 designated chemical dependency specialist's report.

14 If the designated chemical dependency specialist finds that the  
15 initial needs of such person would be better served by placement within  
16 the mental health system, the person shall be referred to an evaluation  
17 and treatment facility as defined in RCW 71.05.020 or 71.34.020. If  
18 placement in a chemical dependency program is available and deemed  
19 appropriate, the petition shall allege that: The person is chemically  
20 dependent and is incapacitated by alcohol or drug addiction, or that  
21 the person has twice before in the preceding twelve months been  
22 admitted for detoxification or chemical dependency treatment pursuant  
23 to RCW 70.96A.110, and is in need of a more sustained treatment  
24 program, or that the person is chemically dependent and has threatened,  
25 attempted, or inflicted physical harm on another and is likely to  
26 inflict physical harm on another unless committed. A refusal to  
27 undergo treatment, by itself, does not constitute evidence of lack of  
28 judgment as to the need for treatment. The petition shall be  
29 accompanied by a certificate of a licensed physician who has examined  
30 the person within five days before submission of the petition, unless  
31 the person whose commitment is sought has refused to submit to a  
32 medical examination, in which case the fact of refusal shall be alleged  
33 in the petition. The certificate shall set forth the licensed  
34 physician's findings in support of the allegations of the petition. A  
35 physician employed by the petitioning program or the department is  
36 eligible to be the certifying physician.

37 (2) Upon filing the petition, the court shall fix a date for a  
38 hearing no less than two and no more than seven days after the date the  
39 petition was filed unless the person petitioned against is presently

1 being detained in a program, pursuant to RCW 70.96A.120, 71.05.210, or  
2 71.34.050, (~~as now or hereafter amended,~~) in which case the hearing  
3 shall be held within seventy-two hours of the filing of the petition:  
4 PROVIDED, HOWEVER, That the above specified seventy-two hours shall be  
5 computed by excluding Saturdays, Sundays, and holidays: PROVIDED  
6 FURTHER, That, the court may, upon motion of the person whose  
7 commitment is sought, or upon motion of petitioner with written  
8 permission of the person whose commitment is sought, or his or her  
9 counsel and, upon good cause shown, extend the date for the hearing.  
10 A copy of the petition and of the notice of the hearing, including the  
11 date fixed by the court, shall be served by the designated chemical  
12 dependency specialist on the person whose commitment is sought, his or  
13 her next of kin, a parent or his or her legal guardian if he or she is  
14 a minor, and any other person the court believes advisable. A copy of  
15 the petition and certificate shall be delivered to each person  
16 notified.

17 (3) At the hearing the court shall hear all relevant testimony,  
18 including, if possible, the testimony, which may be telephonic, of at  
19 least one licensed physician who has examined the person whose  
20 commitment is sought. Communications otherwise deemed privileged under  
21 the laws of this state are deemed to be waived in proceedings under  
22 this chapter when a court of competent jurisdiction in its discretion  
23 determines that the waiver is necessary to protect either the detained  
24 person or the public. The waiver of a privilege under this section is  
25 limited to records or testimony relevant to evaluation of the detained  
26 person for purposes of a proceeding under this chapter. Upon motion by  
27 the detained person, or on its own motion, the court shall examine a  
28 record or testimony sought by a petitioner to determine whether it is  
29 within the scope of the waiver.

30 The record maker shall not be required to testify in order to  
31 introduce medical, nursing, or psychological records of detained  
32 persons so long as the requirements of RCW 5.45.020 are met, except  
33 that portions of the record that contain opinions as to whether the  
34 detained person is chemically dependent shall be deleted from the  
35 records unless the person offering the opinions is available for cross-  
36 examination. The person shall be present unless the court believes  
37 that his or her presence is likely to be injurious to him or her; in  
38 this event the court may deem it appropriate to appoint a guardian ad  
39 litem to represent him or her throughout the proceeding. If deemed

1 advisable, the court may examine the person out of courtroom. If the  
2 person has refused to be examined by a licensed physician, he or she  
3 shall be given an opportunity to be examined by a court appointed  
4 licensed physician. If he or she refuses and there is sufficient  
5 evidence to believe that the allegations of the petition are true, or  
6 if the court believes that more medical evidence is necessary, the  
7 court may make a temporary order committing him or her to the  
8 department for a period of not more than five days for purposes of a  
9 diagnostic examination.

