

2 **E2SSB 5439** - CONF REPT
3 By Conference Committee

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 including services and assessments conducted under
18 chapter 13.32A RCW and RCW 74.13.033. Within available funds, the
19 legislature intends to provide these services through crisis
20 residential centers in which children and youth may safely reside for
21 a limited period of time. The time in residence shall be used to
22 conduct an assessment of the needs of the children, youth, and their
23 families. The assessments are necessary to identify appropriate
24 services and placement options that will reduce the likelihood that
25 children will place themselves in dangerous or life-threatening
26 situations.

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

32 The legislature intends to provide for the protection of children
33 who, through their behavior, are endangering themselves. The
34 legislature intends to provide appropriate residential services,
35 including secure facilities, to protect, stabilize, and treat children
36 with serious problems. The legislature further intends to empower
37 parents by providing them with the assistance they require to raise
38 their children.

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

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

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

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

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

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

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

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

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

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

21 (b) Who has been reported to law enforcement as absent without
22 consent for at least twenty-four consecutive hours from the parent's
23 home, a crisis residential center, an out-of-home placement, or a
24 court-ordered placement on two or more separate occasions; and

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

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

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

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

33 (iii) Whose parents have evidenced continuing but unsuccessful
34 efforts to maintain the family structure or are unable or unwilling to
35 continue efforts to maintain the family structure.

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

1 (5) "Custodian" means the person or entity who has the legal right
2 to the custody of the child.

3 (6) "Department" means the department of social and health
4 services((+)

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

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

11 (8) "Guardian" means that person or agency that (a) has been
12 appointed as the guardian of a child in a legal proceeding other than
13 a proceeding under chapter 13.34 RCW, and (b) has the right to legal
14 custody of the child pursuant to such appointment. The term "guardian"
15 does not include a "dependency guardian" appointed pursuant to a
16 proceeding under chapter 13.34 RCW.

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

30 (10) "Out-of-home placement" means a placement in a foster family
31 home or group care facility licensed pursuant to chapter 74.15 RCW or
32 placement in a home, other than that of the child's parent, guardian,
33 or legal custodian, not required to be licensed pursuant to chapter
34 74.15 RCW.

35 (11) "Parent" means the ((legal)) parent or parents who have the
36 legal right to custody of the child. "Parent" includes
37 custodian((+s)) or guardian((+s) of a child;)).

38 ((+4)) (12) "Secure facility" means a crisis residential center,
39 or portion thereof, that has locking doors, locking windows, or a

1 secured perimeter, designed and operated to prevent a child from
2 leaving without permission of the facility staff.

3 (13) "Semi-secure facility" means any facility, including but not
4 limited to crisis residential centers or specialized foster family
5 homes, operated in a manner to reasonably assure that youth placed
6 there will not run away(~~(: PROVIDED, That such facility shall not be~~
7 ~~a secure institution or facility as defined by the federal juvenile~~
8 ~~justice and delinquency prevention act of 1974 (P.L. 93-415; 42 U.S.C.~~
9 ~~Sec. 5634 et seq.) and regulations and clarifying instructions~~
10 ~~promulgated thereunder)). Pursuant to rules established by the~~
11 ~~department, the facility administrator shall establish reasonable hours~~
12 ~~for residents to come and go from the facility such that no residents~~
13 ~~are free to come and go at all hours of the day and night. To prevent~~
14 ~~residents from taking unreasonable actions, the facility administrator,~~
15 ~~where appropriate, may condition a resident's leaving the facility upon~~
16 ~~the resident being accompanied by the administrator or the~~
17 ~~administrator's designee and the resident may be required to notify the~~
18 ~~administrator or the administrator's designee of any intent to leave,~~
19 ~~his or her intended destination, and the probable time of his or her~~
20 ~~return to the center. ((The facility administrator shall notify a~~
21 ~~parent and the appropriate law enforcement agency within four hours of~~
22 ~~all unauthorized leaves;~~

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

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

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

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

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

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

37 Whenever a child in need of services petition is filed by a youth
38 pursuant to RCW 13.32A.130, or the department pursuant to RCW

1 13.32A.150, the youth or the department shall have a copy of the
2 petition served on the parents of the youth. Service shall first be
3 attempted in person and if unsuccessful, then by certified mail with
4 return receipt.

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

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

25 **Sec. 6.** RCW 13.32A.050 and 1994 sp.s. c 7 s 505 are each amended
26 to read as follows:

27 (1) A law enforcement officer shall take a child into custody:
28 ~~((+1))~~ (a) If a law enforcement agency has been contacted by the
29 parent of the child that the child is absent from parental custody
30 without consent; or
31 ~~((+2))~~ (b) If a law enforcement officer reasonably believes,
32 considering the child's age, the location, and the time of day, that a
33 child is in circumstances which constitute a danger to the child's
34 safety or that a child is violating a local curfew ordinance; or
35 ~~((+3))~~ (c) If an agency legally charged with the supervision of a
36 child has notified a law enforcement agency that the child has run away
37 from placement; or

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

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

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

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

18 (4) If the law enforcement officer who initially takes the juvenile
19 into custody or the staff of the crisis residential center have
20 reasonable cause to believe that the child is absent from home because
21 he or she is abused or neglected, a report shall be made immediately to
22 the department.

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

26 (6) If a law enforcement officer receives a report that causes the
27 officer to have reasonable suspicion that a child is being harbored
28 under RCW 13.32A.080 or for other reasons has a reasonable suspicion
29 that a child is being ~~((unlawfully))~~ harbored under RCW 13.32A.080, the
30 officer shall remove the child from the custody of the person harboring
31 the child and shall transport the child to one of the locations
32 specified in RCW 13.32A.060.

33 (7) No child may be placed in a secure facility except as provided
34 in this chapter.

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

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

4 (a) Transport the child to his or her home or to a parent at his or
5 her place of employment, if no parent is at home. The officer
6 releasing a child into the custody of the parent shall inform the
7 parent of the reason for the taking of the child into custody and shall
8 inform the child and the parent of the nature and location of
9 appropriate services available in their community. The parent may
10 direct the officer to take the child to the home of an adult extended
11 family member, responsible adult, or a licensed youth shelter. The
12 officer releasing a child into the custody of an adult extended family
13 member, responsible adult, or a licensed youth shelter shall inform the
14 child and the person receiving the child of the nature and location of
15 appropriate services available in the community; or

16 (b) After attempting to notify the parent, take the child to ((the
17 home of an adult extended family member,)) a designated crisis
18 residential ((center, or the home of a responsible adult after
19 attempting to notify the parent or legal guardian)) center's secure
20 facility or a center's semi-secure facility if a secure facility is
21 full, not available, or not located within a reasonable distance:

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

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

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

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

35 (2) An officer taking a child into custody under RCW 13.32A.050
36 ~~((+3))~~ (1) (c) or ~~((+4))~~ (d) shall inform the child of the reason for
37 custody~~((, and))~~. An officer taking a child into custody under RCW
38 13.32A.050(1)(c) shall take the child to a designated crisis
39 residential center's secure facility or, if not available or located

1 within a reasonable distance, to a semi-secure facility within a crisis
2 residential center, licensed by the department and established pursuant
3 to chapter 74.13 RCW. ~~((However,))~~ An officer taking a child into
4 custody under RCW 13.32A.050~~((+4))~~ (1)(d) may place the child in a
5 juvenile detention facility as provided in RCW 13.32A.065 or a secure
6 facility. The department shall ensure that all ~~((the))~~ law enforcement
7 authorities are informed on a regular basis as to the location of
8 ~~((the))~~ all designated secure and semi-secure facilities within crisis
9 residential center or centers in their ~~((judicial—district))~~
10 jurisdiction, where children taken into custody under RCW 13.32A.050
11 may be taken.

