

2 **E2SHB 1417** - S COMM AMD

3 By Committee on Human Services & Corrections

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 the experience and maturity ((are)) of parents make them better
12 ((qualifications for establishing)) qualified to establish guidelines
13 beneficial to and protective of ((individual members and the group as
14 a whole than are youth and inexperience)) their children. The
15 legislature further finds that it is the right and responsibility of
16 adults to establish laws for the benefit and protection of the society;
17 and that, in the same manner, the right and responsibility for
18 establishing reasonable guidelines for the family unit belongs to the
19 adults within that unit. Further, absent abuse or neglect, parents
20 should have the right to exercise control over their children. The
21 legislature reaffirms its position stated in RCW 13.34.020 that the
22 family unit is the fundamental resource of American life which should
23 be nurtured and that it should remain intact in the absence of
24 compelling evidence to the contrary.

25 The legislature recognizes there is a need for services and
26 assistance for parents and children who are in conflict. These
27 conflicts are manifested by children who exhibit various behaviors
28 including: Running away, substance abuse, serious acting out problems,
29 mental health needs, and other behaviors that endanger themselves or
30 others.

31 The legislature finds many parents do not know their rights
32 regarding their adolescent children and law enforcement. Parents and
33 courts feel they have insufficient legal recourse for the chronic
34 runaway child who is endangering himself or herself through his or her
35 behavior. The legislature further recognizes that for chronic runaways
36 whose behavior puts them in serious danger of harming themselves or

1 others, secure facilities must be provided to allow opportunities for
2 assessment, treatment, and to assist parents and protect their
3 children. The legislature intends to give tools to parents, courts,
4 and law enforcement to keep families together and reunite them whenever
5 possible.

6 The legislature recognizes that some children run away to protect
7 themselves from abuse or neglect in their homes. Abused and neglected
8 children should be dealt with pursuant to chapter 13.34 RCW and it is
9 not the intent of the legislature to handle dependency matters under
10 this chapter.

11 The legislature intends services offered under this chapter be on
12 a voluntary basis whenever possible to children and their families and
13 that the courts be used as a last resort.

14 The legislature intends to increase the safety of children through
15 the preservation of families and the provision of assessment,
16 treatment, and placement services for children in need of services and
17 at-risk youth. Within available funds, the legislature intends to
18 provide these services through crisis residential centers in which
19 children and youth may safely reside for a limited period of time. The
20 time in residence shall be used to conduct an assessment of the needs
21 of the children, youth, and their families. The assessments are
22 necessary to identify appropriate services and placement options that
23 will reduce the likelihood that children will place themselves in
24 dangerous or life-threatening situations.

25 The legislature recognizes that crisis residential centers provide
26 an opportunity for children to receive short-term necessary support and
27 nurturing in cases where there may be abuse or neglect. The
28 legislature intends that center staff provide an atmosphere of concern,
29 care, and respect for children in the center and their parents.

30 **Sec. 2.** RCW 13.32A.030 and 1990 c 276 s 3 are each amended to read
31 as follows:

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

34 (1) "At-risk youth" means a juvenile:

35 (a) Who is absent from home for at least seventy-two consecutive
36 hours without consent of his or her parent;

1 (b) Who is beyond the control of his or her parent such that the
2 child's behavior endangers the health, safety, or welfare of the child
3 or any other person; or

4 (c) Who has a substance abuse problem for which there are no
5 pending criminal charges related to the substance abuse.

6 (2) "Child," "juvenile," and "youth" mean any unemancipated
7 individual who is under the chronological age of eighteen years.

8 (3) "Child in need of services" means a juvenile:

9 (a) Who is beyond the control of his or her parent such that the
10 child's behavior endangers the health, safety, or welfare of the child
11 or other person;

12 (b) Who has been reported to law enforcement as absent without
13 consent for at least twenty-four consecutive hours from the parent's
14 home or a crisis residential center on two or more separate occasions;
15 and

16 (i) Has exhibited a serious substance abuse problem; or

17 (ii) Has exhibited behaviors that create a serious risk of harm to
18 the health, safety, or welfare of the child or any other person; or

19 (c)(i) Who is in need of necessary services, including food,
20 shelter, health care, clothing, educational, or services designed to
21 maintain or reunite the family;

22 (ii) Who lacks access, or has declined, to utilize these services;
23 and

24 (iii) Whose parents have evidenced continuing but unsuccessful
25 efforts to maintain the family structure or are unable or unwilling to
26 continue efforts to maintain the family structure.

27 (4) "Child in need of services petition" means a petition filed in
28 juvenile court by a parent, child, or the department seeking
29 adjudication of placement of the child.

30 (5) "Custodian" means the person who has the legal right to the
31 custody of the child.

32 (6) "Department" means the department of social and health
33 services((+)

34 ~~(2) "Child," "juvenile," and "youth" mean any individual who is~~
35 ~~under the chronological age of eighteen years;))~~.

36 ~~((+3))~~ (7) "Extended family members" means a grandparent, brother,
37 sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom
38 the child has a relationship and is comfortable, and who is willing and
39 available to care for the child.

1 (8) "Guardian" means that person or agency that (a) has been
2 appointed as the guardian of a child in a legal proceeding other than
3 a proceeding under chapter 13.34 RCW, and (b) has the right to legal
4 custody of the child pursuant to such appointment. The term "guardian"
5 does not include a "dependency guardian" appointed pursuant to a
6 proceeding under chapter 13.34 RCW.

7 (9) "Multidisciplinary team" means a group formed to provide
8 assistance and support to a child who is an at-risk youth or a child in
9 need of services and his or her parent. The team shall include the
10 parent, a department case worker, a local government representative
11 when authorized by the local government, and when appropriate, members
12 from the mental health and substance abuse disciplines. The team may
13 also include, but is not limited to, the following persons: Educators,
14 law enforcement personnel, probation officers, employers, church
15 persons, tribal members, therapists, medical personnel, social service
16 providers, placement providers, and extended family members. The team
17 members shall be volunteers who do not receive compensation while
18 acting in a capacity as a team member, unless the member's employer
19 chooses to provide compensation or the member is a state employee.

20 (10) "Out-of-home placement" means a placement in a foster family
21 home or group care facility licensed pursuant to chapter 74.15 RCW or
22 placement in a home, other than that of the child's parent, guardian,
23 or legal custodian, not required to be licensed pursuant to chapter
24 74.15 RCW.

25 (11) "Parent" means the ~~((legal))~~ parent or parents who have the
26 legal right to custody of the child. "Parent" includes
27 custodian(~~((s))~~) or guardian(~~((s) of a child;~~)).

28 ~~((4))~~ (12) "Semi-secure facility" means any facility, including
29 but not limited to crisis residential centers or specialized foster
30 family homes, operated in a manner to reasonably assure that youth
31 placed there will not run away(~~((: PROVIDED, That such facility shall~~
32 ~~not be a secure institution or facility as defined by the federal~~
33 ~~juvenile justice and delinquency prevention act of 1974 (P.L. 93-415;~~
34 ~~42 U.S.C. Sec. 5634 et seq.) and regulations and clarifying~~
35 ~~instructions promulgated thereunder)). Pursuant to rules established~~
36 by the department, the facility administrator shall establish
37 reasonable hours for residents to come and go from the facility such
38 that no residents are free to come and go at all hours of the day and
39 night. To prevent residents from taking unreasonable actions, the

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

9 ~~(5) "At-risk youth" means an individual under the chronological age~~
10 ~~of eighteen years who:~~

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

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

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

18 (13) "Secure crisis residential center" means a secure facility
19 licensed under chapter 74.13 RCW with doors, windows, or secured
20 perimeter that operates to prevent a child from leaving without
21 permission of the facility staff.

22 (14) "Temporary out-of-home placement" means an out-of-home
23 placement of not more than fourteen days ordered by the court at a
24 fact-finding hearing on a child in need of services petition.

25 NEW SECTION. Sec. 3. A new section is added to chapter 13.32A RCW
26 to read as follows:

27 Whenever a child in need of services petition is filed by a youth
28 pursuant to RCW 13.32A.130, or the department pursuant to RCW
29 13.32A.150, the youth or the department shall have a copy of the
30 petition served on the parents of the youth. Service shall first be
31 attempted in person and if unsuccessful, then by certified mail with
32 return receipt.

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

35 Families who are in conflict or who are experiencing problems with
36 at-risk youth or a child who may be in need of services may request
37 family reconciliation services from the department. The department may

1 involve a multidisciplinary team in its response. Such services shall
2 be provided to alleviate personal or family situations which present a
3 serious and imminent threat to the health or stability of the child or
4 family and to maintain families intact wherever possible. Family
5 reconciliation services shall be designed to develop skills and
6 supports within families to resolve problems related to at-risk youth,
7 children in need of services, or family conflicts and may include but
8 are not limited to referral to services for suicide prevention,
9 psychiatric or other medical care, or psychological, mental health,
10 drug or alcohol treatment, welfare, legal, educational, or other social
11 services, as appropriate to the needs of the child and the family.
12 (~~Upon a referral by a school or other appropriate agency,~~) Family
13 reconciliation services may also include training in parenting,
14 conflict management, and dispute resolution skills.

15 **Sec. 5.** RCW 13.32A.050 and 1994 sp.s. c 7 s 505 are each amended
16 to read as follows:

17 (1) A law enforcement officer shall take a child into custody:

18 (~~(1)~~) (a) If a law enforcement agency has been contacted by the
19 parent of the child that the child is absent from parental custody
20 without consent; or

21 (~~(2)~~) (b) If a law enforcement officer reasonably believes,
22 considering the child's age, the location, and the time of day, that a
23 child is in circumstances which constitute a danger to the child's
24 safety or that a child is violating a local curfew ordinance; or

25 (~~(3)~~) (c) If an agency legally charged with the supervision of a
26 child has notified a law enforcement agency that the child has run away
27 from placement; or

28 (~~(4)~~) (d) If a law enforcement agency has been notified by the
29 juvenile court that the court finds probable cause exists to believe
30 that the child has violated a court placement order issued pursuant to
31 chapter 13.32A RCW or that the court has issued an order for law
32 enforcement pick-up of the child under this chapter.

33 (2) Law enforcement custody shall not extend beyond the amount of
34 time reasonably necessary to transport the child to a destination
35 authorized by law and to place the child at that destination.

36 (~~An officer who takes a child into custody under this section and
37 places the child in a designated crisis residential center shall inform
38 the department of such placement within twenty-four hours.))~~)

1 (3) If a law enforcement officer takes a child into custody
2 pursuant to either subsection (1)(a) or (b) of this section and
3 transports the child to a crisis residential center, the officer shall,
4 within twenty-four hours of delivering the child to the center, provide
5 to the center a written report detailing the reasons the officer took
6 the child into custody.

7 (4) If the police who initially take the juvenile into custody or
8 the staff of the crisis residential center have reasonable cause to
9 believe that the child is absent from home because he or she is abused
10 or neglected, a report shall be made immediately to the department.

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

14 (6) If a law enforcement officer has a reasonable suspicion that a
15 child is being unlawfully harbored under RCW 13.32A.080, the officer
16 shall remove the child from the custody of the person harboring the
17 child and shall transport the child to one of the locations specified
18 in RCW 13.32A.060.

19 (7) No child may be placed in a secure crisis residential center
20 except as provided in this chapter.

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

23 (1) An officer taking a child into custody under RCW 13.32A.050 (1)
24 (a) or ((+2)) (b) shall inform the child of the reason for such
25 custody and shall either:

26 (a) Transport the child to his or her home or to a parent at his or
27 her place of employment, if no parent is at home. The officer
28 releasing a child into the custody of the parent shall inform the
29 parent of the reason for the taking of the child into custody and shall
30 inform the child and the parent of the nature and location of
31 appropriate services available in their community. The parent may
32 direct the officer to take the child to the home of an adult extended
33 family member, responsible adult, or a licensed youth shelter. The
34 officer releasing a child into the custody of an adult extended family
35 member, responsible adult, or a licensed youth shelter shall inform the
36 child and the person receiving the child of the nature and location of
37 appropriate services available in the community; or

1 (b) Take the child to (~~the home of an adult extended family~~
2 ~~member,~~) a designated secure crisis residential center, (~~or the home~~
3 ~~of a responsible adult~~) or a semi-secure crisis residential center if
4 a secure crisis residential center is full or is not available or
5 within a reasonable distance, after attempting to notify the parent or
6 legal guardian:

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

12 (ii) If it is not practical to transport the child to his or her
13 home or place of the parent's employment; or

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

16 (~~The officer releasing a child into the custody of an extended~~
17 ~~family member or a responsible adult shall inform the child and the~~
18 ~~extended family member or responsible adult of the nature and location~~
19 ~~of appropriate services available in the community.~~)

20 (2) An officer taking a child into custody under RCW 13.32A.050
21 (~~(+3)~~) (1) (c) or (~~(+4)~~) (d) shall inform the child of the reason for
22 custody, and shall take the child to a designated secure crisis
23 residential center or, if not available or within a reasonable
24 distance, to a semi-secure crisis residential center, licensed by the
25 department and established pursuant to chapter 74.13 RCW. However, an
26 officer taking a child into custody under RCW 13.32A.050(~~(+4)~~) (1)(d)
27 may place the child in a juvenile detention facility as provided in RCW
28 13.32A.065. The department shall ensure that all the law enforcement
29 authorities are informed on a regular basis as to the location of
30 (~~the~~) all designated secure and semi-secure crisis residential
31 (~~center or~~) centers in their (~~judicial district~~) jurisdiction,
32 where children taken into custody under RCW 13.32A.050 may be taken.