10 (4) If after hearing all relevant evidence, including the results  
11 of any diagnostic examination, the court finds that grounds for  
12 involuntary commitment have been established by clear, cogent, and  
13 convincing proof, it shall make an order of commitment to an approved  
14 treatment program. It shall not order commitment of a person unless it  
15 determines that an approved treatment program is available and able to  
16 provide adequate and appropriate treatment for him or her.

17 (5) A person committed under this section shall remain in the  
18 program for treatment for a period of sixty days unless sooner  
19 discharged. At the end of the sixty-day period, he or she shall be  
20 discharged automatically unless the program, before expiration of the  
21 period, files a petition for his or her recommitment upon the grounds  
22 set forth in subsection (1) of this section for a further period of  
23 ninety days unless sooner discharged.

24 If a petition for recommitment is not filed in the case of a minor,  
25 the parent, guardian, or custodian who has custody of the minor may  
26 seek review of that decision made by the designated chemical dependency  
27 specialist in superior or district court. The parent, guardian, or  
28 custodian shall file notice with the court and provide a copy of the  
29 treatment progress report.

30 If a person has been committed because he or she is chemically  
31 dependent and likely to inflict physical harm on another, the program  
32 shall apply for recommitment if after examination it is determined that  
33 the likelihood still exists.

34 (6) Upon the filing of a petition for recommitment under subsection  
35 (5) of this section, the court shall fix a date for hearing no less  
36 than two and no more than seven days after the date the petition was  
37 filed: PROVIDED, That, the court may, upon motion of the person whose  
38 commitment is sought and upon good cause shown, extend the date for the  
39 hearing. A copy of the petition and of the notice of hearing,



1 including the date fixed by the court, shall be served by the treatment  
2 program on the person whose commitment is sought, his or her next of  
3 kin, the original petitioner under subsection (1) of this section if  
4 different from the petitioner for recommitment, one of his or her  
5 parents or his or her legal guardian if he or she is a minor, and his  
6 or her attorney and any other person the court believes advisable. At  
7 the hearing the court shall proceed as provided in subsection (3) of  
8 this section.

9 (7) The approved treatment program shall provide for adequate and  
10 appropriate treatment of a person committed to its custody. A person  
11 committed under this section may be transferred from one approved  
12 public treatment program to another if transfer is medically advisable.

13 (8) A person committed to the custody of a program for treatment  
14 shall be discharged at any time before the end of the period for which  
15 he or she has been committed and he or she shall be discharged by order  
16 of the court if either of the following conditions are met:

17 (a) In case of a chemically dependent person committed on the  
18 grounds of likelihood of infliction of physical harm upon himself,  
19 herself, or another, the likelihood no longer exists; or further  
20 treatment will not be likely to bring about significant improvement in  
21 the person's condition, or treatment is no longer adequate or  
22 appropriate.

23 (b) In case of a chemically dependent person committed on the  
24 grounds of the need of treatment and incapacity, that the incapacity no  
25 longer exists.

26 (9) The court shall inform the person whose commitment or  
27 recommitment is sought of his or her right to contest the application,  
28 be represented by counsel at every stage of any proceedings relating to  
29 his or her commitment and recommitment, and have counsel appointed by  
30 the court or provided by the court, if he or she wants the assistance  
31 of counsel and is unable to obtain counsel. If the court believes that  
32 the person needs the assistance of counsel, the court shall require, by  
33 appointment if necessary, counsel for him or her regardless of his or  
34 her wishes. The person shall, if he or she is financially able, bear  
35 the costs of such legal service; otherwise such legal service shall be  
36 at public expense. The person whose commitment or recommitment is  
37 sought shall be informed of his or her right to be examined by a  
38 licensed physician of his or her choice. If the person is unable to

1 obtain a licensed physician and requests examination by a physician,  
2 the court shall employ a licensed physician.

3 (10) A person committed under this chapter may at any time seek to  
4 be discharged from commitment by writ of habeas corpus in a court of  
5 competent jurisdiction.

6 (11) The venue for proceedings under this section is the county in  
7 which person to be committed resides or is present.