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

16 **Sec. 8.** RCW 13.32A.070 and 1986 c 288 s 2 are each amended to read
17 as follows:

18 (1) ~~((An officer taking a child into custody under RCW 13.32A.050~~
19 ~~may, at his or her discretion, transport the child to the home of a~~
20 ~~responsible adult who is other than the child's parent where the~~
21 ~~officer reasonably believes that the child will be provided with~~
22 ~~adequate care and supervision and that the child will remain in the~~
23 ~~custody of such adult until such time as the department can bring about~~
24 ~~the child's return home or an alternative residential placement can be~~
25 ~~agreed to or determined pursuant to this chapter. An officer placing~~
26 ~~a child with a responsible adult other than his or her parent shall~~
27 ~~immediately notify the department's local community service office of~~
28 ~~this fact and of the reason for taking the child into custody.~~

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

35 ~~((+3))~~ (2) A person ~~((other than a parent of such child who~~
36 ~~receives))~~ with whom a child is placed pursuant to this chapter and who
37 acts reasonably and in good faith ~~((in doing so))~~ is immune from civil
38 or criminal liability for the act of receiving ~~((such))~~ the child.

1 ((Such)) The immunity does not release ((such)) the person from
2 liability under any other law ((including the laws regulating licensed
3 child care and prohibiting child abuse)).

4 NEW SECTION. Sec. 9. A new section is added to chapter 13.32A RCW
5 to read as follows:

6 The parents of a child placed in a crisis residential center shall
7 contribute fifty dollars per day, for not more than five consecutive
8 days, for the expense of the child's placement. However, the secretary
9 may establish a payment schedule that requires a lesser payment based
10 on a parent's ability to pay. The payment shall be made to the
11 department. No child may be denied placement in, or removed from, a
12 crisis residential center based solely on the income of the parent.

13 Sec. 10. RCW 13.32A.090 and 1990 c 276 s 6 are each amended to
14 read as follows:

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

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

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

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

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

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

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

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

36 (c) Inform the parent whether a referral to children's protective
37 services has been made and, if so, inform the parent of the standard

1 pursuant to RCW 26.44.020(12) governing child abuse and neglect in this
2 state;

3 (d) Arrange transportation for the child to the residence of the
4 parent, as soon as practicable, at the latter's expense to the extent
5 of his or her ability to pay, with any unmet transportation expenses to
6 be assumed by the department, when the child and his or her parent
7 agrees to the child's return home or when the parent produces a copy of
8 a court order entered under this chapter requiring the child to reside
9 in the parent's home;

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

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

16 **Sec. 11.** RCW 13.32A.120 and 1990 c 276 s 7 are each amended to
17 read as follows:

18 (1) Where either a child or the child's parent or the person or
19 facility currently providing shelter to the child notifies the center
20 that such individual or individuals cannot agree to the continuation of
21 an ((~~alternative—residential~~)) out-of-home placement arrived at
22 pursuant to RCW 13.32A.090(2)(e), the center shall immediately contact
23 the remaining party or parties to the agreement and shall attempt to
24 bring about the child's return home or to an alternative living
25 arrangement agreeable to the child and the parent as soon as
26 practicable.

27 (2) If a child and his or her parent cannot agree to an
28 ((~~alternative—residential~~)) out-of-home placement under RCW
29 13.32A.090(2)(e), either the child or parent may file with the juvenile
30 court a petition to approve an ((~~alternative—residential~~)) out-of-home
31 placement or the parent may file with the juvenile court a petition in
32 the interest of a child alleged to be an at-risk youth under this
33 chapter.

34 (3) If a child and his or her parent cannot agree to the
35 continuation of an ((~~alternative—residential~~)) out-of-home placement
36 arrived at under RCW 13.32A.090(2)(e), either the child or parent may
37 file with the juvenile court a petition to approve an ((~~alternative~~
38 ~~residential~~)) out-of-home placement or the parent may file with the

1 juvenile court a petition in the interest of a child alleged to be an
2 at-risk youth under this chapter.

3 **Sec. 12.** RCW 13.32A.130 and 1994 sp.s. c 7 s 508 are each amended
4 to read as follows:

5 (1) A child admitted to a secure facility within a crisis
6 residential center ((under this chapter who is not returned to the home
7 of his or her parent or who is not placed in an alternative residential
8 placement under an agreement between the parent and child, shall,
9 except as provided for by RCW 13.32A.140 and 13.32A.160(2), reside in
10 the placement under the rules established for the center for a period
11 not to exceed five consecutive days from the time of intake, except as
12 otherwise provided by this chapter)) shall remain in the facility for
13 not more than five consecutive days, but for at least twenty-four hours
14 after admission.

15 (2)(a)(i) The facility administrator shall determine within twenty-
16 four hours after a child's admission to a secure facility whether the
17 child can be safely admitted to a semi-secure facility and may transfer
18 the child to a semi-secure facility. The determination shall be based
19 on: (A) The need for continued assessment, protection, and treatment
20 of the child in a secure facility; and (B) the likelihood the child
21 would remain at a semi-secure facility until his or her parents can
22 take the child home or a petition can be filed under this title.

23 (ii) In making the determination the administrator shall include
24 consideration of the following information if known: (A) A child's age
25 and maturity; (B) the child's condition upon arrival at the center; (C)
26 the circumstances that led to the child's being taken to the center;
27 (D) whether the child's behavior endangers the health, safety, or
28 welfare of the child or any other person; (E) the child's history of
29 running away which has endangered the health, safety, and welfare of
30 the child; and (F) the child's willingness to cooperate in conducting
31 the assessment.

32 (b) If the administrator determines the child is unlikely to remain
33 in a semi-secure facility, the administrator shall keep the child in
34 the secure facility pursuant to this chapter and in order to provide
35 for space for the child may transfer another child who has been in the
36 facility for at least seventy-two hours to a semi-secure facility. The
37 administrator shall only make a transfer of a child after determining

1 that the child who may be transferred is likely to remain at the semi-
2 secure facility.

3 (c) A crisis residential center administrator is authorized to
4 transfer a child to a crisis residential center in the area where the
5 child's parents reside or where the child's lawfully prescribed
6 residence is located.

7 (d) An administrator may transfer a child from a semi-secure
8 facility to a secure facility whenever the administrator reasonably
9 believes that the child is likely to leave the semi-secure facility and
10 not return.

11 (3) If no parent is available or willing to remove the child during
12 the five-day period, the department shall consider the filing of a
13 petition under RCW 13.32A.140.

14 (4) The requirements of this section shall not apply to a child who
15 is: (a) Returned to the home of his or her parent; (b) placed in a
16 semi-secure facility within a crisis residential center pursuant to a
17 temporary out-of-home placement order authorized under section 44 of
18 this act; (c) placed in an out-of-home placement; or (d) is subject to
19 a petition under section 25 of this act.

20 (5) Notwithstanding the provisions of subsection (1) of this
21 section, the parents may remove the child at any time during the five-
22 day period unless the staff of the crisis residential center has
23 reasonable cause to believe that the child is absent from the home
24 because he or she is abused or neglected or if allegations of abuse or
25 neglect have been made against the parents. The department may remove
26 the child whenever a dependency petition is filed under chapter 13.34
27 RCW.