33 (~~(3) "Extended family members" means a grandparent, brother,~~
34 ~~sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom~~
35 ~~the child has a relationship and is comfortable, and who is willing and~~
36 ~~available to care for the child.~~)

37 **Sec. 7.** RCW 13.32A.070 and 1986 c 288 s 2 are each amended to read
38 as follows:

1 (1) (~~An officer taking a child into custody under RCW 13.32A.050~~
2 ~~may, at his or her discretion, transport the child to the home of a~~
3 ~~responsible adult who is other than the child's parent where the~~
4 ~~officer reasonably believes that the child will be provided with~~
5 ~~adequate care and supervision and that the child will remain in the~~
6 ~~custody of such adult until such time as the department can bring about~~
7 ~~the child's return home or an alternative residential placement can be~~
8 ~~agreed to or determined pursuant to this chapter. An officer placing~~
9 ~~a child with a responsible adult other than his or her parent shall~~
10 ~~immediately notify the department's local community service office of~~
11 ~~this fact and of the reason for taking the child into custody.~~

12 ~~(2))~~ A law enforcement officer acting in good faith pursuant to
13 this chapter in failing to take a child into custody, in taking a child
14 into custody, in placing a child in a crisis residential center, or in
15 releasing a child to a person (~~other than~~) at the request of a parent
16 (~~of such child~~) is immune from civil or criminal liability for such
17 action.

18 ~~((3))~~ (2) A person (~~other than a parent of such child who~~
19 ~~receives~~) with whom a child is placed pursuant to this chapter and who
20 acts reasonably and in good faith (~~in doing so~~) is immune from civil
21 or criminal liability for the act of receiving (~~such~~) the child.
22 (~~Such~~) The immunity does not release (~~such~~) the person from
23 liability under any other law (~~including the laws regulating licensed~~
24 ~~child care and prohibiting child abuse~~)).

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

27 The parents of a child placed in a secure crisis residential center
28 shall contribute fifty dollars per day, for not more than five
29 consecutive days, for the expense of the child's placement. However,
30 the secretary may establish a payment schedule that requires a lesser
31 payment based on a parent's ability to pay. The payment shall be made
32 to the department. No child may be denied placement in, or removed
33 from, a secure crisis residential center based solely on the income of
34 the parent.

35 Sec. 9. RCW 13.32A.090 and 1990 c 276 s 6 are each amended to read
36 as follows:

1 (1) The person in charge of a designated crisis residential center
2 or the department (~~pursuant to RCW 13.32A.070~~) shall perform the
3 duties under subsection (2) of this section:

4 (a) Upon admitting a child who has been brought to the center by a
5 law enforcement officer under RCW 13.32A.060;

6 (b) Upon admitting a child who has run away from home or has
7 requested admittance to the center;

8 (c) Upon learning from a person under RCW 13.32A.080(3) that the
9 person is providing shelter to a child absent from home; or

10 (d) Upon learning that a child has been placed with a responsible
11 adult pursuant to RCW (~~13.32A.070~~) 13.32A.060.

12 (2) When any of the circumstances under subsection (1) of this
13 section are present, the person in charge of a center shall perform the
14 following duties:

15 (a) Immediately notify the child's parent of the child's
16 whereabouts, physical and emotional condition, and the circumstances
17 surrounding his or her placement;

18 (b) Initially notify the parent that it is the paramount concern of
19 the family reconciliation service personnel to achieve a reconciliation
20 between the parent and child to reunify the family and inform the
21 parent as to the procedures to be followed under this chapter;

22 (c) Inform the parent whether a referral to children's protective
23 services has been made and, if so, inform the parent of the standard
24 pursuant to RCW 26.44.020(12) governing child abuse and neglect in this
25 state;

26 (d) Arrange transportation for the child to the residence of the
27 parent, as soon as practicable, at the latter's expense to the extent
28 of his or her ability to pay, with any unmet transportation expenses to
29 be assumed by the department, when the child and his or her parent
30 agrees to the child's return home or when the parent produces a copy of
31 a court order entered under this chapter requiring the child to reside
32 in the parent's home;

33 (e) Arrange transportation for the child to an (~~alternative~~
34 ~~residential~~) out-of-home placement which may include a licensed group
35 care facility or foster family when agreed to by the child and parent
36 at the latter's expense to the extent of his or her ability to pay,
37 with any unmet transportation expenses assumed by the department;

38 (f) Immediately notify the department of the placement.

1 **Sec. 10.** RCW 13.32A.120 and 1990 c 276 s 7 are each amended to
2 read as follows:

3 (1) Where either a child or the child's parent or the person or
4 facility currently providing shelter to the child notifies the center
5 that such individual or individuals cannot agree to the continuation of
6 an (~~alternative residential~~) out-of-home placement arrived at
7 pursuant to RCW 13.32A.090(2)(e), the center shall immediately contact
8 the remaining party or parties to the agreement and shall attempt to
9 bring about the child's return home or to an alternative living
10 arrangement agreeable to the child and the parent as soon as
11 practicable.

12 (2) If a child and his or her parent cannot agree to an
13 (~~alternative residential~~) out-of-home placement under RCW
14 13.32A.090(2)(e), either the child or parent may file with the juvenile
15 court a petition to approve an (~~alternative residential~~) out-of-home
16 placement or the parent may file with the juvenile court a petition in
17 the interest of a child alleged to be an at-risk youth under this
18 chapter.

19 (3) If a child and his or her parent cannot agree to the
20 continuation of an (~~alternative residential~~) out-of-home placement
21 arrived at under RCW 13.32A.090(2)(e), either the child or parent may
22 file with the juvenile court a petition to approve an (~~alternative~~
23 ~~residential~~) out-of-home placement or the parent may file with the
24 juvenile court a petition in the interest of a child alleged to be an
25 at-risk youth under this chapter.

26 **Sec. 11.** RCW 13.32A.130 and 1994 sp.s. c 7 s 508 are each amended
27 to read as follows:

28 (1) A child admitted to a crisis residential center under this
29 chapter who is not returned to the home of his or her parent, is not
30 placed in a semi-secure crisis residential center pursuant to a
31 temporary out-of-home placement order, or (who) is not placed in an
32 (~~alternative residential~~) out-of-home placement (~~(under an agreement~~
33 ~~between the parent and child,~~) shall(~~(, except as provided for by RCW~~
34 ~~13.32A.140 and 13.32A.160(2),~~) reside in the (~~(placement)~~) center
35 under the rules (~~(established for)~~) of the center for a period not less
36 than three and not to exceed five consecutive days from the time of
37 intake(, except as otherwise provided by this chapter). The parents
38 may remove the child at any time during the five-day period if no

1 allegations of abuse or neglect have been made against the parents.
2 The department may remove the child whenever a dependency petition is
3 filed under chapter 13.34 RCW.

4 (2) Crisis residential center staff shall make ~~((a—concerted))~~
5 every reasonable effort to protect the child and achieve a
6 reconciliation of the family. If a reconciliation and voluntary return
7 of the child has not been achieved within forty-eight hours from the
8 time of intake, and if the person in charge of the center does not
9 consider it likely that reconciliation will be achieved within the
10 five-day period, then the person in charge shall inform the parent and
11 child of ~~((+1))~~ (a) the availability of counseling services; ~~((+2))~~
12 (b) the right to file a child in need of services petition for an
13 ~~((alternative—residential))~~ out-of-home placement, the right of a
14 parent to file an at-risk youth petition, and the right of the parent
15 and child to obtain assistance in filing the petition; (c) the right to
16 request the department to form a multidisciplinary team; and ~~((+3))~~
17 (d) the right to request a review of any ~~((alternative—residential))~~
18 out-of-home placement.

19 (3) At no time shall information regarding a parent's or child's
20 rights be withheld ~~((if requested))~~. The department shall develop and
21 distribute to all law enforcement agencies and to each crisis
22 residential center administrator a written statement delineating the
23 services and rights. Every officer taking a child into custody shall
24 provide the child and his or her parent(s) or responsible adult with
25 whom the child is placed with a copy of the statement. In addition,
26 the administrator of the facility or his or her designee shall provide
27 every resident and parent with a copy of the statement.

28 NEW SECTION. Sec. 12. A new section is added to chapter 13.32A
29 RCW to read as follows:

30 (1)(a) The administrator of a crisis residential center may convene
31 a multidisciplinary team at the request of a child placed at the center
32 or the child's parent.

33 (b) If the administrator has reasonable cause to believe that a
34 child is a child in need of services and the parent is unavailable or
35 unwilling to continue efforts to maintain the family structure, the
36 administrator shall immediately convene a multidisciplinary team.

37 (c) A parent may disband a team twenty-four hours, excluding
38 weekends and holidays, after receiving notice of formation of the team

1 under (b) of this subsection unless a petition has been filed under RCW
2 13.32A.140. If a petition has been filed the parent may not disband
3 the team until the hearing is held under section 18 of this act. The
4 court may allow the team to continue if an out-of-home placement is
5 ordered under section 18(3) of this act. Upon the filing of an at-risk
6 youth or dependency petition, the team shall cease to exist unless the
7 parent requests continuation of the team.

8 (2) The secretary shall request participation of appropriate state
9 agencies in the multidisciplinary teams. Those agencies that agree to
10 participate shall provide the secretary all information necessary to
11 facilitate forming a multidisciplinary team and the secretary shall
12 provide this information to the administrator of each crisis
13 residential center.

14 (3) The secretary shall designate within each region a department
15 employee who shall have responsibility for coordination of the state
16 response to a request for creation of a multidisciplinary team. The
17 secretary shall advise the administrator of each crisis residential
18 center of the name of the appropriate employee. Upon a request of the
19 administrator to form a multidisciplinary team the employee shall
20 provide a list of the agencies that have agreed to participate in the
21 multidisciplinary team.

22 (4) The administrator shall also seek participation from
23 representatives of mental health and drug and alcohol treatment
24 providers as appropriate.

25 (5) A parent shall be advised of the request to form a
26 multidisciplinary team and may select additional members of the
27 multidisciplinary team. The parent or child may request any person or
28 persons to participate including, but not limited to, educators, law
29 enforcement personnel, court personnel, family therapists, licensed
30 health care practitioners, social service providers, youth residential
31 placement providers, other family members, church representatives, and
32 members of their own community. The administrator shall assist in
33 obtaining the prompt participation of persons requested by the parent
34 or child.

35 (6) When an administrator of a crisis residential center requests
36 the formation of a team, the state agencies must respond as soon as
37 possible. The team shall have the authority to evaluate the juvenile,
38 and family members, if appropriate and agreed to by the parent, and
39 shall:

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

3 (b) Make a referral to the designated chemical dependency
4 specialist or the county designated mental health professional, if
5 appropriate;

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

8 (d) With the parent's consent, work with them to achieve
9 reconciliation of the child and family.

10 (7) The purpose of the multidisciplinary team is to assist in a
11 coordinated referral of the family to available social and health-
12 related services.

13 (8) At the first meeting of the multidisciplinary team, it shall
14 choose a member to coordinate the team's efforts. The parent member of
15 the multidisciplinary team must agree with the choice of coordinator.
16 The team shall meet or communicate as often as necessary to assist the
17 family.

18 (9) The coordinator of the multidisciplinary team may assist in
19 filing a child in need of services petition when requested by the
20 parent or child or an at-risk youth petition when requested by the
21 parent. The multidisciplinary team shall have no standing as a party
22 in any action under this title.

23 (10) If the administrator is unable to contact the child's parent,
24 the multidisciplinary team may be used for assistance. If the parent
25 has not been contacted within five days the administrator shall contact
26 the department and request the case be reviewed for a dependency filing
27 under chapter 13.34 RCW.

28 **Sec. 13.** RCW 13.32A.140 and 1990 c 276 s 9 are each amended to
29 read as follows:

30 The department shall file a child in need of services petition to
31 approve an (~~alternative residential~~) out-of-home placement on behalf
32 of a child under any of the following sets of circumstances:

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

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

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

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

5 (d) No child in need of services petition (~~requesting approval of~~
6 ~~an alternative residential placement~~) has been filed by either the
7 child or parent (~~or legal custodian~~);

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

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

11 (2) The child has been admitted to a crisis residential center and:
12 (a) Seventy-two hours, including Saturdays, Sundays, and holidays,
13 have passed since such placement;

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

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

18 (3) An agreement between parent and child made pursuant to RCW
19 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer
20 acceptable to parent or child, and:

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

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

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

27 (d) No child in need of services petition (~~requesting approval of~~
28 ~~an alternative residential placement~~) has been filed by either the
29 child or the parent;

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

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

33 Under the circumstances of subsections (1), (2), or (3) of this
34 section, the child shall remain in (~~a licensed child care facility,~~
35 ~~including but not limited to a crisis residential center, or in any~~
36 ~~other suitable residence to be determined by the department until~~) an
37 (~~alternative residential~~) out-of-home placement until a child in need
38 of services petition filed by the department on behalf of the child is
39 reviewed by the juvenile court and is resolved by such court. The

1 department may authorize emergency medical or dental care for a child
2 placed under this section. The state, when the department files a
3 child in need of services petition (~~((for alternative residential~~
4 ~~placement))~~) under this section, shall be represented as provided for in
5 RCW 13.04.093.

6 If the department files a petition under this section, the
7 department shall submit in a supporting affidavit any information
8 provided under section 29 of this act.

9 **Sec. 14.** RCW 13.32A.150 and 1992 c 205 s 208 are each amended to
10 read as follows:

11 (1) Except as otherwise provided in this (~~(section))~~ chapter, the
12 juvenile court shall not accept the filing of (~~(an alternative~~
13 ~~residential placement))~~ a child in need of services petition by the
14 child or the parents or the filing of an at-risk youth petition by the
15 parent, unless verification is provided that a family assessment has
16 been completed by the department. The family assessment shall be aimed
17 at family reconciliation and avoidance of the out-of-home placement of
18 the child. If the department is unable to complete an assessment
19 within two working days following a request for assessment the child or
20 the parents may proceed under subsection (2) of this section or the
21 parent may proceed under (~~(subsection (3) of this))~~ section 22 of this
22 act.