8 (12) When in the opinion of the professional person in charge of  
9 the program providing involuntary treatment under this chapter, the  
10 committed patient can be appropriately served by less restrictive  
11 treatment before expiration of the period of commitment, then the less  
12 restrictive care may be required as a condition for early release for  
13 a period which, when added to the initial treatment period, does not  
14 exceed the period of commitment. If the program designated to provide  
15 the less restrictive treatment is other than the program providing the  
16 initial involuntary treatment, the program so designated must agree in  
17 writing to assume such responsibility. A copy of the conditions for  
18 early release shall be given to the patient, the designated chemical  
19 dependency specialist of original commitment, and the court of original  
20 commitment. The program designated to provide less restrictive care  
21 may modify the conditions for continued release when the modifications  
22 are in the best interests of the patient. If the program providing  
23 less restrictive care and the designated chemical dependency specialist  
24 determine that a conditionally released patient is failing to adhere to  
25 the terms and conditions of his or her release, or that substantial  
26 deterioration in the patient's functioning has occurred, then the  
27 designated chemical dependency specialist shall notify the court of  
28 original commitment and request a hearing to be held no less than two  
29 and no more than seven days after the date of the request to determine  
30 whether or not the person should be returned to more restrictive care.  
31 The designated chemical dependency specialist shall file a petition  
32 with the court stating the facts substantiating the need for the  
33 hearing along with the treatment recommendations. The patient shall  
34 have the same rights with respect to notice, hearing, and counsel as  
35 for the original involuntary treatment proceedings. The issues to be  
36 determined at the hearing are whether the conditionally released  
37 patient did or did not adhere to the terms and conditions of his or her  
38 release to less restrictive care or that substantial deterioration of  
39 the patient's functioning has occurred and whether the conditions of

1 release should be modified or the person should be returned to a more  
2 restrictive program. The hearing may be waived by the patient and his  
3 or her counsel and his or her guardian or conservator, if any, but may  
4 not be waived unless all such persons agree to the waiver. Upon  
5 waiver, the person may be returned for involuntary treatment or  
6 continued on conditional release on the same or modified conditions.

7 **Sec. 29.** RCW 71.34.030 and 1985 c 354 s 3 are each amended to read  
8 as follows:

9 (1) Any minor (~~((thirteen))~~) fourteen years or older may request and  
10 receive outpatient treatment without the consent of the minor's parent  
11 provided that the treatment provider provides notice to the minor's  
12 parent. The treatment provider must provide notice within forty-eight  
13 hours of the minor's request for treatment excluding Saturdays,  
14 Sundays, and holidays. The notice shall contain the same information  
15 as required under subsection (2)(c) of this section. Parental  
16 authorization is required for outpatient treatment of a minor under the  
17 age of (~~((thirteen))~~) fourteen.

18 (2) When in the judgment of the professional person in charge of an  
19 evaluation and treatment facility there is reason to believe that a  
20 minor is in need of inpatient treatment because of a mental disorder,  
21 and the facility provides the type of evaluation and treatment needed  
22 by the minor, and it is not feasible to treat the minor in any less  
23 restrictive setting or the minor's home, the minor may be admitted to  
24 an evaluation and treatment facility in accordance with the following  
25 requirements:

26 (a) A minor under (~~((thirteen))~~) fourteen years of age may only be  
27 admitted on the application of the minor's parent.

28 (b) A minor (~~((thirteen years or older))~~) may be voluntarily admitted  
29 by application of the parent. (~~((Such application must be accompanied~~  
30 ~~by the written consent, knowingly and voluntarily given, of the~~  
31 ~~minor.))~~) The consent of the minor is not required.

32 (c) A minor (~~((thirteen))~~) fourteen years or older may, with the  
33 concurrence of the professional person in charge of an evaluation and  
34 treatment facility, admit himself or herself without parental consent  
35 to the evaluation and treatment facility, provided that notice is given  
36 by the facility to the minor's parent in accordance with the following  
37 requirements:

1 (i) Notice of the minor's admission shall be in the form most  
2 likely to reach the parent within twenty-four hours of the minor's  
3 voluntary admission and shall advise the parent that the minor has been  
4 admitted to inpatient treatment; the location and telephone number of  
5 the facility providing such treatment; and the name of a professional  
6 person on the staff of the facility providing treatment who is  
7 designated to discuss the minor's need for inpatient treatment with the  
8 parent.

9 (ii) The minor shall be released to the parent at the parent's  
10 request for release unless the facility files a petition with the  
11 superior court of the county in which treatment is being provided  
12 setting forth the basis for the facility's belief that the minor is in  
13 need of inpatient treatment and that release would constitute a threat  
14 to the minor's health or safety.