28 (6) Crisis residential center staff shall make ((a-concerted))
29 reasonable efforts to protect the child and achieve a reconciliation of
30 the family. If a reconciliation and voluntary return of the child has
31 not been achieved within forty-eight hours from the time of intake, and
32 if the person in charge of the center does not consider it likely that
33 reconciliation will be achieved within the five-day period, then the
34 person in charge shall inform the parent and child of ((+1)) (a) the
35 availability of counseling services; ((+2)) (b) the right to file a
36 child in need of services petition for an ((alternative-residential))
37 out-of-home placement, the right of a parent to file an at-risk youth
38 petition, and the right of the parent and child to obtain assistance in
39 filing the petition; (c) the right to request the facility

1 administrator or his or her designee to form a multidisciplinary team;
2 and ~~((+3))~~ (d) the right to request a review of any ~~((alternative~~
3 ~~residential))~~ out-of-home placement.

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

13 (8) A crisis residential center and its administrator or his or her
14 designee acting in good faith in carrying out the provisions of this
15 section are immune from criminal or civil liability for such actions.

16 NEW SECTION. Sec. 13. A new section is added to chapter 13.32A
17 RCW to read as follows:

18 (1)(a) The administrator of a crisis residential center may convene
19 a multidisciplinary team, which is to be locally based and
20 administered, at the request of a child placed at the center or the
21 child's parent.

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

26 (c) A parent may disband a team twenty-four hours, excluding
27 weekends and holidays, after receiving notice of formation of the team
28 under (b) of this subsection unless a petition has been filed under RCW
29 13.32A.140. If a petition has been filed the parent may not disband
30 the team until the hearing is held under section 20 of this act. The
31 court may allow the team to continue if an out-of-home placement is
32 ordered under section 20(3) of this act. Upon the filing of an at-risk
33 youth or dependency petition the team shall cease to exist, unless the
34 parent requests continuation of the team or unless the out-of-home
35 placement was ordered under section 20(3) of this act.

36 (2) The secretary shall request participation of appropriate state
37 agencies to assist in the coordination and delivery of services through
38 the multidisciplinary teams. Those agencies that agree to participate

1 shall provide the secretary all information necessary to facilitate
2 forming a multidisciplinary team and the secretary shall provide this
3 information to the administrator of each crisis residential center.

4 (3) The secretary shall designate within each region a department
5 employee who shall have responsibility for coordination of the state
6 response to a request for creation of a multidisciplinary team. The
7 secretary shall advise the administrator of each crisis residential
8 center of the name of the appropriate employee. Upon a request of the
9 administrator to form a multidisciplinary team the employee shall
10 provide a list of the agencies that have agreed to participate in the
11 multidisciplinary team.

12 (4) The administrator shall also seek participation from
13 representatives of mental health and drug and alcohol treatment
14 providers as appropriate.

15 (5) A parent shall be advised of the request to form a
16 multidisciplinary team and may select additional members of the
17 multidisciplinary team. The parent or child may request any person or
18 persons to participate including, but not limited to, educators, law
19 enforcement personnel, court personnel, family therapists, licensed
20 health care practitioners, social service providers, youth residential
21 placement providers, other family members, church representatives, and
22 members of their own community. The administrator shall assist in
23 obtaining the prompt participation of persons requested by the parent
24 or child.

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

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

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

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

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

1 NEW SECTION. **Sec. 14.** A new section is added to chapter 13.32A
2 RCW to read as follows:

3 (1) The purpose of the multidisciplinary team is to assist in a
4 coordinated referral of the family to available social and health-
5 related services.

6 (2) At the first meeting of the multidisciplinary team, it shall
7 choose a member to coordinate the team's efforts. The parent member of
8 the multidisciplinary team must agree with the choice of coordinator.
9 The team shall meet or communicate as often as necessary to assist the
10 family.

11 (3) The coordinator of the multidisciplinary team may assist in
12 filing a child in need of services petition when requested by the
13 parent or child or an at-risk youth petition when requested by the
14 parent. The multidisciplinary team shall have no standing as a party
15 in any action under this title.

16 (4) If the administrator is unable to contact the child's parent,
17 the multidisciplinary team may be used for assistance. If the parent
18 has not been contacted within five days the administrator shall contact
19 the department and request the case be reviewed for a dependency filing
20 under chapter 13.34 RCW.

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (3) An agreement between parent and child made pursuant to RCW
11 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer
12 acceptable to parent or child, and:

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

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

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

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

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

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

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

37 If the department files a petition under this section, the
38 department shall submit in a supporting affidavit any information
39 provided under section 38 of this act.

1 **Sec. 16.** RCW 13.32A.150 and 1992 c 205 s 208 are each amended to
2 read as follows:

3 (1) Except as otherwise provided in this ~~((section))~~ chapter, the
4 juvenile court shall not accept the filing of ~~((an alternative~~
5 ~~residential placement))~~ a child in need of services petition by the
6 child or the parents or the filing of an at-risk youth petition by the
7 parent, unless verification is provided that a family assessment has
8 been completed by the department. The family assessment provided by
9 the department shall involve the multidisciplinary team as provided in
10 RCW 13.32A.040, if one exists. The family assessment or plan of
11 services developed by the multidisciplinary team shall be aimed at
12 family reconciliation, reunification, and avoidance of the out-of-home
13 placement of the child. If the department is unable to complete an
14 assessment within two working days following a request for assessment
15 the child or the parents may proceed under subsection (2) of this
16 section or the parent may proceed under ~~((subsection (3) of this))~~
17 section 25 of this act.

18 (2) A child or a child's parent may file with the juvenile court a
19 child in need of services petition to approve an ~~((alternative~~
20 ~~residential))~~ out-of-home placement for the child ~~((outside the~~
21 ~~parent's home))~~. The department shall, when requested, assist either
22 a parent or child in the filing of the petition. The petition shall
23 only ask that the placement of a child outside the home of his or her
24 parent be approved. The filing of a petition to approve ~~((such))~~ the
25 placement 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 a special jurisdiction to approve or disapprove an ~~((alternative~~
28 ~~residential))~~ out-of-home placement.

29 ~~((3) A child's parent may file with the juvenile court a petition~~
30 ~~in the interest of a child alleged to be an at risk youth. The~~
31 ~~department shall, when requested, assist the parent in filing the~~
32 ~~petition. The petition shall be filed in the county where the~~
33 ~~petitioning parent resides. The petition shall set forth the name,~~
34 ~~age, and residence of the child and the names and residence of the~~
35 ~~child's parents and shall allege that:~~

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

37 ~~(b) The petitioning parent has the right to legal custody of the~~
38 ~~child;~~

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

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

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

21 **Sec. 17.** RCW 13.32A.160 and 1990 c 276 s 11 are each amended to
22 read as follows:

23 (1) When a proper child in need of services petition to approve an
24 ~~((alternative residential))~~ out-of-home placement is filed under RCW
25 13.32A.120, 13.32A.140, or 13.32A.150 the juvenile court shall: (a)
26 Schedule a ~~((date for a))~~ fact-finding hearing to be held within three
27 judicial days; notify the parent, child, and the department of such
28 date; (b) notify the parent of the right to be represented by counsel
29 and, if indigent, to have counsel appointed for him or her by the
30 court; (c) appoint legal counsel for the child; (d) inform the child
31 and his or her parent of the legal consequences of the court approving
32 or disapproving an ~~((alternative residential))~~ out-of-home placement
33 petition; (e) notify the parents of their rights under this chapter and
34 chapters 11.88, 13.34, 70.96A, and 71.34 RCW, including the right to
35 file an at-risk youth petition, the right to submit an application for
36 admission of their child to a treatment facility for alcohol, chemical
37 dependency, or mental health treatment, and the right to file a
38 guardianship petition; and ~~((e))~~ (f) notify all parties, including

1 the department, of their right to present evidence at the fact-finding
2 hearing.