23 (2) A child or a child's parent may file with the juvenile court a
24 child in need of services petition to approve an (~~(alternative~~
25 ~~residential))~~ out-of-home placement for the child (~~(outside the~~
26 ~~parent's home))~~). The department shall, when requested, assist either
27 a parent or child in the filing of the petition. The petition shall
28 only ask that the placement of a child outside the home of his or her
29 parent be approved. The filing of a petition to approve (~~(such))~~ the
30 placement is not dependent upon the court's having obtained any prior
31 jurisdiction over the child or his or her parent, and confers upon the
32 court a special jurisdiction to approve or disapprove an (~~(alternative~~
33 ~~residential))~~ out-of-home placement.

34 (~~((3) A child's parent may file with the juvenile court a petition~~
35 ~~in the interest of a child alleged to be an at risk youth. The~~
36 ~~department shall, when requested, assist the parent in filing the~~
37 ~~petition. The petition shall be filed in the county where the~~
38 ~~petitioning parent resides. The petition shall set forth the name,~~

1 age, and residence of the child and the names and residence of the
2 child's parents and shall allege that:

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

4 (b) The petitioning parent has the right to legal custody of the
5 child;

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

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

10 The petition shall set forth facts that support the allegations in
11 this subsection and shall generally request relief available under this
12 chapter. The petition need not specify any proposed disposition
13 following adjudication of the petition. The filing of an at risk youth
14 petition is not dependent upon the court's having obtained any prior
15 jurisdiction over the child or his or her parent and confers upon the
16 court the special jurisdiction to assist the parent in maintaining
17 parental authority and responsibility for the child. An at risk youth
18 petition may not be filed if the court has approved an alternative
19 residential placement petition regarding the child or if the child is
20 the subject of a proceeding under chapter 13.34 RCW. A petition may be
21 accepted for filing only if alternatives to court intervention have
22 been attempted. Juvenile court personnel may screen all at risk youth
23 petitions and may refuse to allow the filing of any petition that lacks
24 merit, fails to comply with the requirements of this section, or fails
25 to allege sufficient facts in support of allegations in the petition.))

26 **Sec. 15.** RCW 13.32A.160 and 1990 c 276 s 11 are each amended to
27 read as follows:

28 (1) When a proper child in need of services petition to approve an
29 ((alternative residential)) out-of-home placement is filed under RCW
30 13.32A.120, 13.32A.140, or 13.32A.150 the juvenile court shall: (a)
31 Schedule a ((date for a)) fact-finding hearing to be held within three
32 judicial days; notify the parent, child, and the department of such
33 date; (b) notify the parent of the right to be represented by counsel
34 and, if indigent, to have counsel appointed for him or her by the
35 court; (c) appoint legal counsel for the child; (d) inform the child
36 and his or her parent of the legal consequences of the court approving
37 or disapproving an ((alternative residential)) out-of-home placement
38 petition; (e) notify the parents of their rights under this chapter and

1 chapters 11.88, 13.34, 70.96A, and 71.34 RCW, including the right to
2 file an at-risk youth petition, the right to submit on application for
3 admission of their child to a treatment facility for alcohol, chemical
4 dependency, or mental health treatment, and the right to file a
5 guardianship petition; and ~~((e))~~ (f) notify all parties, including
6 the department, of their right to present evidence at the fact-finding
7 hearing.

8 (2) Upon filing of ~~((an alternative residential placement))~~ a child
9 in need of services petition, the child may be placed, if not already
10 placed, by the department in a crisis residential center, foster family
11 home, group home facility licensed under chapter 74.15 RCW, or any
12 other suitable residence to be determined by the department.

13 (3) If the child has been placed in a foster family home or group
14 care facility under chapter 74.15 RCW, the child shall remain there, or
15 in any other suitable residence as determined by the department,
16 pending resolution of the ~~((alternative residential placement))~~
17 petition by the court. Any placement may be reviewed by the court
18 within three ~~((court))~~ judicial days upon the request of the juvenile
19 or the juvenile's parent.

20 **Sec. 16.** RCW 13.32A.170 and 1989 c 269 s 3 are each amended to
21 read as follows:

22 (1) The court shall hold a fact-finding hearing to consider a
23 proper child in need of services petition ~~((and may approve or deny~~
24 ~~alternative residential placement))~~, giving due weight to the intent of
25 the legislature that families have the right to place reasonable
26 restrictions and rules upon their children, appropriate to the
27 individual child's developmental level. The court may appoint legal
28 counsel and/or a guardian ad litem to represent the child and advise
29 parents of their right to be represented by legal counsel. The court
30 may approve an order stating that the child shall be placed in a
31 residence other than the home of his or her parent only if it is
32 established by a preponderance of the evidence, including a
33 departmental recommendation for approval or dismissal of the petition,
34 that:

35 (a) The petition is not capricious;

36 (b) The petitioner, if a ~~((parent or the))~~ child, has made a
37 reasonable effort to resolve the conflict;

1 (c) The conflict (~~((which exists))~~) cannot be resolved by delivery of
2 services to the family during continued placement of the child in the
3 parental home;

4 (d) Reasonable efforts have been made to prevent or eliminate the
5 need for removal of the child from the child's home and to make it
6 possible for the child to return home; and

7 (e) A suitable out-of-home placement resource is available.

8 The court may not grant a petition filed by the child or the
9 department if it is established that the petition is based only upon a
10 dislike of reasonable rules or reasonable discipline established by the
11 parent.

12 ~~(2) ((The order approving out of home placement shall direct the
13 department to submit a disposition plan for a three-month placement of
14 the child that is designed to reunite the family and resolve the family
15 conflict. Such plan shall delineate any conditions or limitations on
16 parental involvement. In making the order, the court shall further
17 direct the department to make recommendations, as to which agency or
18 person should have physical custody of the child, as to which parental
19 powers should be awarded to such agency or person, and as to parental
20 visitation rights. The court may direct the department to consider the
21 cultural heritage of the child in making its recommendations.~~

22 ~~(3) The hearing to consider the recommendations of the department
23 for a three-month disposition plan shall be set no later than fourteen
24 days after the approval of the court of a petition to approve
25 alternative residential placement. Each party shall be notified of the
26 time and place of such disposition hearing.~~

27 ~~(4) If the court approves or denies a petition for an alternative
28 residential placement, a written statement of the reasons shall be
29 filed. If the court denies a petition requesting that a child be
30 placed in a residence other than the home of his or her parent, the
31 court shall enter an order requiring the child to remain at or return
32 to the home of his or her parent.~~

33 ~~(5) If the court denies the petition, the court shall impress upon
34 the party filing the petition of the legislative intent to restrict the
35 proceedings to situations where a family conflict is so great that it
36 cannot be resolved by the provision of in home services.~~

37 ~~(6) A child who fails to comply with a court order directing that
38 the child remain at or return to the home of his or her parent shall be
39 subject to contempt proceedings, as provided in this chapter, but only~~

1 if the noncompliance occurs within ninety calendar days after the day
2 of the order.

3 (7) The department may request, and the juvenile court may grant,
4 dismissal of an alternative residential placement order when it is not
5 feasible for the department to provide services due to one or more of
6 the following circumstances:

7 (a) The child has been absent from court approved placement for
8 thirty consecutive days or more;

9 (b) The parents or the child, or all of them, refuse to cooperate
10 in available, appropriate intervention aimed at reunifying the family;
11 or

12 (c) The department has exhausted all available and appropriate
13 resources that would result in reunification.)

14 Following the fact-finding hearing the court shall: (a) Enter a
15 temporary out-of-home placement for a period not to exceed fourteen
16 days pending approval of a disposition decision to be made under
17 section 18(2) of this act; (b) approve an at-risk youth petition filed
18 by the parents; (c) dismiss the petition; or (d) order the department
19 to review the case to determine whether the case is appropriate for a
20 dependency petition under chapter 13.34 RCW.

21 **Sec. 17.** RCW 13.32A.175 and 1987 c 435 s 13 are each amended to
22 read as follows:

23 In any proceeding in which the court approves an ((alternative
24 residential)) out-of-home placement, the court shall inquire into the
25 ability of parents to contribute to the child's support. If the court
26 finds that the parents are able to contribute to the support of the
27 child, the court shall order them to make such support payments as the
28 court deems equitable. The court may enforce such an order by
29 execution or in any way in which a court of equity may enforce its
30 orders. However, payments shall not be required of a parent who has
31 both opposed the placement and continuously sought reconciliation with,
32 and the return of, the child. All orders entered in a proceeding
33 approving ((alternative residential)) out-of-home placement shall be in
34 compliance with the provisions of RCW 26.23.050.

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

1 (1) A hearing shall be held no later than fourteen days after the
2 approval of the temporary out-of-home placement. The parents, child,
3 and department shall be notified of the time and place of the hearing.

4 (2) At the commencement of the hearing the court shall advise the
5 parents of their rights as set forth in RCW 13.32A.160(1)(e). If the
6 court approves or denies a child in need of services petition, a
7 written statement of the reasons shall be filed. At the conclusion of
8 the hearing the court may: (a) Reunite the family and dismiss the
9 petition; (b) approve an at-risk youth petition filed by the parents;
10 (c) approve a voluntary out-of-home placement requested by the parents;
11 (d) order any conditions set forth in RCW 13.32A.196(2); or (e) order
12 the department to file a petition for dependency under chapter 13.34
13 RCW.

14 (3) At the conclusion of the hearing, if the court has not taken
15 action under subsection (2) of this section it may, at the request of
16 the child or department, enter an order for out-of-home placement for
17 not more than ninety days. The court may only enter an order under
18 this subsection if it finds by clear, cogent, and convincing evidence
19 that: (a)(i) The order is in the best interest of the family; (ii) the
20 parents have not requested an out-of-home placement; (iii) the parents
21 have not exercised any other right listed in RCW 13.32A.160(1)(e); (iv)
22 the child has made reasonable efforts to resolve the conflict; (v) the
23 conflict cannot be resolved by delivery of services to the family
24 during continued placement of the child in the parental home; (vi)
25 reasonable efforts have been made to prevent or eliminate the need for
26 removal of the child from the child's home and to make it possible for
27 the child to return home; and (vii) a suitable out-of-home placement
28 resource is available; (b)(i) the order is in the best interest of the
29 child; and (ii) the parents are unavailable; or (c) the parent's
30 actions cause an imminent threat to the child's health or safety.

31 (4) A child who fails to comply with a court order issued under
32 this section shall be subject to contempt proceedings, as provided in
33 this chapter, but only if the noncompliance occurs within one year
34 after the entry of the order.

35 (5) The parents or the department may request, and the court may
36 grant, dismissal of a placement order when it is not feasible for the
37 department to provide services due to one or more of the following
38 circumstances:

1 (a) The child has been absent from court approved placement for
2 thirty consecutive days or more;

3 (b) The parents or the child, or all of them, refuse to cooperate
4 in available, appropriate intervention aimed at reunifying the family;
5 or

6 (c) The department has exhausted all available and appropriate
7 resources that would result in reunification.

8 (6) The court shall dismiss a placement made under subsection
9 (2)(c) of this section upon the request of the parents.

10 **Sec. 19.** RCW 13.32A.177 and 1988 c 275 s 14 are each amended to
11 read as follows:

12 A determination of ((child)) support payments ordered under RCW
13 13.32A.175 shall be based upon ((the child support schedule and
14 standards adopted under)) chapter 26.19 RCW ((26.19.040)).

15 **Sec. 20.** RCW 13.32A.180 and 1979 c 155 s 32 are each amended to
16 read as follows:

17 (1) ((At a dispositional hearing held to consider the three-month
18 dispositional plan presented by the department the court shall consider
19 all such recommendations included therein. The court, consistent with
20 the stated goal of resolving the family conflict and reuniting the
21 family, may modify such plan and shall make its dispositional order
22 for)) If the court orders a three-month out-of-home placement for the
23 child((-)), the court ((dispositional order)) shall specify the person
24 or agency with whom the child shall be placed, those parental powers
25 which will be temporarily awarded to such agency or person including
26 but not limited to the right to authorize medical, dental, and optical
27 treatment, and parental visitation rights. Any agency or residence at
28 which the child is placed must, at a minimum, comply with minimum
29 standards for licensed family foster homes.

30 (2) No placement made pursuant to this section may be in a secure
31 residence as defined by the federal Juvenile Justice and Delinquency
32 Prevention Act of 1974 ((and clarifying interpretations and regulations
33 promulgated thereunder)).

34 **Sec. 21.** RCW 13.32A.190 and 1989 c 269 s 5 are each amended to
35 read as follows:

1 (1) Upon making a dispositional order under (~~RCW 13.32A.180~~)
2 section 18 of this act, the court shall schedule the matter on the
3 calendar for review within three months, advise the parties of the date
4 thereof, appoint legal counsel and/or a guardian ad litem to represent
5 the child at the review hearing, advise parents of their right to be
6 represented by legal counsel at the review hearing, and notify the
7 parties of their rights to present evidence at the hearing. Where
8 resources are available, the court shall encourage the parent and child
9 to participate in (~~mediation~~) programs for reconciliation of their
10 conflict.