15 (iii) The petition shall be signed by the professional person in  
16 charge of the facility or that person's designee.

17 (iv) The parent may apply to the court for separate counsel to  
18 represent the parent if the parent cannot afford counsel.

19 (v) There shall be a hearing on the petition, which shall be held  
20 within three judicial days from the filing of the petition.

21 (vi) The hearing shall be conducted by a judge, court commissioner,  
22 or licensed attorney designated by the superior court as a hearing  
23 officer for such hearing. The hearing may be held at the treatment  
24 facility.

25 (vii) At such hearing, the facility must demonstrate by a  
26 preponderance of the evidence presented at the hearing that the minor  
27 is in need of inpatient treatment and that release would constitute a  
28 threat to the minor's health or safety. The hearing shall not be  
29 conducted using the rules of evidence, and the admission or exclusion  
30 of evidence sought to be presented shall be within the exercise of  
31 sound discretion by the judicial officer conducting the hearing.

32 (d) Written renewal of voluntary consent must be obtained from the  
33 applicant (~~((and the minor thirteen years or older))~~) no less than once  
34 every twelve months.

35 (e) The minor's need for continued inpatient treatments shall be  
36 reviewed and documented no less than every one hundred eighty days.

37 (3) A notice of intent to leave shall result in the following:

38 (a) Any minor under the age of (~~(thirteen))~~ fourteen and any minor  
39 fourteen or older admitted by a parent under subsection (2)(b) of this

1 section must be discharged immediately upon written request of the  
2 parent.

3 (b) Any minor (~~((thirteen))~~) fourteen years or older voluntarily  
4 admitted by himself or herself under subsection (2)(c) of this section  
5 may give notice of intent to leave at any time. The notice need not  
6 follow any specific form so long as it is written and the intent of the  
7 minor can be discerned.

8 (c) The staff member receiving the notice shall date it  
9 immediately, record its existence in the minor's clinical record, and  
10 send copies of it to the minor's attorney, if any, the county-  
11 designated mental health professional, and the parent.

12 (d) The professional person in charge of the evaluation and  
13 treatment facility shall discharge the minor, (~~((thirteen))~~) fourteen  
14 years or older, from the facility within twenty-four hours after  
15 receipt of the minor's notice of intent to leave, unless the county-  
16 designated mental health professional or a parent or legal guardian  
17 files a petition or an application for initial detention within the  
18 time prescribed by this chapter.

19 (4) The ability of a parent to apply for treatment of his or her  
20 child under this section does not create a right to obtain this  
21 treatment or to obtain or benefit from any public funds or resources.

22 **Sec. 30.** RCW 71.34.040 and 1985 c 354 s 4 are each amended to read  
23 as follows:

24 If a minor, (~~((thirteen))~~) fourteen years or older, is brought to an  
25 evaluation and treatment facility or hospital emergency room for  
26 immediate mental health services, the professional person in charge of  
27 the facility shall evaluate the minor's mental condition, determine  
28 whether the minor suffers from a mental disorder, and whether the minor  
29 is in need of immediate inpatient treatment. If it is determined that  
30 the minor suffers from a mental disorder, inpatient treatment is  
31 required, the minor is unwilling to consent to voluntary admission, and  
32 the professional person believes that the minor meets the criteria for  
33 initial detention set forth herein, the facility may detain or arrange  
34 for the detention of the minor for up to twelve hours in order to  
35 enable a county-designated mental health professional to evaluate the  
36 minor and commence initial detention proceedings under the provisions  
37 of this chapter.

1        NEW SECTION.    **Sec. 31.**    A new section is added to chapter 71.34 RCW  
2 to read as follows:

3        Nothing in this chapter authorizes school district personnel to  
4 refer minors to any evaluation and treatment program or mental health  
5 professional without providing notice of the referral to the minor's  
6 parent.

7        **Sec. 32.**    RCW 71.34.050 and 1985 c 354 s 5 are each amended to read  
8 as follows:

9        (1) When a county-designated mental health professional receives  
10 information that a minor, (~~thirteen~~) fourteen years or older, as a  
11 result of a mental disorder presents a likelihood of serious harm or is  
12 gravely disabled, has investigated the specific facts alleged and of  
13 the credibility of the person or persons providing the information, and  
14 has determined that voluntary admission for inpatient treatment is not  
15 possible, the county-designated mental health professional may take the  
16 minor, or cause the minor to be taken, into custody and transported to  
17 an evaluation and treatment facility providing inpatient treatment.