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

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

15 **Sec. 18.** RCW 13.32A.170 and 1989 c 269 s 3 are each amended to
16 read as follows:

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

30 (a) The petition is not capricious;

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

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

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

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

2 The court may not grant a petition filed by the child or the
3 department if it is established that the petition is based only upon a
4 dislike of reasonable rules or reasonable discipline established by the
5 parent.

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

16 ~~(3) The hearing to consider the recommendations of the department
17 for a three month disposition plan shall be set no later than fourteen
18 days after the approval of the court of a petition to approve
19 alternative residential placement. Each party shall be notified of the
20 time and place of such disposition hearing.~~

21 ~~(4) If the court approves or denies a petition for an alternative
22 residential placement, a written statement of the reasons shall be
23 filed. If the court denies a petition requesting that a child be
24 placed in a residence other than the home of his or her parent, the
25 court shall enter an order requiring the child to remain at or return
26 to the home of his or her parent.~~

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

31 ~~(6) A child who fails to comply with a court order directing that
32 the child remain at or return to the home of his or her parent shall be
33 subject to contempt proceedings, as provided in this chapter, but only
34 if the noncompliance occurs within ninety calendar days after the day
35 of the order.~~

36 ~~(7) The department may request, and the juvenile court may grant,
37 dismissal of an alternative residential placement order when it is not
38 feasible for the department to provide services due to one or more of
39 the following 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 Following the fact-finding hearing the court shall: (a) Enter a
9 temporary out-of-home placement for a period not to exceed fourteen
10 days pending approval of a disposition decision to be made under
11 section 20(2) of this act; (b) approve an at-risk youth petition filed
12 by the parents; (c) dismiss the petition; or (d) order the department
13 to review the case to determine whether the case is appropriate for a
14 dependency petition under chapter 13.34 RCW.

15 **Sec. 19.** RCW 13.32A.175 and 1987 c 435 s 13 are each amended to
16 read as follows:

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

29 NEW SECTION. **Sec. 20.** A new section is added to chapter 13.32A
30 RCW to read as follows:

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

34 (2) At the commencement of the hearing the court shall advise the
35 parents of their rights as set forth in RCW 13.32A.160(1)(e). If the
36 court approves or denies a child in need of services petition, a
37 written statement of the reasons shall be filed. At the conclusion of

1 the hearing the court may: (a) Reunite the family and dismiss the
2 petition; (b) approve an at-risk youth petition filed by the parents;
3 (c) approve a voluntary out-of-home placement requested by the parents;
4 (d) order any conditions set forth in RCW 13.32A.196(2); or (e) order
5 the department to file a petition for dependency under chapter 13.34
6 RCW.

7 (3) At the conclusion of the hearing, if the court has not taken
8 action under subsection (2) of this section it may, at the request of
9 the child or department, enter an order for out-of-home placement for
10 not more than ninety days. The court may only enter an order under
11 this subsection if it finds by clear, cogent, and convincing evidence
12 that: (a)(i) The order is in the best interest of the family; (ii) the
13 parents have not requested an out-of-home placement; (iii) the parents
14 have not exercised any other right listed in RCW 13.32A.160(1)(e); (iv)
15 the child has made reasonable efforts to resolve the conflict; (v) the
16 conflict cannot be resolved by delivery of services to the family
17 during continued placement of the child in the parental home; (vi)
18 reasonable efforts have been made to prevent or eliminate the need for
19 removal of the child from the child's home and to make it possible for
20 the child to return home; and (vii) a suitable out-of-home placement
21 resource is available; (b)(i) the order is in the best interest of the
22 child; and (ii) the parents are unavailable; or (c) the parent's
23 actions cause an imminent threat to the child's health or safety. If
24 the court has entered an order under this section, it may order any
25 conditions set forth in RCW 13.32A.196(2).

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

30 (5) The parents or the department may request, and the court may
31 grant, dismissal of a placement order when it is not feasible for the
32 department to provide services due to one or more of the following
33 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 (6) The court shall dismiss a placement made under subsection
4 (2)(c) of this section upon the request of the parents.

5 NEW SECTION. **Sec. 21.** A new section is added to chapter 13.32A
6 RCW to read as follows:

7 The crisis residential center administrator shall notify parents
8 and the appropriate law enforcement agency immediately as to any
9 unauthorized leave from the center by a child placed at the center.

10 **Sec. 22.** 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. 23.** RCW 13.32A.180 and 1979 c 155 s 32 are each amended to
16 read as follows:

17 ((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. 24.** 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 20 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 20(3) of this act.

6 NEW SECTION. Sec. 25. 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. 26.** 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 facility within a crisis residential center
21 ~~((licensed by the department and established pursuant to chapter 74.13~~
22 ~~RCW)).~~ If the child is placed in detention, a review shall be held as
23 provided in RCW 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. 27.** 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. 28.** 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) A contempt action is pending in the case; (b) a petition
28 has been filed under RCW 13.32A.150 and a hearing has not yet been held
29 under section 20 of this act; or (c) an order has been entered under
30 section 20(3) of this act and the court retains jurisdiction under that
31 subsection. The court may retain jurisdiction over the matter for the
32 purpose of concluding any pending contempt proceedings, including the
33 full satisfaction of any penalties imposed as a result of a contempt
34 finding.

35 ((+5+)) (6) The court may order the department to monitor
36 compliance with the dispositional order, assist in coordinating the
37 provision of court-ordered services, and submit reports at subsequent
38 review hearings regarding the status of the case.

1 **Sec. 29.** RCW 13.32A.250 and 1990 c 276 s 16 are each amended to
2 read as follows:

3 (1) In all (~~alternative residential placement~~) child in need of
4 services proceedings and at-risk youth proceedings, the court shall
5 verbally notify the parents and the child of the possibility of a
6 finding of contempt for failure to comply with the terms of a court
7 order entered pursuant to this chapter. The court shall treat the
8 parents and the child equally for the purposes of applying contempt of
9 court processes and penalties under this section.

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

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

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

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

24 NEW SECTION. **Sec. 30.** A new section is added to chapter 13.32A
25 RCW to read as follows:

26 (1) This section contains special provisions to deal with the
27 extraordinary dangers to children who are habitual runaways and to
28 assist families to cope with the acute problems presented by such
29 children.