11 (2) At the review hearing, the court shall approve or disapprove
12 the continuation of the dispositional plan in accordance with (~~the~~
13 ~~goal of resolving the conflict and reuniting the family which governed~~
14 ~~the initial approval~~) this chapter. The court shall determine whether
15 reasonable efforts have been made to reunify the family and make it
16 possible for the child to return home. The court (~~is authorized to~~)
17 shall discontinue the placement and order that the child return home if
18 the court has reasonable grounds to believe that the parents have
19 (~~displayed concerted~~) made reasonable efforts to (~~utilize services~~
20 ~~and~~) resolve the conflict and the court has reason to believe that the
21 child's refusal to return home is capricious. If out-of-home placement
22 is continued, the court may modify the dispositional plan.

23 (3) Out-of-home placement may not be continued past one hundred
24 eighty days from the day the review hearing commenced. The court shall
25 order (~~that~~) the child to return to the home of the parent at the
26 expiration of the placement. If (~~continued~~) an out-of-home placement
27 is disapproved prior to one hundred eighty days, the court shall enter
28 an order requiring (~~that~~) the child to return to the home of the
29 child's parent.

30 (4) The parents and the department may request, and the juvenile
31 court may grant, dismissal of an (~~alternative residential~~) out-of-
32 home placement order when it is not feasible for the department to
33 provide services due to one or more of the following circumstances:

34 (a) The child has been absent from court approved placement for
35 thirty consecutive days or more;

36 (b) The parents or the child, or all of them, refuse to cooperate
37 in available, appropriate intervention aimed at reunifying the family;

38 or

1 (c) The department has exhausted all available and appropriate
2 resources that would result in reunification.

3 (5) The court shall terminate a placement made under this section
4 upon the request of a parent unless the placement is made pursuant to
5 section 18(3) of this act.

6 NEW SECTION. Sec. 22. A new section is added to chapter 13.32A
7 RCW to read as follows:

8 (1) A child's parent may file with the juvenile court a petition in
9 the interest of a child alleged to be an at-risk youth. The department
10 shall, when requested, assist the parent in filing the petition. The
11 petition shall be filed in the county where the petitioner resides.
12 The petition shall set forth the name, age, and residence of the child
13 and the names and residence of the child's parents and shall allege
14 that:

- 15 (a) The child is an at-risk youth as defined in this chapter;
16 (b) The petitioner has the right to legal custody of the child;
17 (c) Court intervention and supervision are necessary to assist the
18 parent to maintain the care, custody, and control of the child; and
19 (d) Alternatives to court intervention have been attempted or there
20 is good cause why such alternatives have not been attempted.

21 (2) The petition shall set forth facts that support the allegations
22 in this section and shall generally request relief available under this
23 chapter. The petition need not specify any proposed disposition
24 following adjudication of the petition. The filing of an at-risk youth
25 petition is not dependent upon the court's having obtained any prior
26 jurisdiction over the child or his or her parent and confers upon the
27 court the special jurisdiction to assist the parent in maintaining
28 parental authority and responsibility for the child.

29 (3) A petition may not be filed if a dependency petition is pending
30 under chapter 13.34 RCW.

31 **Sec. 23.** RCW 13.32A.192 and 1990 c 276 s 12 are each amended to
32 read as follows:

33 (1) When a proper at-risk youth petition is filed by a child's
34 parent under ((RCW 13.32A.120 or 13.32A.150)) this chapter, the
35 juvenile court shall:

- 36 (a) Schedule a fact-finding hearing to be held within three
37 judicial days and notify the parent and the child of such date;

1 (b) Notify the parent of the right to be represented by counsel at
2 the parent's own expense;

3 (c) Appoint legal counsel for the child;

4 (d) Inform the child and his or her parent of the legal
5 consequences of the court finding the child to be an at-risk youth; and

6 (e) Notify the parent and the child of their rights to present
7 evidence at the fact-finding hearing.

8 (2) Unless out-of-home placement of the child is otherwise
9 authorized or required by law, the child shall reside in the home of
10 his or her parent or in an ~~((alternative residential))~~ out-of-home
11 placement requested by the parent or child and approved by the parent.
12 ~~((Upon request by the parent, the court may enter a court order~~
13 ~~requiring the child to reside in the home of his or her parent or an~~
14 ~~alternative residential placement approved by the parent.))~~

15 (3) If upon sworn written or oral declaration of the petitioning
16 parent, the court has reason to believe that a child has willfully and
17 knowingly violated a court order issued pursuant to subsection (2) of
18 this section, the court may issue an order directing law enforcement to
19 take the child into custody and place the child in a juvenile detention
20 facility or in a secure crisis residential center ~~((licensed by the~~
21 ~~department and established pursuant to chapter 74.13 RCW)).~~ If the
22 child is placed in detention, a review shall be held as provided in RCW
23 13.32A.065.

24 (4) If both ~~((an alternative residential placement))~~ a child in
25 need of services petition and an at-risk youth petition have been filed
26 with regard to the same child, the petitions and proceedings shall be
27 consolidated ~~((for purposes of fact-finding))~~ as an at-risk youth
28 petition. Pending a fact-finding hearing regarding the petition, the
29 child may be placed~~((7))~~ in the parent's home or in an out-of-home
30 placement if not already placed~~((7))~~ in ~~((an alternative residential))~~
31 a temporary out-of-home placement ~~((as provided in RCW 13.32A.160~~
32 ~~unless the court has previously entered an order requiring the child to~~
33 ~~reside in the home of his or her parent)).~~ The child or the parent may
34 request a review of the child's placement including a review of any
35 court order requiring the child to reside in the parent's home. ~~((At~~
36 ~~the review the court, in its discretion, may order the child placed in~~
37 ~~the parent's home or in an alternative residential placement pending~~
38 ~~the hearing.))~~

1 **Sec. 24.** RCW 13.32A.194 and 1990 c 276 s 13 are each amended to
2 read as follows:

3 (1) The court shall hold a fact-finding hearing to consider a
4 proper at-risk youth petition. The court (~~(may)~~) shall grant the
5 petition and enter an order finding the child to be an at-risk youth if
6 the allegations in the petition are established by a preponderance of
7 the evidence(~~(. The court shall not enter such an order if the court~~
8 ~~has approved an alternative residential placement petition regarding~~
9 ~~the child or if))~~), unless the child is the subject of a proceeding
10 under chapter 13.34 RCW. If the petition is granted, the court shall
11 enter an order requiring the child to reside in the home of his or her
12 parent or (~~(in an alternative residential placement approved by the~~
13 ~~parent))~~ in an out-of-home placement as provided in RCW 13.32A.192(2).

14 (2) The court may order the department to submit a dispositional
15 plan if such a plan would assist the court in ordering a suitable
16 disposition in the case. If the court orders the department to prepare
17 a plan, the department shall provide copies of the plan to the parent,
18 the child, and the court. If the parties or the court desire the
19 department to be involved in any future proceedings or case plan
20 development, the department shall be provided timely notification of
21 all court hearings.

22 (3) A dispositional hearing shall be held no later than fourteen
23 days after the court has granted an at-risk youth petition. Each party
24 shall be notified of the time and date of the hearing.

25 (4) If the court grants or denies an at-risk youth petition, a
26 statement of the written reasons shall be entered into the records. If
27 the court denies an at-risk youth petition, the court shall verbally
28 advise the parties that the child is required to remain within the
29 care, custody, and control of his or her parent.

30 **Sec. 25.** RCW 13.32A.196 and 1991 c 364 s 14 are each amended to
31 read as follows:

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

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

3 (a) Regular school attendance;

4 (b) Counseling;

5 (c) Participation in a substance abuse or mental health outpatient
6 treatment program;

7 (d) Reporting on a regular basis to the department or any other
8 designated person or agency; and

9 (e) Any other condition the court deems an appropriate condition of
10 supervision including but not limited to: Employment, participation in
11 an anger management program, and refraining from using alcohol or
12 drugs.

13 (3) No dispositional order or condition of supervision ordered by
14 a court pursuant to this section shall include involuntary commitment
15 of a child for substance abuse or mental health treatment.

16 (4) The court may order the parent to participate in counseling
17 services or any other services for the child requiring parental
18 participation. The parent shall cooperate with the court-ordered case
19 plan and shall take necessary steps to help implement the case plan.
20 The parent shall be financially responsible for costs related to the
21 court-ordered plan; however, this requirement shall not affect the
22 eligibility of the parent or child for public assistance or other
23 benefits to which the parent or child may otherwise be entitled.

24 (5) The parent may request dismissal of an at-risk youth proceeding
25 or out-of-home placement at any time and upon such a request, the court
26 shall dismiss the matter and cease court supervision of the child
27 unless a contempt action is pending in the case. The court may retain
28 jurisdiction over the matter for the purpose of concluding any pending
29 contempt proceedings, including the full satisfaction of any penalties
30 imposed as a result of a contempt finding.

31 ((+5)) (6) The court may order the department to monitor
32 compliance with the dispositional order, assist in coordinating the
33 provision of court-ordered services, and submit reports at subsequent
34 review hearings regarding the status of the case.

35 **Sec. 26.** RCW 13.32A.250 and 1990 c 276 s 16 are each amended to
36 read as follows:

37 (1) In all ((~~alternative residential placement~~)) child in need of
38 services proceedings and at-risk youth proceedings, the court shall

1 verbally notify the parents and the child of the possibility of a
2 finding of contempt for failure to comply with the terms of a court
3 order entered pursuant to this chapter. The court shall treat the
4 parents and the child equally for the purposes of applying contempt of
5 court processes and penalties under this section.

6 (2) Failure by a party to comply with an order entered under this
7 chapter is a contempt of court as provided in chapter 7.21 RCW, subject
8 to the limitations of subsection (~~((2))~~) (3) of this section.

9 (3) The court may impose a fine of up to one hundred dollars and
10 (~~((imprisonment))~~) confinement for up to seven days, or both for contempt
11 of court under this section.

12 (4) A child (~~((imprisoned))~~) placed in confinement for contempt under
13 this section shall be (~~((imprisoned))~~) placed in confinement only in a
14 secure juvenile detention facility operated by or pursuant to a
15 contract with a county.

16 (5) A motion for contempt may be made by a parent, a child,
17 juvenile court personnel, or by any public agency, organization, or
18 person having custody of the child under a court order adopted pursuant
19 to this chapter.

20 NEW SECTION. Sec. 27. A new section is added to chapter 13.32A
21 RCW to read as follows:

22 No superior court may refuse to accept for filing a properly
23 completed and presented child in need of services petition or an at-
24 risk youth petition. To be properly presented, the petitioner shall
25 verify that the family assessment required under RCW 13.32A.150 has
26 been completed. In the event of an improper refusal that is appealed
27 and reversed, the petitioner shall be awarded actual damages, costs,
28 and attorneys' fees.

29 NEW SECTION. Sec. 28. A new section is added to chapter 13.32A
30 RCW to read as follows:

31 (1) Any person who provides shelter to a child for at least six
32 consecutive hours and who has reasonable cause to believe that the
33 child is absent from his or her home without permission shall, not
34 later than the end of the six-hour period:

35 (a) Attempt to notify the parent of the child of the location of
36 the child and return the child to the parent unless there has been a
37 placement ordered under this title;

1 (b) Notify the law enforcement agency of the jurisdiction in which
2 the person lives if (i) the parent cannot be located; (ii) the parent
3 declines to take custody of the child; or (iii) a placement order has
4 been entered under this chapter; or

5 (c) Notify the department.

6 (2) If a person provides the notices required in this section he or
7 she is immune from liability for any cause of action arising from
8 providing shelter to the child. The immunity shall not extend to acts
9 of intentional misconduct or gross negligence by the person providing
10 the shelter.

11 NEW SECTION. **Sec. 29.** A new section is added to chapter 13.32A
12 RCW to read as follows:

13 Upon the admissions of a child to a crisis residential center the
14 administrator of the facility shall request the department to provide:
15 (1) The name of any sibling of the child who has been: (a) Placed
16 under the jurisdiction of the juvenile rehabilitation administration;
17 or (b) subject to a proceeding under chapter 13.34 RCW; and (2)
18 information regarding whether the child has run away multiple times.

19 The department shall provide the information as soon as feasible.
20 The administrator may utilize the information in assessing the needs of
21 the child but a petition filed under this chapter may not be based
22 solely on this information.

23 **Sec. 30.** RCW 13.04.030 and 1994 sp.s. c 7 s 519 are each amended
24 to read as follows:

25 (1) Except as provided in subsection (2) of this section, the
26 juvenile courts in the several counties of this state, shall have
27 exclusive original jurisdiction over all proceedings:

28 (a) Under the interstate compact on placement of children as
29 provided in chapter 26.34 RCW;

30 (b) Relating to children alleged or found to be dependent as
31 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170;

32 (c) Relating to the termination of a parent and child relationship
33 as provided in RCW 13.34.180 through 13.34.210;

34 (d) To approve or disapprove (~~alternative residential~~) out-of-
35 home placement as provided in RCW 13.32A.170;

1 (e) Relating to juveniles alleged or found to have committed
2 offenses, traffic infractions, or violations as provided in RCW
3 13.40.020 through 13.40.230, unless:

4 (i) The juvenile court transfers jurisdiction of a particular
5 juvenile to adult criminal court pursuant to RCW 13.40.110; or

6 (ii) The statute of limitations applicable to adult prosecution for
7 the offense, traffic infraction, or violation has expired; or

8 (iii) The alleged offense or infraction is a traffic, fish,
9 boating, or game offense or traffic infraction committed by a juvenile
10 sixteen years of age or older and would, if committed by an adult, be
11 tried or heard in a court of limited jurisdiction, in which instance
12 the appropriate court of limited jurisdiction shall have jurisdiction
13 over the alleged offense or infraction: PROVIDED, That if such an
14 alleged offense or infraction and an alleged offense or infraction
15 subject to juvenile court jurisdiction arise out of the same event or
16 incident, the juvenile court may have jurisdiction of both matters:
17 PROVIDED FURTHER, That the jurisdiction under this subsection does not
18 constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1)
19 or (e)(i) of this subsection: PROVIDED FURTHER, That courts of limited
20 jurisdiction which confine juveniles for an alleged offense or
21 infraction may place juveniles in juvenile detention facilities under
22 an agreement with the officials responsible for the administration of
23 the juvenile detention facility in RCW 13.04.035 and 13.20.060; or

24 (iv) The juvenile is sixteen or seventeen years old and the alleged
25 offense is: (A) A serious violent offense as defined in RCW 9.94A.030
26 committed on or after June 13, 1994; or (B) a violent offense as
27 defined in RCW 9.94A.030 committed on or after June 13, 1994, and the
28 juvenile has a criminal history consisting of: (I) One or more prior
29 serious violent offenses; (II) two or more prior violent offenses; or
30 (III) three or more of any combination of the following offenses: Any
31 class A felony, any class B felony, vehicular assault, or manslaughter
32 in the second degree, all of which must have been committed after the
33 juvenile's thirteenth birthday and prosecuted separately. In such a
34 case the adult criminal court shall have exclusive original
35 jurisdiction.