18        If the minor is not taken into custody for evaluation and  
19 treatment, the parent who has custody of the minor may seek review of  
20 that decision made by the county designated mental health professional  
21 in court. The parent shall file notice with the court and provide a  
22 copy of the county designated mental health professional's report or  
23 notes.

24        (2) Within twelve hours of the minor's arrival at the evaluation  
25 and treatment facility, the county-designated mental health  
26 professional shall serve on the minor a copy of the petition for  
27 initial detention, notice of initial detention, and statement of  
28 rights. The county-designated mental health professional shall file  
29 with the court on the next judicial day following the initial detention  
30 the original petition for initial detention, notice of initial  
31 detention, and statement of rights along with an affidavit of service.  
32 The county-designated mental health professional shall commence service  
33 of the petition for initial detention and notice of the initial  
34 detention on the minor's parent and the minor's attorney as soon as  
35 possible following the initial detention.

36        (3) At the time of initial detention, the county-designated mental  
37 health professional shall advise the minor both orally and in writing  
38 that if admitted to the evaluation and treatment facility for inpatient

1 treatment, a commitment hearing shall be held within seventy-two hours  
2 of the minor's provisional acceptance to determine whether probable  
3 cause exists to commit the minor for further mental health treatment.

4 The minor shall be advised that he or she has a right to  
5 communicate immediately with an attorney and that he or she has a right  
6 to have an attorney appointed to represent him or her before and at the  
7 hearing if the minor is indigent.

8 (4) Whenever the county designated mental health professional  
9 petitions for detention of a minor under this chapter, an evaluation  
10 and treatment facility providing seventy-two hour evaluation and  
11 treatment must immediately accept on a provisional basis the petition  
12 and the person. Within twenty-four hours of the minor's arrival, the  
13 facility must evaluate the minor's condition and either admit or  
14 release the minor in accordance with this chapter.

15 (5) If a minor is not approved for admission by the inpatient  
16 evaluation and treatment facility, the facility shall make such  
17 recommendations and referrals for further care and treatment of the  
18 minor as necessary.

19 **Sec. 33.** RCW 71.34.070 and 1985 c 354 s 7 are each amended to read  
20 as follows:

21 (1) The professional person in charge of an evaluation and  
22 treatment facility where a minor has been admitted involuntarily for  
23 the initial seventy-two hour treatment period under this chapter may  
24 petition to have a minor committed to an evaluation and treatment  
25 facility for fourteen-day diagnosis, evaluation, and treatment.

26 If the professional person in charge of the treatment and  
27 evaluation facility does not petition to have the minor committed, the  
28 parent who has custody of the minor may seek review of that decision in  
29 court. The parent shall file notice with the court and provide a copy  
30 of the treatment and evaluation facility's report.

31 (2) A petition for commitment of a minor under this section shall  
32 be filed with the superior court in the county where the minor is  
33 residing or being detained.

34 (a) A petition for a fourteen-day commitment shall be signed either  
35 by two physicians or by one physician and a mental health professional  
36 who have examined the minor and shall contain the following:

37 (i) The name and address of the petitioner;

1 (ii) The name of the minor alleged to meet the criteria for  
2 fourteen-day commitment;

3 (iii) The name, telephone number, and address if known of every  
4 person believed by the petitioner to be legally responsible for the  
5 minor;

6 (iv) A statement that the petitioner has examined the minor and  
7 finds that the minor's condition meets required criteria for fourteen-  
8 day commitment and the supporting facts therefor;

9 (v) A statement that the minor has been advised of the need for  
10 voluntary treatment but has been unwilling or unable to consent to  
11 necessary treatment;

12 (vi) A statement recommending the appropriate facility or  
13 facilities to provide the necessary treatment; and

14 (vii) A statement concerning whether a less restrictive alternative  
15 to inpatient treatment is in the best interests of the minor.

16 (b) A copy of the petition shall be personally delivered to the  
17 minor by the petitioner or petitioner's designee. A copy of the  
18 petition shall be sent to the minor's attorney and the minor's parent.