30 (2) In disposition proceedings involving a child in need of
31 services or an at-risk youth, the court may adopt the additional orders
32 authorized under this section if it finds that the child involved in
33 those proceedings is an habitual runaway. The court may include in its
34 dispositional orders a requirement that the child be placed, for up to
35 one hundred eighty consecutive days, in a facility that the court finds
36 operates with a level of security adequate to prevent the child from
37 leaving the facility without authorization and that will provide for
38 the child's participation in a program designed to remedy his or her

1 behavior difficulties. The court may not include this requirement
2 unless, at the disposition hearing, it finds that the placement is
3 clearly necessary in order to protect the child and that less-
4 restrictive orders not requiring such placement would be inadequate to
5 protect the child, given the child's age, maturity, propensity to run
6 away from home, past exposure to serious risk when the child ran away
7 from home, and possible future exposure to serious risk should the
8 child run away from home again. The orders shall also contain
9 provisions providing for periodic court review of the placement, with
10 the first review hearing conducted not more than thirty days after the
11 date of the placement. Prior to each review hearing, the court shall
12 advise the parents of their right to counsel and shall have appointed
13 counsel to represent the child. At each review hearing the court shall
14 review the orders to determine the progress of the child and whether
15 the orders are still necessary for the protection of the child and
16 whether a less-restrictive order of placement would be adequate. The
17 court shall make such modifications in its orders as it finds necessary
18 to protect the child. Unless the court provides to the contrary,
19 review hearings of orders adopted under this section shall be held
20 exclusively under this section and shall not be subject to the review
21 provisions applicable under this chapter to disposition orders
22 pertaining to a child in need of services or to at-risk youth.

23 (3) In disposition proceedings involving a child in need of
24 services or an at-risk youth, the court may impose the following
25 additional sanction on an habitual runaway for violation of any court
26 order: The court may order the department of licensing to suspend the
27 child's driver's license for ninety days.

28 (4) For purposes of this section, a child is an "habitual runaway"
29 if the child, on three or more separate occasions within the twelve-
30 month period before the commencement of the disposition proceedings,
31 has been absent from the parent's home, or other residence lawfully
32 prescribed for the child, for more than seventy-two consecutive hours
33 without consent of the parent; or if the child during such twelve-month
34 period has been absent from such home or residence without consent of
35 the parent for more than thirty consecutive days.

36 (5) State funds may only be used to pay for placements under this
37 section if, and to the extent that, such funds are appropriated to
38 expressly pay for them.

1 NEW SECTION. **Sec. 31.** A new section is added to chapter 46.20 RCW
2 to read as follows:

3 When the department of licensing is provided with a court order
4 under section 30 of this act, the department shall suspend for ninety
5 days all driving privileges of the juvenile identified in the order.

6 NEW SECTION. **Sec. 32.** A new section is added to chapter 13.32A
7 RCW to read as follows:

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

15 NEW SECTION. **Sec. 33.** A new section is added to chapter 13.32A
16 RCW to read as follows:

17 (1) If any child under the age of ten has remained in out-of-home
18 placement for a period exceeding nine months pursuant to a court order
19 entered under this chapter, the court shall schedule a hearing to take
20 place no later than one year after the initial placement. For a child
21 over ten who has remained in out-of-home placement for a period
22 exceeding fifteen months, the court shall schedule a hearing to take
23 place no later than eighteen months after the initial placement.

24 (2) At the hearing the court shall determine whether the case
25 should be referred to the department for the purpose of considering the
26 filing of a dependency petition under chapter 13.34 RCW. In
27 determining whether to refer the case to the department, the court
28 shall determine whether it is in the child's or family's best interest
29 to begin permanency planning as required under chapter 13.34 RCW.

30 (3) If the court refers the case to the department, it may identify
31 one of the following outcomes as the primary goal for the referral and
32 may also identify additional outcomes as alternative goals: Return of
33 the child to the home of the child's parent, guardian, or legal
34 custodian; adoption; guardianship; long-term relative or foster care,
35 until the child is age eighteen, with a written agreement between the
36 parties and the care provider; or, where age-appropriate, independent
37 living or emancipation.

1 (4) If the court does not refer the case to the department under
2 subsection (2) of this section, the court shall continue to review the
3 case every six months, for as long as the child remains out-of-home
4 under a court order.

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

7 (1) Any person who, without legal authorization, provides shelter
8 to a minor and who knows at the time of providing the shelter that the
9 minor is away from the parent's home, or other lawfully prescribed
10 residence, without the permission of the parent, shall promptly report
11 the location of the child to the parent, the law enforcement agency of
12 the jurisdiction in which the person lives, or the department. The
13 report may be made by telephone or any other reasonable means.

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

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

18 (b) "Promptly report" means to report within eight hours after the
19 person has knowledge that the minor is away from home without parental
20 permission.

21 (c) "Parent" means any parent having legal custody of the child,
22 whether individually or jointly.

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

25 Violation of section 34 of this act is a misdemeanor.

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

28 If a person provides the notice required in section 34 of this act,
29 he or she is immune from liability for any cause of action arising from
30 providing shelter to the child. The immunity shall not extend to acts
31 of intentional misconduct or gross negligence by the person providing
32 the shelter.

33 NEW SECTION. **Sec. 37.** A new section is added to chapter 13.32A
34 RCW to read as follows:

1 Whenever a law enforcement agency receives a report from a parent
2 that his or her child, or child over whom the parent has custody, has
3 without permission of the parent left the home or residence lawfully
4 prescribed for the child under circumstances where the parent believes
5 that the child has run away from the home or the residence, the agency
6 shall provide for placing information identifying the child in files
7 under RCW 43.43.510.

8 NEW SECTION. **Sec. 38.** A new section is added to chapter 13.32A
9 RCW to read as follows:

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

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

20 **Sec. 39.** RCW 13.04.030 and 1994 sp.s. c 7 s 519 are each amended
21 to read as follows:

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

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

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

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

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

33 (e) Relating to juveniles alleged or found to have committed
34 offenses, traffic infractions, or violations as provided in RCW
35 13.40.020 through 13.40.230, unless:

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

1 (ii) The statute of limitations applicable to adult prosecution for
2 the offense, traffic infraction, or violation has expired; or
3 (iii) The alleged offense or infraction is a traffic, fish,
4 boating, or game offense or traffic infraction committed by a juvenile
5 sixteen years of age or older and would, if committed by an adult, be
6 tried or heard in a court of limited jurisdiction, in which instance
7 the appropriate court of limited jurisdiction shall have jurisdiction
8 over the alleged offense or infraction: PROVIDED, That if such an
9 alleged offense or infraction and an alleged offense or infraction
10 subject to juvenile court jurisdiction arise out of the same event or
11 incident, the juvenile court may have jurisdiction of both matters:
12 PROVIDED FURTHER, That the jurisdiction under this subsection does not
13 constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1)
14 or (e)(i) of this subsection: PROVIDED FURTHER, That courts of limited
15 jurisdiction which confine juveniles for an alleged offense or
16 infraction may place juveniles in juvenile detention facilities under
17 an agreement with the officials responsible for the administration of
18 the juvenile detention facility in RCW 13.04.035 and 13.20.060; or
19 (iv) The juvenile is sixteen or seventeen years old and the alleged
20 offense is: (A) A serious violent offense as defined in RCW 9.94A.030
21 committed on or after June 13, 1994; or (B) a violent offense as
22 defined in RCW 9.94A.030 committed on or after June 13, 1994, and the
23 juvenile has a criminal history consisting of: (I) One or more prior
24 serious violent offenses; (II) two or more prior violent offenses; or
25 (III) three or more of any combination of the following offenses: Any
26 class A felony, any class B felony, vehicular assault, or manslaughter
27 in the second degree, all of which must have been committed after the
28 juvenile's thirteenth birthday and prosecuted separately. In such a
29 case the adult criminal court shall have exclusive original
30 jurisdiction.
31 If the juvenile challenges the state's determination of the
32 juvenile's criminal history, the state may establish the offender's
33 criminal history by a preponderance of the evidence. If the criminal
34 history consists of adjudications entered upon a plea of guilty, the
35 state shall not bear a burden of establishing the knowing and
36 voluntariness of the plea;
37 (f) Under the interstate compact on juveniles as provided in
38 chapter 13.24 RCW;