36 If the juvenile challenges the state's determination of the
37 juvenile's criminal history, the state may establish the offender's
38 criminal history by a preponderance of the evidence. If the criminal
39 history consists of adjudications entered upon a plea of guilty, the

1 state shall not bear a burden of establishing the knowing and
2 voluntariness of the plea;

3 (f) Under the interstate compact on juveniles as provided in
4 chapter 13.24 RCW;

5 (g) Relating to termination of a diversion agreement under RCW
6 13.40.080, including a proceeding in which the divertee has attained
7 eighteen years of age; and

8 (h) Relating to court validation of a voluntary consent to foster
9 care placement under chapter 13.34 RCW, by the parent or Indian
10 custodian of an Indian child, except if the parent or Indian custodian
11 and child are residents of or domiciled within the boundaries of a
12 federally recognized Indian reservation over which the tribe exercises
13 exclusive jurisdiction.

14 (2) The family court shall have concurrent original jurisdiction
15 with the juvenile court over all proceedings under this section if the
16 superior court judges of a county authorize concurrent jurisdiction as
17 provided in RCW 26.12.010.

18 (3) A juvenile subject to adult superior court jurisdiction under
19 subsection (1)(e) (i) through (iv) of this section, who is detained
20 pending trial, may be detained in a county detention facility as
21 defined in RCW 13.40.020 pending sentencing or a dismissal.

22 **Sec. 31.** RCW 13.04.040 and 1983 c 191 s 14 are each amended to
23 read as follows:

24 The administrator shall, in any county or judicial district in the
25 state, appoint or designate one or more persons of good character to
26 serve as probation counselors during the pleasure of the administrator.
27 The probation counselor shall:

28 (1) Receive and examine referrals to the juvenile court for the
29 purpose of considering the filing of a petition or information pursuant
30 to chapter 13.32A or 13.34 RCW (~~((13.34.040, 13.34.180, and))~~) or RCW
31 13.40.070 (~~((as now or hereafter amended, and RCW 13.32A.150))~~);

32 (2) Make recommendations to the court regarding the need for
33 continued detention or shelter care of a child unless otherwise
34 provided in this title;

35 (3) Arrange and supervise diversion agreements as provided in RCW
36 13.40.080, (~~((as now or hereafter amended,))~~) and ensure that the
37 requirements of such agreements are met except as otherwise provided in
38 this title;

1 (4) Prepare predisposition studies as required in RCW 13.34.120 and
2 13.40.130, (~~as now or hereafter amended,~~) and be present at the
3 disposition hearing to respond to questions regarding the
4 predisposition study: PROVIDED, That such duties shall be performed by
5 the department (~~of social and health services~~) for cases relating to
6 dependency or to the termination of a parent and child relationship
7 which is filed by the department (~~of social and health services~~)
8 unless otherwise ordered by the court; and

9 (5) Supervise court orders of disposition to ensure that all
10 requirements of the order are met.

11 All probation counselors shall possess all the powers conferred
12 upon sheriffs and police officers to serve process and make arrests of
13 juveniles under their supervision for the violation of any state law or
14 county or city ordinance.

15 The administrator may, in any county or judicial district in the
16 state, appoint one or more persons who shall have charge of detention
17 rooms or houses of detention.

18 The probation counselors and persons appointed to have charge of
19 detention facilities shall each receive compensation which shall be
20 fixed by the legislative authority of the county, or in cases of joint
21 counties, judicial districts of more than one county, or joint judicial
22 districts such sums as shall be agreed upon by the legislative
23 authorities of the counties affected, and such persons shall be paid as
24 other county officers are paid.

25 The administrator is hereby authorized, and to the extent possible
26 is encouraged to, contract with private agencies existing within the
27 community for the provision of services to youthful offenders and youth
28 who have entered into diversion agreements pursuant to RCW 13.40.080(~~(~~
29 ~~as now or hereafter amended)~~).

30 The administrator shall establish procedures for the collection of
31 fines assessed under RCW 13.40.080 (2)(d) and (13) and for the payment
32 of the fines into the county general fund.

33 **Sec. 32.** RCW 13.04.093 and 1991 c 363 s 11 are each amended to
34 read as follows:

35 It shall be the duty of the prosecuting attorney to act in
36 proceedings relating to the commission of a juvenile offense as
37 provided in RCW 13.40.070 and 13.40.090 and in proceedings as provided
38 in chapter 71.34 RCW. It shall be the duty of the prosecuting attorney

1 to handle delinquency cases under chapter 13.24 RCW and it shall be the
2 duty of the attorney general to handle dependency cases under chapter
3 13.24 RCW. It shall be the duty of the attorney general in contested
4 cases brought by the department to present the evidence supporting any
5 petition alleging dependency or seeking the termination of a parent and
6 child relationship or any contested case filed under RCW 26.33.100 or
7 approving or disapproving (~~alternative residential~~) out-of-home
8 placement: PROVIDED, That in each county with a population of less
9 than two hundred ten thousand, the attorney general may contract with
10 the prosecuting attorney of the county to perform (~~said~~) the duties
11 of the attorney general under this section.

12 NEW SECTION. **Sec. 33.** The department of social and health
13 services shall develop a plan for the development of an intensive
14 treatment system for children whose behavior puts them at serious risk
15 of harm to themselves or others. In developing this plan, the
16 department shall work with service providers, community leaders,
17 representatives of different cultural communities, businesses,
18 educational institutions, community public health and safety networks,
19 and others to propose a continuum of services, including placement
20 alternatives, for children who might otherwise be on the street.

21 In developing this plan, the department shall identify existing
22 local and state services and barriers to those services for children.
23 The plan for intensive treatment services, to the extent possible,
24 shall build upon those existing resources.

25 The plan shall be presented to the legislature and the governor no
26 later than December 1, 1995.

27 NEW SECTION. **Sec. 34.** A new section is added to chapter 13.32A
28 RCW to read as follows:

29 Nothing in this chapter shall be construed to create an entitlement
30 to services nor to create judicial authority to order the provision at
31 public expense of services to any person or family where the department
32 has determined that such services are unavailable or unsuitable or that
33 the child or family are not eligible for such services.

34 NEW SECTION. **Sec. 35.** A new section is added to chapter 13.32A
35 RCW to read as follows:

1 In approving a petition under this chapter, a child may be placed
2 in a semi-secure crisis residential center as a temporary out-of-home
3 placement under the following conditions: (1) No other suitable out-
4 of-home placement is available; (2) space is available in the semi-
5 secure crisis residential center; and (3) no child will be denied
6 access for a five-day placement due to this placement.

7 Any child referred to a semi-secure crisis residential center by a
8 law enforcement officer, the department, or himself or herself shall
9 have priority over a temporary out-of-home placement in the facility.
10 Any out-of-home placement order shall be subject to this priority, and
11 the administrator of the semi-secure crisis residential center shall
12 transfer the temporary out-of-home placement youth to a new out-of-home
13 placement as necessary to ensure access for youth needing the semi-
14 secure crisis residential center.

15 **Sec. 36.** RCW 70.96A.090 and 1990 c 151 s 5 are each amended to
16 read as follows:

17 (1) The department shall adopt rules establishing standards for
18 approved treatment programs, the process for the review and inspection
19 program applying to the department for certification as an approved
20 treatment program, and fixing the fees to be charged by the department
21 for the required inspections. The standards may concern the health
22 standards to be met and standards of services and treatment to be
23 afforded patients.

24 (2) The department may suspend, revoke, limit, restrict, or modify
25 an approval, or refuse to grant approval, for failure to meet the
26 provisions of this chapter, or the standards adopted under this
27 chapter. RCW 43.20A.205 governs notice of a license denial,
28 revocation, suspension, or modification and provides the right to an
29 adjudicative proceeding.

30 (3) No treatment program may advertise or represent itself as an
31 approved treatment program if approval has not been granted, has been
32 denied, suspended, revoked, or canceled.

33 (4) Certification as an approved treatment program is effective for
34 one calendar year from the date of issuance of the certificate. The
35 certification shall specify the types of services provided by the
36 approved treatment program that meet the standards adopted under this
37 chapter. Renewal of certification shall be made in accordance with

1 this section for initial approval and in accordance with the standards
2 set forth in rules adopted by the secretary.

3 (5) Approved treatment programs shall not provide alcoholism or
4 other drug addiction treatment services for which the approved
5 treatment program has not been certified. Approved treatment programs
6 may provide services for which approval has been sought and is pending,
7 if approval for the services has not been previously revoked or denied.

8 (6) The department periodically shall inspect approved public and
9 private treatment programs at reasonable times and in a reasonable
10 manner.

11 (7) The department shall maintain and periodically publish a
12 current list of approved treatment programs.

13 (8) Each approved treatment program shall file with the department
14 on request, data, statistics, schedules, and information the department
15 reasonably requires. An approved treatment program that without good
16 cause fails to furnish any data, statistics, schedules, or information
17 as requested, or files fraudulent returns thereof, may be removed from
18 the list of approved treatment programs, and its certification revoked
19 or suspended.

20 (9) The department shall use the data provided in subsection (8) of
21 this section to evaluate each program in terms of rates of successful
22 treatment of drug or alcohol abuse. The evaluation shall be done at
23 least once every twelve months. In addition, the department shall
24 randomly select and review the information on individual children who
25 are admitted on application of the child's parent for the purpose of
26 determining whether the child was appropriately placed into treatment
27 based on an objective evaluation of the child's condition and the
28 success of the child's treatment.

29 (10) Upon petition of the department and after a hearing held upon
30 reasonable notice to the facility, the superior court may issue a
31 warrant to an officer or employee of the department authorizing him or
32 her to enter and inspect at reasonable times, and examine the books and
33 accounts of, any approved public or private treatment program refusing
34 to consent to inspection or examination by the department or which the
35 department has reasonable cause to believe is operating in violation of
36 this chapter.

37 **Sec. 37.** RCW 70.96A.095 and 1991 c 364 s 9 are each amended to
38 read as follows:

1 (1) Any person (~~fourteen~~) thirteen years of age or older may give
2 consent for himself or herself to the furnishing of counseling, care,
3 treatment, or rehabilitation by a treatment program or by any person.
4 Consent of the parent, parents, or legal guardian of a person less than
5 eighteen years of age is not necessary to authorize the care, except
6 that the person shall not become a resident of the treatment program
7 without such permission except as provided in RCW 70.96A.120 or
8 70.96A.140. The parent, parents, or legal guardian of a person less
9 than eighteen years of age are not liable for payment of care for such
10 persons pursuant to this chapter, unless they have joined in the
11 consent to the counseling, care, treatment, or rehabilitation.

12 (2) The parent of any minor child may apply to an approved
13 treatment program for the admission of his or her minor child for
14 purposes authorized in this chapter. The consent of the minor child
15 shall not be required for the application or admission. The approved
16 treatment program shall accept the application and evaluate the child
17 for admission. The ability of a parent to apply to an approved
18 treatment program for the involuntary admission of his or her minor
19 child does not create a right to obtain or benefit from any funds or
20 resources of the state. However, the state may provide services for
21 indigent minors to the extent that funds are available therefor.

22 **Sec. 38.** RCW 71.34.030 and 1985 c 354 s 3 are each amended to read
23 as follows:

24 (1) Any minor thirteen years or older may request and receive
25 outpatient treatment without the consent of the minor's parent.
26 Parental authorization is required for outpatient treatment of a minor
27 under the age of thirteen.

28 (2) When in the judgment of the professional person in charge of an
29 evaluation and treatment facility there is reason to believe that a
30 minor is in need of inpatient treatment because of a mental disorder,
31 and the facility provides the type of evaluation and treatment needed
32 by the minor, and it is not feasible to treat the minor in any less
33 restrictive setting or the minor's home, the minor may be admitted to
34 an evaluation and treatment facility in accordance with the following
35 requirements:

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

1 ~~(b))~~ A minor (~~(thirteen years or older)~~) may be voluntarily
2 admitted by application of the parent. (~~(Such application must be~~
3 ~~accompanied by the written consent, knowingly and voluntarily given, of~~
4 ~~the minor.)~~) The consent of the minor is not required for the minor to
5 be evaluated and admitted as appropriate.

6 ~~((e))~~ (b) A minor thirteen years or older may, with the
7 concurrence of the professional person in charge of an evaluation and
8 treatment facility, admit himself or herself without parental consent
9 to the evaluation and treatment facility, provided that notice is given
10 by the facility to the minor's parent in accordance with the following
11 requirements:

12 (i) Notice of the minor's admission shall be in the form most
13 likely to reach the parent within twenty-four hours of the minor's
14 voluntary admission and shall advise the parent that the minor has been
15 admitted to inpatient treatment; the location and telephone number of
16 the facility providing such treatment; and the name of a professional
17 person on the staff of the facility providing treatment who is
18 designated to discuss the minor's need for inpatient treatment with the
19 parent.