19 **Sec. 34.** RCW 71.34.130 and 1985 c 354 s 13 are each amended to  
20 read as follows:

21 (1) Except as provided in subsection (2) of this section, a minor  
22 receiving treatment under the provisions of this chapter and  
23 responsible others shall be liable for the costs of treatment, care,  
24 and transportation to the extent of available resources and ability to  
25 pay.

26 (2) The minor's parent shall not be liable for payment for the  
27 costs of treatment, care, and transportation unless the parent gave  
28 consent to the treatment, care, and transportation. The parent's  
29 insurance carrier is also not liable for payment and shall not be  
30 billed for payment unless the parent has given consent.

31 (3) The secretary shall establish rules to implement this section  
32 and to define income, resources, and exemptions to determine the  
33 responsible person's or persons' ability to pay.

34 **Sec. 35.** RCW 74.13.032 and 1979 c 155 s 78 are each amended to  
35 read as follows:

36 (1) The department shall establish, by contracts with private  
37 vendors, not less than eight regional crisis residential centers, which



1 shall be structured group care facilities licensed under rules adopted  
2 by the department. Each regional center shall have an average of at  
3 least four adult staff members and in no event less than three adult  
4 staff members to every eight children. The staff shall be trained so  
5 that they may effectively counsel juveniles admitted to the centers,  
6 provide treatment, supervision, and structure to the juveniles, and  
7 carry out the responsibilities outlined in RCW 13.32A.090.

8 (2) The department shall, in addition to the regional facilities  
9 established under subsection (1) of this section, establish not less  
10 than thirty additional crisis residential centers pursuant to contract  
11 with licensed private group care or specialized foster home facilities.  
12 The department may also locate crisis residential centers in or  
13 adjacent to secure juvenile detention facilities operated by the  
14 county. Where a center is located in or adjacent to a secure juvenile  
15 detention facility, the center shall be operated in a manner that  
16 prevents in-person contact between the residents of the center and the  
17 persons held in such facility. The staff at the facilities shall be  
18 trained so that they may effectively counsel juveniles admitted to the  
19 centers, provide treatment, supervision, and structure to the  
20 juveniles, and carry out the responsibilities stated in RCW 13.32A.090.  
21 The responsibilities stated in RCW 13.32A.090 may, in any of the  
22 centers, be carried out by the department.

23 Crisis residential (~~facilities~~) centers shall be operated as  
24 (~~semi-secure~~) secure facilities.

25 **Sec. 36.** RCW 74.13.033 and 1992 c 205 s 213 are each amended to  
26 read as follows:

27 (1) If a resident of a center becomes by his or her behavior  
28 disruptive to the facility's program, such resident may be immediately  
29 removed to a separate area within the facility and counseled on an  
30 individual basis until such time as the child regains his or her  
31 composure. The department may set rules and regulations establishing  
32 additional procedures for dealing with severely disruptive children on  
33 the premises, (~~which procedures are consistent with the federal~~  
34 ~~juvenile justice and delinquency prevention act of 1974 and regulations~~  
35 ~~and clarifying instructions promulgated thereunder)). Nothing in this~~  
36 section shall prohibit a center from referring any child who, as the  
37 result of a mental or emotional disorder, or intoxication by alcohol or  
38 other drugs, is suicidal, seriously assaultive or seriously destructive

1 toward others, or otherwise similarly evidences an immediate need for  
2 emergency medical evaluation and possible care, for evaluation pursuant  
3 to chapter 71.34 RCW (~~(or)~~), to a mental health professional pursuant  
4 to chapter 71.05 RCW, or to a chemical dependency specialist pursuant  
5 to chapter 70.96A RCW whenever such action is deemed appropriate and  
6 consistent with law.

7 (2) When the juvenile resides in this facility, all services deemed  
8 necessary to the juvenile's reentry to normal family life shall be made  
9 available to the juvenile as required by chapter 13.32A RCW. In  
10 providing these services, the facility shall:

11 (a) Interview the juvenile as soon as possible;

12 (b) Contact the juvenile's parents and arrange for a counseling  
13 interview with the juvenile and his or her parents as soon as possible;

14 (c) Conduct counseling interviews with the juvenile and his or her  
15 parents, to the end that resolution of the child/parent conflict is  
16 attained and the child is returned home as soon as possible; and

17 (d) Provide additional crisis counseling as needed, to the end that  
18 placement of the child in the crisis residential center will be  
19 required for the shortest time possible, but not to exceed five  
20 consecutive days.