1 (g) Relating to termination of a diversion agreement under RCW
2 13.40.080, including a proceeding in which the divertee has attained
3 eighteen years of age; and

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

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

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

18 **Sec. 40.** RCW 13.04.040 and 1983 c 191 s 14 are each amended to
19 read as follows:

20 The administrator shall, in any county or judicial district in the
21 state, appoint or designate one or more persons of good character to
22 serve as probation counselors during the pleasure of the administrator.
23 The probation counselor shall:

24 (1) Receive and examine referrals to the juvenile court for the
25 purpose of considering the filing of a petition or information pursuant
26 to chapter 13.32A or 13.34 RCW (~~((13.34.040, 13.34.180, and))~~) or RCW
27 13.40.070 (~~((as now or hereafter amended, and RCW 13.32A.150))~~);

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

31 (3) Arrange and supervise diversion agreements as provided in RCW
32 13.40.080, (~~((as now or hereafter amended,))~~) and ensure that the
33 requirements of such agreements are met except as otherwise provided in
34 this title;

35 (4) Prepare predisposition studies as required in RCW 13.34.120 and
36 13.40.130, (~~((as now or hereafter amended,))~~) and be present at the
37 disposition hearing to respond to questions regarding the
38 predisposition study: PROVIDED, That such duties shall be performed by

1 the department (~~of social and health services~~) for cases relating to
2 dependency or to the termination of a parent and child relationship
3 which is filed by the department (~~of social and health services~~)
4 unless otherwise ordered by the court; and

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

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

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

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

21 The administrator is hereby authorized, and to the extent possible
22 is encouraged to, contract with private agencies existing within the
23 community for the provision of services to youthful offenders and youth
24 who have entered into diversion agreements pursuant to RCW 13.40.080(~~(7~~
25 ~~as now or hereafter amended)~~).

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

29 **Sec. 41.** RCW 13.04.093 and 1991 c 363 s 11 are each amended to
30 read as follows:

31 It shall be the duty of the prosecuting attorney to act in
32 proceedings relating to the commission of a juvenile offense as
33 provided in RCW 13.40.070 and 13.40.090 and in proceedings as provided
34 in chapter 71.34 RCW. It shall be the duty of the prosecuting attorney
35 to handle delinquency cases under chapter 13.24 RCW and it shall be the
36 duty of the attorney general to handle dependency cases under chapter
37 13.24 RCW. It shall be the duty of the attorney general in contested
38 cases brought by the department to present the evidence supporting any

1 petition alleging dependency or seeking the termination of a parent and
2 child relationship or any contested case filed under RCW 26.33.100 or
3 approving or disapproving (~~alternative residential~~) out-of-home
4 placement: PROVIDED, That in each county with a population of less
5 than two hundred ten thousand, the attorney general may contract with
6 the prosecuting attorney of the county to perform (~~said~~) the duties
7 of the attorney general under this section.

8 NEW SECTION. **Sec. 42.** The department of social and health
9 services shall develop a plan for the development of an intensive
10 treatment system for children whose behavior puts them at serious risk
11 of harm to themselves or others. In developing this plan, the
12 department shall work with service providers, community leaders,
13 representatives of different cultural communities, businesses,
14 educational institutions, community networks, and others to propose a
15 continuum of services, including placement alternatives, for children
16 who might otherwise be on the street.

17 In developing this plan, the department shall identify existing
18 local and state services and barriers to those services for children.
19 The plan for intensive treatment services, to the extent possible,
20 shall build upon those existing resources.

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

23 NEW SECTION. **Sec. 43.** A new section is added to chapter 13.32A
24 RCW to read as follows:

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

30 NEW SECTION. **Sec. 44.** A new section is added to chapter 13.32A
31 RCW to read as follows:

32 In approving a petition under this chapter, a child may be placed
33 in a semi-secure crisis residential center as a temporary out-of-home
34 placement under the following conditions: (1) No other suitable out-
35 of-home placement is available; (2) space is available in the semi-

1 secure crisis residential center; and (3) no child will be denied
2 access for a five-day placement due to this placement.

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

11 **Sec. 45.** RCW 43.43.510 and 1967 ex.s. c 27 s 2 are each amended to
12 read as follows:

13 As soon as is practical and feasible there shall be established, by
14 means of data processing, files listing stolen and wanted vehicles,
15 outstanding warrants, identifying children whose parents, custodians,
16 or legal guardians have reported as having run away from home or the
17 custodial residence, identifiable stolen property, and such other files
18 as may be of general assistance to law enforcement agencies.

19 **Sec. 46.** RCW 70.96A.090 and 1990 c 151 s 5 are each amended to
20 read as follows:

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

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

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

1 (4) Certification as an approved treatment program is effective for
2 one calendar year from the date of issuance of the certificate. The
3 certification shall specify the types of services provided by the
4 approved treatment program that meet the standards adopted under this
5 chapter. Renewal of certification shall be made in accordance with
6 this section for initial approval and in accordance with the standards
7 set forth in rules adopted by the secretary.

8 (5) Approved treatment programs shall not provide alcoholism or
9 other drug addiction treatment services for which the approved
10 treatment program has not been certified. Approved treatment programs
11 may provide services for which approval has been sought and is pending,
12 if approval for the services has not been previously revoked or denied.

13 (6) The department periodically shall inspect approved public and
14 private treatment programs at reasonable times and in a reasonable
15 manner.

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

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

25 (9) The department shall use the data provided in subsection (8) of
26 this section to evaluate each program that admits children to inpatient
27 treatment upon application of their parents. The evaluation shall be
28 done at least once every twelve months. In addition, the department
29 shall randomly select and review the information on individual children
30 who are admitted on application of the child's parent for the purpose
31 of determining whether the child was appropriately placed into
32 treatment based on an objective evaluation of the child's condition and
33 the outcome of the child's treatment.

34 (10) Upon petition of the department and after a hearing held upon
35 reasonable notice to the facility, the superior court may issue a
36 warrant to an officer or employee of the department authorizing him or
37 her to enter and inspect at reasonable times, and examine the books and
38 accounts of, any approved public or private treatment program refusing
39 to consent to inspection or examination by the department or which the

1 department has reasonable cause to believe is operating in violation of
2 this chapter.

3 **Sec. 47.** RCW 70.96A.095 and 1991 c 364 s 9 are each amended to
4 read as follows:

5 (1) Any person ((fourteen)) thirteen years of age or older may give
6 consent for himself or herself to the furnishing of counseling, care,
7 treatment, or rehabilitation by a treatment program or by any person.
8 Consent of the parent, parents, or legal guardian of a person less than
9 eighteen years of age is not necessary to authorize the care, except
10 that the person shall not become a resident of the treatment program
11 without such permission except as provided in RCW 70.96A.120 or
12 70.96A.140. The parent, parents, or legal guardian of a person less
13 than eighteen years of age are not liable for payment of care for such
14 persons pursuant to this chapter, unless they have joined in the
15 consent to the counseling, care, treatment, or rehabilitation.

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

26 **NEW SECTION. Sec. 48.** A new section is added to chapter 70.96A
27 RCW to read as follows:

28 (1) The admission of any child under RCW 70.96A.095 may be reviewed
29 by the county-designated chemical dependency specialist between fifteen
30 and thirty days following admission. The county-designated chemical
31 dependency specialist may undertake the review on his or her own
32 initiative and may seek reimbursement from the parents, their
33 insurance, or medicaid for the expense of the review.