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

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

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

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

32 (vi) The hearing shall be conducted by a judge, court commissioner,
33 or licensed attorney designated by the superior court as a hearing
34 officer for such hearing. The hearing may be held at the treatment
35 facility.

36 (vii) At such hearing, the facility must demonstrate by a
37 preponderance of the evidence presented at the hearing that the minor
38 is in need of inpatient treatment and that release would constitute a
39 threat to the minor's health or safety. The hearing shall not be

1 conducted using the rules of evidence, and the admission or exclusion
2 of evidence sought to be presented shall be within the exercise of
3 sound discretion by the judicial officer conducting the hearing.

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

7 ~~((e))~~ (d) The minor's need for continued inpatient treatments
8 shall be reviewed and documented no less than every one hundred eighty
9 days.

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

11 (a) Any minor under the age of thirteen must be discharged
12 immediately upon written request of the parent.

13 (b) Any minor thirteen years or older voluntarily admitted may give
14 notice of intent to leave at any time. The notice need not follow any
15 specific form so long as it is written and the intent of the minor can
16 be discerned.

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

21 (d) The professional person in charge of the evaluation and
22 treatment facility shall discharge the minor, thirteen years or older,
23 from the facility within twenty-four hours after receipt of the minor's
24 notice of intent to leave, unless the county-designated mental health
25 professional or a parent or legal guardian files a petition or an
26 application for initial detention within the time prescribed by this
27 chapter.

28 (4) The ability of a parent to apply to a certified evaluation and
29 treatment program for the involuntary admission of his or her minor
30 child does not create a right to obtain or benefit from any funds or
31 resources of the state. However, the state may provide services for
32 indigent minors to the extent that funds are available therefor.

33 NEW SECTION. Sec. 39. A new section is added to chapter 71.34 RCW
34 to read as follows:

35 The department shall randomly select and review the information on
36 children who are admitted to in-patient treatment on application of the
37 child's parent. The review shall determine whether the children
38 reviewed were appropriately admitted into treatment based on an

1 objective evaluation of the child's condition and the success of the
2 child's treatment.

3 **Sec. 40.** RCW 74.13.031 and 1990 c 146 s 9 are each amended to read
4 as follows:

5 The department shall have the duty to provide child welfare
6 services as defined in RCW 74.13.020, and shall:

7 (1) Develop, administer, supervise, and monitor a coordinated and
8 comprehensive plan that establishes, aids, and strengthens services for
9 the protection and care of homeless, runaway, dependent, or neglected
10 children.

11 (2) Develop a recruiting plan for recruiting an adequate number of
12 prospective adoptive and foster homes, both regular and specialized,
13 ~~((i.e.))~~ including homes for children of ethnic minority, ~~((including))~~
14 Indian homes for Indian children, sibling groups, handicapped and
15 emotionally disturbed, and annually submit the plan for review to the
16 ~~((house and senate committees on social and health services))~~
17 legislature. The plan shall include a section entitled "Foster Home
18 Turn-Over, Causes and Recommendations."

19 (3) Investigate complaints of neglect, abuse, or abandonment of
20 children, and on the basis of the findings of such investigation, offer
21 child welfare services in relation to the problem to such parents,
22 legal custodians, or persons serving in loco parentis, and/or bring the
23 situation to the attention of an appropriate court, or another
24 community agency~~((: PROVIDED, That an))~~. No investigation is ~~((not))~~
25 required of nonaccidental injuries which are clearly not the result of
26 a lack of care or supervision by the child's parents, legal custodians,
27 or persons serving in loco parentis. If ~~((the))~~ an investigation
28 reveals that a crime may have been committed, the department shall
29 notify the appropriate law enforcement agency.

30 (4) Offer, on a voluntary basis, family reconciliation services to
31 families who are in conflict.

32 (5) Monitor out-of-home placements, on a timely and routine basis,
33 to assure the safety, well-being, and quality of care being provided is
34 within the scope of the intent of the legislature as defined in RCW
35 74.13.010 and 74.15.010, and annually submit a report delineating the
36 results to the ~~((house and senate committees on social and health
37 services))~~ legislature.

1 (6) Have authority to accept custody of children from parents and
2 (~~to accept custody of children from~~) juvenile courts, where
3 authorized to do so under law, to provide child welfare services
4 including placement for adoption, and to provide for the physical care
5 of such children and make payment of maintenance costs if needed.
6 Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no
7 private adoption agency which receives children for adoption from the
8 department shall discriminate on the basis of race, creed, or color
9 when considering applications in their placement for adoption.

10 (7) Have authority to provide temporary shelter to children who
11 have run away from home and who are admitted to crisis residential
12 centers.

13 (8) Have authority to purchase care for children(~~(?)~~) and (~~shall~~
14 ~~follow in general the policy of using~~) use properly approved private
15 agency services for the (~~actual~~) care and supervision of such
16 children insofar as they are available, paying for care of such
17 children as are accepted by the department as eligible for support at
18 reasonable rates established by the department.

19 (9) Establish a children's services advisory committee which shall
20 assist the secretary in the development of a partnership plan for
21 utilizing resources of the public and private sectors, and advise on
22 all matters pertaining to child welfare, day care, licensing of child
23 care agencies, adoption, and related services (~~related thereto~~). At
24 least one-third of the membership shall be (~~composed of~~) child care
25 providers, and at least one member shall represent the adoption
26 community.

27 (10) Have authority to provide continued foster care or group care
28 for individuals from eighteen through twenty years of age to enable
29 them to complete their high school or vocational school program.

30 (11) Have authority within funds appropriated for foster care
31 services to purchase care for Indian children who are in the custody of
32 a federally recognized Indian tribe or tribally licensed child-placing
33 agency pursuant to parental consent, tribal court order, or state
34 juvenile court order(~~(? and)~~). The purchase of such care (~~shall be~~)
35 is subject to the same eligibility standards and rates of support
36 applicable to other children for whom the department purchases care.

37 Notwithstanding any other provision of RCW 13.32A.170 through
38 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
39 services to be provided by the department of social and health services

1 under subsections (4)((~~7~~)) and (6)((~~7~~ and ~~7~~)) of this section,
2 subject to the limitations of these subsections, may be provided by any
3 program offering such services funded pursuant to Titles II and III of
4 the federal juvenile justice and delinquency prevention act of 1974.

5 **Sec. 41.** RCW 74.13.032 and 1979 c 155 s 78 are each amended to
6 read as follows:

7 (1) The department shall establish, by contracts with private
8 vendors, ((~~not less than eight~~)) regional semi-secure crisis
9 residential centers, which shall be structured group care facilities
10 licensed under rules adopted by the department. Each regional center
11 shall have an average of at least four adult staff members and in no
12 event less than three adult staff members to every eight children.
13 ((~~The staff shall be trained so that they may effectively counsel~~
14 ~~juveniles admitted to the centers, provide treatment, supervision, and~~
15 ~~structure to the juveniles, and carry out the responsibilities outlined~~
16 ~~in RCW 13.32A.090.~~))

17 (2) Within available funds appropriated for this purpose, the
18 department shall establish, by contracts with private vendors, secure
19 crisis residential centers which shall be facilities licensed under
20 rules adopted by the department.

21 (3) The department shall, in addition to the ((~~regional~~))
22 facilities established under subsections (1) and (2) of this section,
23 establish ((~~not less than thirty~~)) additional crisis residential
24 centers pursuant to contract with licensed private group care ((~~or~~
25 ~~specialized foster home~~)) facilities.

26 (4) The staff at the facilities established under this section
27 shall be trained so that they may effectively counsel juveniles
28 admitted to the centers, provide treatment, supervision, and structure
29 to the juveniles that recognize the need for support and the varying
30 circumstances that cause children to leave their families, and carry
31 out the responsibilities stated in RCW 13.32A.090. The
32 responsibilities stated in RCW 13.32A.090 may, in any of the centers,
33 be carried out by the department.

34 (5) Secure crisis residential facilities shall be operated as
35 ((semi-secure)) secure facilities as defined in RCW 13.32A.030. The
36 facilities shall have an average of no more than three adult staff
37 members to every eight children. The staffing ratio shall continue to
38 ensure the safety of the children.

1 (6) A secure center created under this section may not be located
2 within, or on the same grounds as, other secure facilities including
3 jails, juvenile detention facilities operated by the state, or units of
4 local government. However, the secretary may, following consultation
5 with the appropriate county legislative authority, make a written
6 finding that location of a secure center on the same grounds as another
7 secure facility is the only practical location for a secure center.
8 Upon the written finding a secure center may be located on the same
9 grounds as a secure facility.

10 NEW SECTION. Sec. 42. A new section is added to chapter 74.13 RCW
11 to read as follows:

12 No contract may provide reimbursement or compensation to a center
13 for any service delivered or provided to a resident child after five
14 consecutive days of residence.

15 **Sec. 43.** RCW 74.13.033 and 1992 c 205 s 213 are each amended to
16 read as follows:

17 (1) If a resident of a center becomes by his or her behavior
18 disruptive to the facility's program, such resident may be immediately
19 removed to a separate area within the facility and counseled on an
20 individual basis until such time as the child regains his or her
21 composure. The department may set rules and regulations establishing
22 additional procedures for dealing with severely disruptive children on
23 the premises(~~(, which procedures are consistent with the federal~~
24 ~~juvenile justice and delinquency prevention act of 1974 and regulations~~
25 ~~and clarifying instructions promulgated thereunder)).~~ Nothing in this
26 section shall prohibit a center from referring any child who, as the
27 result of a mental or emotional disorder, or intoxication by alcohol or
28 other drugs, is suicidal, seriously assaultive or seriously destructive
29 toward others, or otherwise similarly evidences an immediate need for
30 emergency medical evaluation and possible care, for evaluation pursuant
31 to chapter 71.34 RCW or to a mental health professional pursuant to
32 chapter 71.05 RCW whenever such action is deemed appropriate and
33 consistent with law.

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

- 1 (a) Interview the juvenile as soon as possible;
- 2 (b) Contact the juvenile's parents and arrange for a counseling
3 interview with the juvenile and his or her parents as soon as possible;
- 4 (c) Conduct counseling interviews with the juvenile and his or her
5 parents, to the end that resolution of the child/parent conflict is
6 attained and the child is returned home as soon as possible; and
- 7 (d) Provide additional crisis counseling as needed, to the end that
8 placement of the child in the crisis residential center will be
9 required for the shortest time possible, but not to exceed five
10 consecutive days.

11 (3) A juvenile taking unauthorized leave from this residence may be
12 apprehended and returned to it by law enforcement officers or other
13 persons designated as having this authority as provided in RCW
14 13.32A.050. If returned to the facility after having taken
15 unauthorized leave for a period of more than twenty-four hours a
16 juvenile may be supervised by such a facility for a period, pursuant to
17 this chapter, which, unless where otherwise provided, may not exceed
18 five consecutive days on the premises. Costs of housing juveniles
19 admitted to crisis residential centers shall be assumed by the
20 department for a period not to exceed five consecutive days.

21 **Sec. 44.** RCW 74.13.034 and 1992 c 205 s 214 are each amended to
22 read as follows:

23 (1) A child taken into custody and taken to a crisis residential
24 center established pursuant to RCW 74.13.032(~~((+2))~~) (3) may, if the
25 center is unable to provide appropriate treatment, supervision, and
26 structure to the child, be taken at department expense to another
27 crisis residential center (~~((or))~~), the nearest regional secure crisis
28 residential center, or a secure facility with which it is collocated
29 under RCW 74.13.032. Placement in both (~~((centers))~~) locations shall not
30 (~~((exceed))~~) be less than three nor more than five consecutive days from
31 the point of intake as provided in RCW 13.32A.130.

32 (2) A child taken into custody and taken to a crisis residential
33 center established by this chapter may be placed physically by the
34 department or the department's designee and, at departmental expense
35 and approval, in a secure juvenile detention facility operated by the
36 county in which the center is located for a maximum of forty-eight
37 hours, including Saturdays, Sundays, and holidays, if the child has
38 taken unauthorized leave from the center and the person in charge of

1 the center determines that the center cannot provide supervision and
2 structure adequate to ensure that the child will not again take
3 unauthorized leave. Juveniles placed in such a facility pursuant to
4 this section may not, to the extent possible, come in contact with
5 alleged or convicted juvenile or adult offenders.

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

17 (4) Juvenile detention facilities used pursuant to this section
18 shall first be certified by the department to ensure that juveniles
19 placed in the facility pursuant to this section are provided with
20 living conditions suitable to the well-being of the child. Where space
21 is available, juvenile courts, when certified by the department to do
22 so, shall provide secure placement for juveniles pursuant to this
23 section, at department expense.

24 ~~((5) It is the intent of the legislature that by July 1, 1982,~~
25 ~~crisis residential centers, supplemented by community mental health~~
26 ~~programs and mental health professionals, will be able to respond~~
27 ~~appropriately to children admitted to centers under this chapter and~~
28 ~~will be able to respond to the needs of such children with appropriate~~
29 ~~treatment, supervision, and structure.))~~

30 **Sec. 45.** RCW 74.13.035 and 1979 c 155 s 81 are each amended to
31 read as follows:

32 Crisis residential centers shall compile ~~((yearly))~~ quarterly
33 records which shall be transmitted to the department and which shall
34 contain information regarding population profiles of the children
35 admitted to the centers during each past calendar year. Such
36 information shall include but shall not be limited to the following:

37 (1) The number, county of residency, age, and sex of children
38 admitted to custody;

- 1 (2) Who brought the children to the center;
- 2 (3) Services provided to children admitted to the center;
- 3 (4) The circumstances which necessitated the children being brought
- 4 to the center;
- 5 (5) The ultimate disposition of cases;
- 6 (6) The number of children admitted to custody who ran away from
- 7 the center and their ultimate disposition, if any;
- 8 (7) Length of stay.