21 (3) A juvenile taking unauthorized leave from this residence  
22 (~~(may)~~) shall be apprehended and returned to it by law enforcement  
23 officers or other persons designated as having this authority as  
24 provided in RCW 13.32A.050. If returned to the facility after having  
25 taken unauthorized leave for a period of more than twenty-four hours a  
26 juvenile (~~(may)~~) shall be supervised by such a facility for a period,  
27 pursuant to this chapter, which, unless where otherwise provided, may  
28 not exceed five consecutive days on the premises. Costs of housing  
29 juveniles admitted to crisis residential centers shall be assumed by  
30 the department for a period not to exceed five consecutive days.

31 **Sec. 37.** RCW 74.13.034 and 1992 c 205 s 214 are each amended to  
32 read as follows:

33 (1) A child taken into custody and taken to a crisis residential  
34 center established pursuant to RCW 74.13.032(2) may, if the center is  
35 unable to provide appropriate treatment, supervision, and structure to  
36 the child, be taken at department expense to another crisis residential  
37 center or the nearest regional crisis residential center. Placement in

1 both centers shall not exceed five consecutive days from the point of  
2 intake as provided in RCW 13.32A.130.

3 (2) A child taken into custody and taken to a crisis residential  
4 center established by this chapter may be placed physically by the  
5 department or the department's designee and, at departmental expense  
6 and approval, in a secure juvenile detention facility operated by the  
7 county in which the center is located for a maximum of forty-eight  
8 hours, including Saturdays, Sundays, and holidays, if the child has  
9 taken unauthorized leave from the center and the person in charge of  
10 the center determines that the center cannot provide supervision and  
11 structure adequate to ensure that the child will not again take  
12 unauthorized leave. Juveniles placed in such a facility pursuant to  
13 this section may not, to the extent possible, come in contact with  
14 alleged or convicted juvenile or adult offenders.

15 (3) Any child placed in secure detention pursuant to this section  
16 shall, during the period of confinement, be provided with appropriate  
17 treatment by the department or the department's designee, which shall  
18 include the services defined in RCW 74.13.033(2). If the child placed  
19 in secure detention is not returned home or if an alternative living  
20 arrangement agreeable to the parent and the child is not made within  
21 twenty-four hours after the child's admission, the child shall be taken  
22 at the department's expense to a crisis residential center. Placement  
23 in the crisis residential center or centers plus placement in juvenile  
24 detention shall not exceed five consecutive days from the point of  
25 intake as provided in RCW 13.32A.130.

26 ~~(4) ((Juvenile detention facilities used pursuant to this section  
27 shall first be certified by the department to ensure that juveniles  
28 placed in the facility pursuant to this section are provided with  
29 living conditions suitable to the well being of the child. Where space  
30 is available, juvenile courts, when certified by the department to do  
31 so, shall provide secure placement for juveniles pursuant to this  
32 section, at department expense.~~

33 ~~(5))~~ It is the intent of the legislature that by July 1, 1982,  
34 crisis residential centers, supplemented by community mental health  
35 programs and mental health professionals, will be able to respond  
36 appropriately to children admitted to centers under this chapter and  
37 will be able to respond to the needs of such children with appropriate  
38 treatment, supervision, and structure."

1 **E2SSB 5439** - H COMM AMD  
2 By Committee on Children & Family Services

3

4 On page 1, line 2 of the title, after "families;" strike the  
5 remainder of the title and insert "amending RCW 13.32A.010, 13.32A.030,  
6 13.32A.040, 13.32A.130, 13.32A.140, 13.32A.150, 13.50.010, 13.32A.050,  
7 13.32A.060, 13.32A.065, 13.32A.070, 13.32A.196, 13.32A.198,  
8 28A.225.020, 28A.225.030, 28A.225.150, 70.96A.095, 70.96A.110,  
9 70.96A.140, 71.34.030, 71.34.040, 71.34.050, 71.34.070, 71.34.130,  
10 74.13.032, 74.13.033, and 74.13.034; adding new sections to chapter  
11 13.32A RCW; adding a new section to chapter 46.20 RCW; adding a new  
12 section to chapter 28A.225 RCW; adding a new section to chapter 70.96A  
13 RCW; adding a new section to chapter 71.34 RCW; creating a new section;  
14 and prescribing penalties."

--- END ---