34 (2) The department shall ensure a review is conducted no later than
35 sixty days following admission to determine whether it is medically
36 appropriate to continue the child's treatment on an inpatient basis.
37 The department may, subject to available funds, contract with a county

1 for the conduct of the review conducted under this subsection and may
2 seek reimbursement from the parents, their insurance, or medicaid for
3 the expense of any review conducted by an agency under contract.

4 If the county-designated chemical dependency specialist determines
5 that continued inpatient treatment of the child is no longer medically
6 appropriate, the specialist shall notify the facility, the child, the
7 child's parents, and the department of the finding within twenty-four
8 hours of the determination.

9 (3) For purposes of eligibility for medical assistance under
10 chapter 74.09 RCW, children in inpatient mental health or chemical
11 dependency treatment shall be considered to be part of their parent's
12 or legal guardian's household, unless the child has been assessed by
13 the department of social and health services or its designee as likely
14 to require such treatment for at least ninety consecutive days, or is
15 in out-of-home care in accordance with chapter 13.34 RCW, or the
16 child's parents are found to not be exercising responsibility for care
17 and control of the child. Payment for such care by the department of
18 social and health services shall be made only in accordance with rules,
19 guidelines, and clinical criteria applicable to inpatient treatment of
20 minors established by the department.

21 **Sec. 49.** RCW 70.96A.140 and 1993 c 362 s 1 are each amended to
22 read as follows:

23 (1) When a designated chemical dependency specialist receives
24 information alleging that a person is incapacitated as a result of
25 chemical dependency, the designated chemical dependency specialist,
26 after investigation and evaluation of the specific facts alleged and of
27 the reliability and credibility of the information, may file a petition
28 for commitment of such person with the superior court or district
29 court.

30 If a petition for commitment is not filed in the case of a minor,
31 the parent, guardian, or custodian who has custody of the minor may
32 seek review of that decision made by the designated chemical dependency
33 specialist in superior or district court. The parent, guardian, or
34 custodian shall file notice with the court and provide a copy of the
35 designated chemical dependency specialist's report.

36 If the designated chemical dependency specialist finds that the
37 initial needs of such person would be better served by placement within
38 the mental health system, the person shall be referred to an evaluation

1 and treatment facility as defined in RCW 71.05.020 or 71.34.020. If
2 placement in a chemical dependency program is available and deemed
3 appropriate, the petition shall allege that: The person is chemically
4 dependent and is incapacitated by alcohol or drug addiction, or that
5 the person has twice before in the preceding twelve months been
6 admitted for detoxification or chemical dependency treatment pursuant
7 to RCW 70.96A.110, and is in need of a more sustained treatment
8 program, or that the person is chemically dependent and has threatened,
9 attempted, or inflicted physical harm on another and is likely to
10 inflict physical harm on another unless committed. A refusal to
11 undergo treatment, by itself, does not constitute evidence of lack of
12 judgment as to the need for treatment. The petition shall be
13 accompanied by a certificate of a licensed physician who has examined
14 the person within five days before submission of the petition, unless
15 the person whose commitment is sought has refused to submit to a
16 medical examination, in which case the fact of refusal shall be alleged
17 in the petition. The certificate shall set forth the licensed
18 physician's findings in support of the allegations of the petition. A
19 physician employed by the petitioning program or the department is
20 eligible to be the certifying physician.

21 (2) Upon filing the petition, the court shall fix a date for a
22 hearing no less than two and no more than seven days after the date the
23 petition was filed unless the person petitioned against is presently
24 being detained in a program, pursuant to RCW 70.96A.120, 71.05.210, or
25 71.34.050, (~~as now or hereafter amended,~~) in which case the hearing
26 shall be held within seventy-two hours of the filing of the petition:
27 PROVIDED, HOWEVER, That the above specified seventy-two hours shall be
28 computed by excluding Saturdays, Sundays, and holidays: PROVIDED
29 FURTHER, That, the court may, upon motion of the person whose
30 commitment is sought, or upon motion of petitioner with written
31 permission of the person whose commitment is sought, or his or her
32 counsel and, upon good cause shown, extend the date for the hearing.
33 A copy of the petition and of the notice of the hearing, including the
34 date fixed by the court, shall be served by the designated chemical
35 dependency specialist on the person whose commitment is sought, his or
36 her next of kin, a parent or his or her legal guardian if he or she is
37 a minor, and any other person the court believes advisable. A copy of
38 the petition and certificate shall be delivered to each person
39 notified.

1 (3) At the hearing the court shall hear all relevant testimony,
2 including, if possible, the testimony, which may be telephonic, of at
3 least one licensed physician who has examined the person whose
4 commitment is sought. Communications otherwise deemed privileged under
5 the laws of this state are deemed to be waived in proceedings under
6 this chapter when a court of competent jurisdiction in its discretion
7 determines that the waiver is necessary to protect either the detained
8 person or the public. The waiver of a privilege under this section is
9 limited to records or testimony relevant to evaluation of the detained
10 person for purposes of a proceeding under this chapter. Upon motion by
11 the detained person, or on its own motion, the court shall examine a
12 record or testimony sought by a petitioner to determine whether it is
13 within the scope of the waiver.

14 The record maker shall not be required to testify in order to
15 introduce medical, nursing, or psychological records of detained
16 persons so long as the requirements of RCW 5.45.020 are met, except
17 that portions of the record that contain opinions as to whether the
18 detained person is chemically dependent shall be deleted from the
19 records unless the person offering the opinions is available for cross-
20 examination. The person shall be present unless the court believes
21 that his or her presence is likely to be injurious to him or her; in
22 this event the court may deem it appropriate to appoint a guardian ad
23 litem to represent him or her throughout the proceeding. If deemed
24 advisable, the court may examine the person out of courtroom. If the
25 person has refused to be examined by a licensed physician, he or she
26 shall be given an opportunity to be examined by a court appointed
27 licensed physician. If he or she refuses and there is sufficient
28 evidence to believe that the allegations of the petition are true, or
29 if the court believes that more medical evidence is necessary, the
30 court may make a temporary order committing him or her to the
31 department for a period of not more than five days for purposes of a
32 diagnostic examination.

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

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

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

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

18 (6) Upon the filing of a petition for recommitment under subsection
19 (5) of this section, the court shall fix a date for hearing no less
20 than two and no more than seven days after the date the petition was
21 filed: PROVIDED, That, the court may, upon motion of the person whose
22 commitment is sought and upon good cause shown, extend the date for the
23 hearing. A copy of the petition and of the notice of hearing,
24 including the date fixed by the court, shall be served by the treatment
25 program on the person whose commitment is sought, his or her next of
26 kin, the original petitioner under subsection (1) of this section if
27 different from the petitioner for recommitment, one of his or her
28 parents or his or her legal guardian if he or she is a minor, and his
29 or her attorney and any other person the court believes advisable. At
30 the hearing the court shall proceed as provided in subsection (3) of
31 this section.

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

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

1 (a) In case of a chemically dependent person committed on the
2 grounds of likelihood of infliction of physical harm upon himself,
3 herself, or another, the likelihood no longer exists; or further
4 treatment will not be likely to bring about significant improvement in
5 the person's condition, or treatment is no longer adequate or
6 appropriate.