9 The department may require the provision of additional information and
10 may require each center to provide all such necessary information in a
11 uniform manner.

12 The department shall report to the legislature within one year of
13 the initial contracts establishing secure crisis residential centers.
14 The report shall evaluate and compare the information required to be
15 compiled in this section for the secure and semi-secure crisis
16 residential centers and shall include plans for establishing secure
17 crisis residential centers as funds are appropriated.

18 A center may, in addition to being licensed as such, also be
19 licensed as a ((~~family foster home or~~)) group care facility and may
20 house on the premises juveniles assigned for temporary out-of-home
21 placement or foster or group care.

22 **Sec. 46.** RCW 74.13.036 and 1989 c 175 s 147 are each amended to
23 read as follows:

24 (1) The department of social and health services shall oversee
25 implementation of chapter 13.34 RCW and chapter 13.32A RCW. The
26 oversight shall be comprised of working with affected parts of the
27 criminal justice and child care systems as well as with local
28 government, legislative, and executive authorities to effectively carry
29 out these chapters. The department shall work with all such entities
30 to ensure that chapters 13.32A and 13.34 RCW are implemented in a
31 uniform manner throughout the state.

32 (2) The department shall((~~, by January 1, 1986,~~)) develop a plan
33 and procedures, in cooperation with the state-wide advisory committee,
34 to insure the full implementation of the provisions of chapter 13.32A
35 RCW. Such plan and procedures shall include but are not limited to:

36 (a) Procedures defining and delineating the role of the department
37 and juvenile court with regard to the execution of the ((~~alternative~~
38 ~~residential~~)) child in need of services placement process;

1 (b) Procedures for designating department staff responsible for
2 family reconciliation services;

3 (c) Procedures assuring enforcement of contempt proceedings in
4 accordance with RCW 13.32A.170 and 13.32A.250; and

5 (d) Procedures for the continued education of all individuals in
6 the criminal juvenile justice and child care systems who are affected
7 by chapter 13.32A RCW, as well as members of the legislative and
8 executive branches of government.

9 (~~The plan and procedures required under this subsection shall be~~
10 ~~submitted to the appropriate standing committees of the legislature by~~
11 ~~January 1, 1986.~~)

12 There shall be uniform application of the procedures developed by
13 the department and juvenile court personnel, to the extent practicable.
14 Local and regional differences shall be taken into consideration in the
15 development of procedures required under this subsection.

16 (3) In addition to its other oversight duties, the department
17 shall:

18 (a) Identify and evaluate resource needs in each region of the
19 state;

20 (b) Disseminate information collected as part of the oversight
21 process to affected groups and the general public;

22 (c) Educate affected entities within the juvenile justice and child
23 care systems, local government, and the legislative branch regarding
24 the implementation of chapters 13.32A and 13.34 RCW;

25 (d) Review complaints concerning the services, policies, and
26 procedures of those entities charged with implementing chapters 13.32A
27 and 13.34 RCW; and

28 (e) Report any violations and misunderstandings regarding the
29 implementation of chapters 13.32A and 13.34 RCW.

30 (4) The secretary shall submit a quarterly report to the
31 appropriate local government entities.

32 (5) Where appropriate, the department shall request opinions from
33 the attorney general regarding correct construction of these laws.

34 **Sec. 47.** RCW 82.14.300 and 1990 2nd ex.s. c 1 s 1 are each amended
35 to read as follows:

36 The legislature finds and declares that local government criminal
37 justice systems are in need of assistance. Many counties and cities
38 are unable to provide sufficient funding for additional police

1 protection, mitigation of congested court systems, public safety
2 education, and relief of overcrowded jails.

3 In order to ensure public safety, it is necessary to provide fiscal
4 assistance to help local governments to respond immediately to these
5 criminal justice problems, while initiating a review of the criminal
6 justice needs of cities and counties and the resources available to
7 address those needs.

8 To provide for a more efficient and effective response to these
9 problems, the legislature encourages cities and counties to coordinate
10 strategies against crime and use multijurisdictional and innovative
11 approaches in addressing criminal justice problems.

12 ~~((The legislature intends to provide fiscal assistance to counties
13 and cities in the manner provided in this act until the report of the
14 task force created under RCW 82.14.301 is available for consideration
15 by the legislature.))~~

16 **Sec. 48.** RCW 82.14.320 and 1993 sp.s. c 21 s 2 are each amended to
17 read as follows:

18 (1) The municipal criminal justice assistance account is created in
19 the state treasury.

20 (2) No city may receive a distribution under this section from the
21 municipal criminal justice assistance account unless:

22 (a) The city has a crime rate in excess of one hundred twenty-five
23 percent of the state-wide average as calculated in the most recent
24 annual report on crime in Washington state as published by the
25 Washington association of sheriffs and police chiefs;

26 (b) The city has levied the tax authorized in RCW 82.14.030(2) at
27 the maximum rate or the tax authorized in RCW 82.46.010(3) at the
28 maximum rate; and

29 (c) The city has a per capita yield from the tax imposed under RCW
30 82.14.030(1) at the maximum rate of less than one hundred fifty percent
31 of the state-wide average per capita yield for all cities from such
32 local sales and use tax.

33 (3) The moneys deposited in the municipal criminal justice
34 assistance account for distribution under this section shall be
35 distributed at such times as distributions are made under RCW
36 82.44.150. The distributions shall be made as follows:

37 (a) Unless reduced by this subsection, thirty percent of the moneys
38 shall be distributed ratably based on population as last determined by

1 the office of financial management to those cities eligible under
2 subsection (2) of this section that have a crime rate determined under
3 subsection (2)(a) of this section which is greater than one hundred
4 seventy-five percent of the state-wide average crime rate. No city may
5 receive more than fifty percent of any moneys distributed under this
6 subsection (a) but, if a city distribution is reduced as a result of
7 exceeding the fifty percent limitation, the amount not distributed
8 shall be distributed under (b) of this subsection.

9 (b) The remainder of the moneys, including any moneys not
10 distributed in subsection (2)(a) of this section, shall be distributed
11 to all cities eligible under subsection (2) of this section ratably
12 based on population as last determined by the office of financial
13 management.

14 (4) No city may receive more than thirty percent of all moneys
15 distributed under subsection (3) of this section.

16 (5) Notwithstanding other provisions of this section, the
17 distributions to any city that substantially decriminalizes or repeals
18 its criminal code after July 1, 1990, and that does not reimburse the
19 county for costs associated with criminal cases under RCW 3.50.800 or
20 3.50.805(2), shall be made to the county in which the city is located.

21 (6) Moneys distributed under this section shall be expended
22 exclusively for criminal justice purposes and shall not be used to
23 replace or supplant existing funding. Criminal justice purposes are
24 defined as activities that substantially assist the criminal justice
25 system, which may include circumstances where ancillary benefit to the
26 civil justice system occurs, and which includes domestic violence
27 services such as those provided by domestic violence programs,
28 community advocates, and legal advocates, as defined in RCW 70.123.020,
29 and publications and public educational efforts designed to provide
30 information and assistance to parents in dealing with runaway or at-
31 risk youth. Existing funding for purposes of this subsection is
32 defined as calendar year 1989 actual operating expenditures for
33 criminal justice purposes. Calendar year 1989 actual operating
34 expenditures for criminal justice purposes exclude the following:
35 Expenditures for extraordinary events not likely to reoccur, changes in
36 contract provisions for criminal justice services, beyond the control
37 of the local jurisdiction receiving the services, and major
38 nonrecurring capital expenditures.

1 NEW SECTION. **Sec. 49.** A new section is added to chapter 28A.225
2 RCW to read as follows:

3 For purposes of this chapter, "community truancy board" means a
4 board composed of members of the local community in which the child
5 attends school. The local school district boards of directors may
6 create a community truancy board. Members of the board shall be
7 selected from representatives of the community. Duties of a community
8 truancy board shall include, but not be limited to, recommending
9 methods for improving school attendance.

10 **Sec. 50.** RCW 28A.225.020 and 1992 c 205 s 202 are each amended to
11 read as follows:

12 If a ((juvenile)) child required to attend school under the laws of
13 the state of Washington fails to attend school without valid
14 justification, the ((juvenile's)) child's school shall:

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

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

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

1 **Sec. 51.** RCW 28A.225.030 and 1992 c 205 s 203 are each amended to
2 read as follows:

3 If the actions taken by a school ((pursuant to)) district under RCW
4 28A.225.020 ((is)) are not successful in substantially reducing ((a))
5 an enrolled student's absences from school, ((any of the following
6 actions may be taken after five or more)) upon the fifth unexcused
7 absence((s)) by a child within any month during the current school year
8 or upon the tenth unexcused absence during the current school year((÷
9 (1) The attendance officer of)) the school district ((through its
10 attorney may)) shall file a petition with the juvenile court ((to
11 assume jurisdiction under RCW 28A.200.010, 28A.200.020, and 28A.225.010
12 through 28A.225.150 for the purpose of)) alleging a violation of RCW
13 28A.225.010: (1) By the parent; ((or)) (2) ((a petition alleging a
14 violation of RCW 28A.225.010 by a)) by the child ((may be filed with
15 the juvenile court by the parent of such child or by the attendance
16 officer of the school district through its attorney at the request of
17 the parent. If the court assumes jurisdiction in such an instance, the
18 provisions of RCW 28A.200.010, 28A.200.020, and 28A.225.010 through
19 28A.225.150, except where otherwise stated, shall apply)); or (3) by
20 the parent and the child.

21 If the school district fails to file a petition under this section,
22 the parent of a child with five or more unexcused absences in any month
23 during the current school year or upon the tenth unexcused absence
24 during the current school year may file a petition with the juvenile
25 court alleging a violation of RCW 28A.225.010.

26 NEW SECTION. Sec. 52. A new section is added to chapter 28A.225
27 RCW to read as follows:

28 (1) A petition under RCW 28A.225.030 shall consist of a written
29 notification to the court alleging that:

30 (a) The child has five or more unexcused absences within any month
31 during the current school year or ten or more unexcused absences in the
32 current school year;

33 (b) Actions taken by the school district have not been successful
34 in substantially reducing the child's absences from school; and

35 (c) Court intervention and supervision are necessary to assist the
36 school district or parent to reduce the child's absences from school.

1 (2) The petition shall set forth the name, age, school, and
2 residence of the child and the names and residence of the child's
3 parents.

4 (3) The petition shall set forth facts that support the allegations
5 in this section and shall generally request relief available under this
6 chapter.

7 (4) When a petition is filed under RCW 28A.225.030, the juvenile
8 court may:

9 (a) Schedule a fact-finding hearing at which the court shall
10 consider the petition;

11 (b) Separately notify the child, the parent of the child, and the
12 school district of the fact-finding hearing;

13 (c) Notify the parent and the child of their rights to present
14 evidence at the fact-finding hearing; and

15 (d) Notify the parent and the child of the options and rights
16 available under chapter 13.32A RCW.

17 (5) The court may require the attendance of both the child and the
18 parents at any hearing on a petition filed under RCW 28A.225.030.

19 (6) The court shall grant the petition and enter an order assuming
20 jurisdiction to intervene for the remainder of the school year, if the
21 allegations in the petition are established by a preponderance of the
22 evidence.

23 (7) If the court assumes jurisdiction, the school district shall
24 regularly report to the court any additional unexcused absences by the
25 child.

26 **Sec. 53.** RCW 36.18.020 and 1993 c 435 s 1 are each amended to read
27 as follows:

28 Clerks of superior courts shall collect the following fees for
29 their official services:

30 (1) The party filing the first or initial paper in any civil
31 action, including an action for restitution, or change of name, shall
32 pay, at the time said paper is filed, a fee of one hundred ten dollars
33 except in proceedings filed under RCW 26.50.030 or 49.60.227 where the
34 petitioner shall pay a filing fee of twenty dollars, or in proceedings
35 filed under RCW 28A.225.030 alleging a violation of the compulsory
36 attendance laws where the petitioner shall not pay a filing fee, or an
37 unlawful detainer action under chapter 59.18 or 59.20 RCW where the
38 plaintiff shall pay a filing fee of thirty dollars. If the defendant

1 serves or files an answer to an unlawful detainer complaint under
2 chapter 59.18 or 59.20 RCW, the plaintiff shall pay, prior to
3 proceeding with the unlawful detainer action, an additional eighty
4 dollars which shall be considered part of the filing fee. The thirty
5 dollar filing fee under this subsection for an unlawful detainer action
6 shall not include an order to show cause or any other order or judgment
7 except a default order or default judgment in an unlawful detainer
8 action.

9 (2) Any party, except a defendant in a criminal case, filing the
10 first or initial paper on an appeal from a court of limited
11 jurisdiction or any party on any civil appeal, shall pay, when said
12 paper is filed, a fee of one hundred ten dollars.

13 (3) The party filing a transcript or abstract of judgment or
14 verdict from a United States court held in this state, or from the
15 superior court of another county or from a district court in the county
16 of issuance, shall pay at the time of filing, a fee of fifteen dollars.

17 (4) For the filing of a tax warrant by the department of revenue of
18 the state of Washington, a fee of five dollars shall be paid.

19 (5) For the filing of a petition for modification of a decree of
20 dissolution, a fee of twenty dollars shall be paid.

21 (6) The party filing a demand for jury of six in a civil action,
22 shall pay, at the time of filing, a fee of fifty dollars; if the demand
23 is for a jury of twelve the fee shall be one hundred dollars. If,
24 after the party files a demand for a jury of six and pays the required
25 fee, any other party to the action requests a jury of twelve, an
26 additional fifty-dollar fee will be required of the party demanding the
27 increased number of jurors.

28 (7) For filing any paper, not related to or a part of any
29 proceeding, civil or criminal, or any probate matter, required or
30 permitted to be filed in the clerk's office for which no other charge
31 is provided by law, or for filing a petition, written agreement, or
32 memorandum as provided in RCW 11.96.170, the clerk shall collect twenty
33 dollars.

34 (8) For preparing, transcribing or certifying any instrument on
35 file or of record in the clerk's office, with or without seal, for the
36 first page or portion thereof, a fee of two dollars, and for each
37 additional page or portion thereof, a fee of one dollar. For
38 authenticating or exemplifying any instrument, a fee of one dollar for
39 each additional seal affixed.

1 (9) For executing a certificate, with or without a seal, a fee of
2 two dollars shall be charged.

3 (10) For each garnishee defendant named in an affidavit for
4 garnishment and for each writ of attachment, a fee of twenty dollars
5 shall be charged.

6 (11) For approving a bond, including justification thereon, in
7 other than civil actions and probate proceedings, a fee of two dollars
8 shall be charged.

9 (12) In probate proceedings, the party instituting such
10 proceedings, shall pay at the time of filing the first paper therein,
11 a fee of one hundred ten dollars: PROVIDED, HOWEVER, A fee of twenty
12 dollars shall be charged for filing a will only, when no probate of the
13 will is contemplated. Except as provided for in subsection (13) of
14 this section a fee of two dollars shall be charged for filing a
15 petition, written agreement, or memorandum as provided in RCW
16 11.96.170.

17 (13) For filing any petition to contest a will admitted to probate
18 or a petition to admit a will which has been rejected, or a petition
19 objecting to a written agreement or memorandum as provided in RCW
20 11.96.170, there shall be paid a fee of one hundred ten dollars.

21 (14) For the issuance of each certificate of qualification and each
22 certified copy of letters of administration, letters testamentary or
23 letters of guardianship there shall be a fee of two dollars.

24 (15) For the preparation of a passport application the clerk may
25 collect an execution fee as authorized by the federal government.

26 (16) For clerks' special services such as processing ex parte
27 orders by mail, performing historical searches, compiling statistical
28 reports, and conducting exceptional record searches the clerk may
29 collect a fee not to exceed twenty dollars per hour or portion of an
30 hour.

31 (17) For duplicated recordings of court's proceedings there shall
32 be a fee of ten dollars for each audio tape and twenty-five dollars for
33 each video tape.

34 (18) Upon conviction or plea of guilty, upon failure to prosecute
35 an appeal from a court of limited jurisdiction as provided by law, or
36 upon affirmance of a conviction by a court of limited jurisdiction, a
37 defendant in a criminal case shall be liable for a fee of one hundred
38 ten dollars.

1 (19) With the exception of demands for jury hereafter made and
2 garnishments hereafter issued, civil actions and probate proceedings
3 filed prior to midnight, July 1, 1972, shall be completed and governed
4 by the fee schedule in effect as of January 1, 1972: PROVIDED, That no
5 fee shall be assessed if an order of dismissal on the clerk's record be
6 filed as provided by rule of the supreme court.

7 (20) No fee shall be collected when a petition for relinquishment
8 of parental rights is filed pursuant to RCW 26.33.080 or for forms and
9 instructional brochures provided under RCW 26.50.030.

10 NEW SECTION. **Sec. 54.** A new section is added to chapter 28A.225
11 RCW to read as follows:

12 In any judicial district having a court commissioner, the court
13 commissioner shall have the power, authority, and jurisdiction,
14 concurrent with a juvenile court judge, to hear all cases under RCW
15 28A.225.030, 28A.225.090, and section 52 of this act and to enter
16 judgment and make orders with the same power, force, and effect as any
17 judge of the juvenile court, subject to motion or demand by any party
18 within ten days from the entry of the order or judgment by the court
19 commissioner as provided in RCW 2.24.050. In any judicial district
20 having a family law commissioner appointed pursuant to chapter 26.12
21 RCW, the family law commissioner shall have the power, authority, and
22 jurisdiction, concurrent with a juvenile court judge, to hear cases
23 under RCW 28A.225.030, 28A.225.090, and section 52 of this act and to
24 enter judgment and make orders with the same power, force, and effect
25 as any judge of the juvenile court, subject to motion or demand by any
26 party within ten days from the entry of the order or judgment by the
27 court commissioner as provided in RCW 2.24.050.

28 NEW SECTION. **Sec. 55.** A new section is added to chapter 28A.225
29 RCW to read as follows:

30 (1) Each school shall document the actions taken under RCW
31 28A.225.020 and 28A.225.030 and report this information at the end of
32 each grading period to the school district superintendent who shall
33 compile the data for all the schools in the district and prepare an
34 annual school district report for each school year and submit the
35 report to the superintendent of public instruction. The reports shall
36 be made upon forms furnished by the superintendent of public

1 instruction and shall be transmitted as determined by the
2 superintendent of public instruction.

3 (2) The reports under subsection (1) of this section shall include:

4 (a) The number of enrolled students and the number of excused and
5 unexcused absences;

6 (b) Documentation of the steps taken by the school district under
7 each subsection of RCW 28A.225.020;

8 (c) The number of enrolled students with ten or more unexcused
9 absences in a school year or five or more unexcused absences in a month
10 during a school year;

11 (d) Documentation of success by the school district in
12 substantially reducing enrolled student absences for students with five
13 or more absences in any month or ten or more unexcused absences in any
14 school year;

15 (e) The number of petitions filed by a school district or a parent
16 with the juvenile court; and

17 (f) The disposition of cases filed with the juvenile court,
18 including the frequency of contempt orders issued to enforce a court's
19 order under RCW 28A.225.090.

20 (3) A report required under this section shall not disclose the
21 name or other identification of a child or parent.

22 (4) The superintendent of public instruction shall collect these
23 reports from all school districts and prepare an annual report for each
24 school year to be submitted to the legislature no later than December
25 15th of each year.

26 NEW SECTION. **Sec. 56.** A new section is added to chapter 28A.225
27 RCW to read as follows:

28 A school district that fails to make a report, makes a false
29 report, or fails to substantially comply with its responsibilities and
30 duties under RCW 28A.225.010 through 28A.225.030 and section 55 of this
31 act, shall be subject to a fine in superior court of not more than ten
32 thousand dollars. A county or municipal prosecutor or the office of
33 the attorney general may file a petition in superior court alleging a
34 violation under this section.

35 **Sec. 57.** RCW 28A.225.060 and 1990 c 33 s 223 are each amended to
36 read as follows:

1 Any (~~attendance officer~~) school district official, sheriff,
2 deputy sheriff, marshal, police officer, or any other officer
3 authorized to make arrests, (~~shall~~) may take into custody without a
4 warrant a child who is required under the provisions of RCW 28A.225.010
5 through 28A.225.140 to attend school(~~, such child then being a truant~~
6 ~~from instruction at the school which he or she is lawfully required to~~
7 ~~attend~~) and is absent from school without an approved excuse, and
8 shall (~~forthwith~~) deliver (~~a child so detained either~~) the child
9 to: (1) (~~to~~) The custody of a person in parental relation to the
10 child (~~or~~); (2) (~~to~~) the school from which the child is (~~then a~~
11 truant) absent; or (3) a program designated by the school district.

12 **Sec. 58.** RCW 28A.225.090 and 1992 c 205 s 204 are each amended to
13 read as follows:

14 Any person violating any of the provisions of either RCW
15 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five
16 dollars for each day of unexcused absence from school. However, a
17 child found to be in violation of RCW 28A.225.010 shall be required to
18 attend school and shall not be fined. If the child fails to comply
19 with the court order to attend school, the court may: (1) Order the
20 child be punished by detention; or (~~may~~) (2) impose alternatives to
21 detention such as community service hours or participation in dropout
22 prevention programs or referral to a community truancy board, if
23 available. Failure by a child to comply with an order issued under
24 this section shall not be punishable by detention for a period greater
25 than that permitted pursuant to a contempt proceeding against a child
26 under chapter 13.32A RCW. It shall be a defense for a parent charged
27 with violating RCW 28A.225.010 to show that he or she exercised
28 reasonable diligence in attempting to cause a child in his or her
29 custody to attend school or that the (~~juvenile's~~) child's school did
30 not perform its duties as required in RCW 28A.225.020. The court may
31 order the parent to provide community service at the child's school
32 instead of imposing a fine. Any fine imposed pursuant to this section
33 may be suspended upon the condition that a parent charged with
34 violating RCW 28A.225.010 shall participate with the school and the
35 (~~juvenile~~) child in a supervised plan for the (~~juvenile's~~) child's
36 attendance at school or upon condition that the parent attend a
37 conference or conferences scheduled by a school for the purpose of
38 analyzing the causes of a child's absence.

1 (~~Attendance officers~~) School districts shall make complaint for
2 violation of the provisions of RCW 28A.225.010 through 28A.225.140 to
3 a judge of the (~~superior or district~~) juvenile court.

4 **Sec. 59.** RCW 28A.225.110 and 1990 c 33 s 228 are each amended to
5 read as follows:

6 Notwithstanding the provisions of RCW 10.82.070, all fines except
7 as otherwise provided in RCW 28A.225.010 through 28A.225.140 shall
8 (~~inure and be applied to the support of the public schools in the~~
9 ~~school district where such offense was committed: PROVIDED, That all~~
10 ~~fees, fines, forfeitures and penalties collected or assessed by a~~
11 ~~district court because of the violation of a state law shall be~~
12 ~~remitted as provided in chapter 3.62 RCW as now exists or is later~~
13 ~~amended~~) be paid to the county treasurer who shall deposit the fine to
14 the credit of the courts in the county for the exclusive purpose of
15 enforcing the provisions of RCW 28A.225.010 through 28A.225.140.

16 NEW SECTION. **Sec. 60.** A new section is added to chapter 28A.600
17 RCW to read as follows:

18 School district boards of directors shall review school district
19 policies regarding access and egress by students from secondary school
20 grounds during school hours. Each school district board of directors
21 shall adopt a policy specifying any restrictions on students leaving
22 secondary school grounds during school hours.

23 NEW SECTION. **Sec. 61.** (1) Section 54 of this act shall take
24 effect September 1, 1995.

25 (2) Section 60 of this act shall take effect September 1, 1996.

26 NEW SECTION. **Sec. 62.** The following acts or parts of acts are
27 each repealed:

28 (1) RCW 28A.225.040 and 1990 c 33 s 221 & 1969 ex.s. c 223 s
29 28A.27.030;

30 (2) RCW 28A.225.050 and 1990 c 33 s 222, 1986 c 132 s 4, 1975 1st
31 ex.s. c 275 s 56, 1971 c 48 s 9, 1969 ex.s. c 176 s 105, & 1969 ex.s.
32 c 223 s 28A.27.040;

33 (3) RCW 28A.225.070 and 1990 c 33 s 224, 1975 1st ex.s. c 275 s 57,
34 1969 ex.s. c 176 s 106, & 1969 ex.s. c 223 s 28A.27.080;

1 (4) RCW 28A.225.100 and 1990 c 33 s 227, 1987 c 202 s 190, 1975 1st
2 ex.s. c 275 s 58, & 1970 ex.s. c 15 s 14;

3 (5) RCW 28A.225.120 and 1990 c 33 s 229, 1986 c 132 s 6, 1979 ex.s.
4 c 201 s 7, & 1969 ex.s. c 223 s 28A.27.110;

5 (6) RCW 28A.225.130 and 1990 c 33 s 230, 1987 c 202 s 192, & 1969
6 ex.s. c 223 s 28A.27.120; and

7 (7) RCW 28A.225.150 and 1992 c 205 s 205, 1990 c 33 s 232, & 1986
8 c 132 s 7.

9 NEW SECTION. **Sec. 63.** If specific funding for the purposes of
10 this act, referencing this act by bill number, is not provided by June
11 30, 1995, in the omnibus appropriations act, this act is null and
12 void."

13 **E2SHB 1417** - S COMM AMD

14 By Committee on Human Services & Corrections

15

16 On page 1, line 1 of the title, after "juveniles;" strike the
17 remainder of the title and insert "amending RCW 13.32A.010, 13.32A.030,
18 13.32A.040, 13.32A.050, 13.32A.060, 13.32A.070, 13.32A.090, 13.32A.120,
19 13.32A.130, 13.32A.140, 13.32A.150, 13.32A.160, 13.32A.170, 13.32A.175,
20 13.32A.177, 13.32A.180, 13.32A.190, 13.32A.192, 13.32A.194, 13.32A.196,
21 13.32A.250, 13.04.030, 13.04.040, 13.04.093, 70.96A.090, 70.96A.095,
22 71.34.030, 74.13.031, 74.13.032, 74.13.033, 74.13.034, 74.13.035,
23 74.13.036, 82.14.300, 82.14.320, 28A.225.020, 28A.225.030, 36.18.020,
24 28A.225.060, 28A.225.090, and 28A.225.110; adding new sections to
25 chapter 13.32A RCW; adding a new section to chapter 71.34 RCW; adding
26 a new section to chapter 74.13 RCW; adding new sections to chapter
27 28A.225 RCW; adding a new section to chapter 28A.600 RCW; creating new
28 sections; repealing RCW 28A.225.040, 28A.225.050, 28A.225.070,
29 28A.225.100, 28A.225.120, 28A.225.130, and 28A.225.150; prescribing
30 penalties; and providing effective dates."

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