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

10 (9) The court shall inform the person whose commitment or
11 recommitment is sought of his or her right to contest the application,
12 be represented by counsel at every stage of any proceedings relating to
13 his or her commitment and recommitment, and have counsel appointed by
14 the court or provided by the court, if he or she wants the assistance
15 of counsel and is unable to obtain counsel. If the court believes that
16 the person needs the assistance of counsel, the court shall require, by
17 appointment if necessary, counsel for him or her regardless of his or
18 her wishes. The person shall, if he or she is financially able, bear
19 the costs of such legal service; otherwise such legal service shall be
20 at public expense. The person whose commitment or recommitment is
21 sought shall be informed of his or her right to be examined by a
22 licensed physician of his or her choice. If the person is unable to
23 obtain a licensed physician and requests examination by a physician,
24 the court shall employ a licensed physician.

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

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

30 (12) When in the opinion of the professional person in charge of
31 the program providing involuntary treatment under this chapter, the
32 committed patient can be appropriately served by less restrictive
33 treatment before expiration of the period of commitment, then the less
34 restrictive care may be required as a condition for early release for
35 a period which, when added to the initial treatment period, does not
36 exceed the period of commitment. If the program designated to provide
37 the less restrictive treatment is other than the program providing the
38 initial involuntary treatment, the program so designated must agree in
39 writing to assume such responsibility. A copy of the conditions for

1 early release shall be given to the patient, the designated chemical
2 dependency specialist of original commitment, and the court of original
3 commitment. The program designated to provide less restrictive care
4 may modify the conditions for continued release when the modifications
5 are in the best interests of the patient. If the program providing
6 less restrictive care and the designated chemical dependency specialist
7 determine that a conditionally released patient is failing to adhere to
8 the terms and conditions of his or her release, or that substantial
9 deterioration in the patient's functioning has occurred, then the
10 designated chemical dependency specialist shall notify the court of
11 original commitment and request a hearing to be held no less than two
12 and no more than seven days after the date of the request to determine
13 whether or not the person should be returned to more restrictive care.
14 The designated chemical dependency specialist shall file a petition
15 with the court stating the facts substantiating the need for the
16 hearing along with the treatment recommendations. The patient shall
17 have the same rights with respect to notice, hearing, and counsel as
18 for the original involuntary treatment proceedings. The issues to be
19 determined at the hearing are whether the conditionally released
20 patient did or did not adhere to the terms and conditions of his or her
21 release to less restrictive care or that substantial deterioration of
22 the patient's functioning has occurred and whether the conditions of
23 release should be modified or the person should be returned to a more
24 restrictive program. The hearing may be waived by the patient and his
25 or her counsel and his or her guardian or conservator, if any, but may
26 not be waived unless all such persons agree to the waiver. Upon
27 waiver, the person may be returned for involuntary treatment or
28 continued on conditional release on the same or modified conditions.

29 NEW SECTION. **Sec. 50.** A new section is added to chapter 70.96A
30 RCW to read as follows:

31 Any provider of treatment in an approved treatment program who
32 provides treatment to a minor under RCW 70.96A.095(1) must provide
33 notice of the request for treatment to the minor's parents. The notice
34 must be made within forty-eight hours of the request for treatment,
35 excluding Saturdays, Sundays, and holidays, and must contain the same
36 information as required under RCW 71.34.030(2)(b).

1 NEW SECTION. **Sec. 51.** A new section is added to chapter 70.96A
2 RCW to read as follows:

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

6 **Sec. 52.** RCW 71.34.030 and 1985 c 354 s 3 are each amended to read
7 as follows:

8 (1) Any minor thirteen years or older may request and receive
9 outpatient treatment without the consent of the minor's parent.
10 Parental authorization is required for outpatient treatment of a minor
11 under the age of thirteen.

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

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

22 ~~(b))~~ A minor ~~((thirteen years or older))~~ may be voluntarily
23 admitted by application of the parent. ~~((Such application must be
24 accompanied by the written consent, knowingly and voluntarily given, of
25 the minor.))~~ The consent of the minor is not required for the minor to
26 be evaluated and admitted as appropriate.

27 ~~((c))~~ (b) A minor thirteen years or older may, with the
28 concurrence of the professional person in charge of an evaluation and
29 treatment facility, admit himself or herself without parental consent
30 to the evaluation and treatment facility, provided that notice is given
31 by the facility to the minor's parent in accordance with the following
32 requirements:

33 (i) Notice of the minor's admission shall be in the form most
34 likely to reach the parent within twenty-four hours of the minor's
35 voluntary admission and shall advise the parent that the minor has been
36 admitted to inpatient treatment; the location and telephone number of
37 the facility providing such treatment; and the name of a professional
38 person on the staff of the facility providing treatment who is

1 designated to discuss the minor's need for inpatient treatment with the
2 parent.

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

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

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

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

15 (vi) The hearing shall be conducted by a judge, court commissioner,
16 or licensed attorney designated by the superior court as a hearing
17 officer for such hearing. The hearing may be held at the treatment
18 facility.

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

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

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

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

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

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

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

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

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

17 **Sec. 53.** RCW 71.34.050 and 1985 c 354 s 5 are each amended to read
18 as follows:

19 (1) When a county-designated mental health professional receives
20 information that a minor, thirteen years or older, as a result of a
21 mental disorder presents a likelihood of serious harm or is gravely
22 disabled, has investigated the specific facts alleged and of the
23 credibility of the person or persons providing the information, and has
24 determined that voluntary admission for inpatient treatment is not
25 possible, the county-designated mental health professional may take the
26 minor, or cause the minor to be taken, into custody and transported to
27 an evaluation and treatment facility providing inpatient treatment.

28 If the minor is not taken into custody for evaluation and
29 treatment, the parent who has custody of the minor may seek review of
30 that decision made by the county designated mental health professional
31 in court. The parent shall file notice with the court and provide a
32 copy of the county designated mental health professional's report or
33 notes.

34 (2) Within twelve hours of the minor's arrival at the evaluation
35 and treatment facility, the county-designated mental health
36 professional shall serve on the minor a copy of the petition for
37 initial detention, notice of initial detention, and statement of
38 rights. The county-designated mental health professional shall file

1 with the court on the next judicial day following the initial detention
2 the original petition for initial detention, notice of initial
3 detention, and statement of rights along with an affidavit of service.
4 The county-designated mental health professional shall commence service
5 of the petition for initial detention and notice of the initial
6 detention on the minor's parent and the minor's attorney as soon as
7 possible following the initial detention.

8 (3) At the time of initial detention, the county-designated mental
9 health professional shall advise the minor both orally and in writing
10 that if admitted to the evaluation and treatment facility for inpatient
11 treatment, a commitment hearing shall be held within seventy-two hours
12 of the minor's provisional acceptance to determine whether probable
13 cause exists to commit the minor for further mental health treatment.

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

18 (4) Whenever the county designated mental health professional
19 petitions for detention of a minor under this chapter, an evaluation
20 and treatment facility providing seventy-two hour evaluation and
21 treatment must immediately accept on a provisional basis the petition
22 and the person. Within twenty-four hours of the minor's arrival, the
23 facility must evaluate the minor's condition and either admit or
24 release the minor in accordance with this chapter.

25 (5) If a minor is not approved for admission by the inpatient
26 evaluation and treatment facility, the facility shall make such
27 recommendations and referrals for further care and treatment of the
28 minor as necessary.

29 **Sec. 54.** RCW 71.34.070 and 1985 c 354 s 7 are each amended to read
30 as follows:

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

36 If the professional person in charge of the treatment and
37 evaluation facility does not petition to have the minor committed, the
38 parent who has custody of the minor may seek review of that decision in

1 court. The parent shall file notice with the court and provide a copy
2 of the treatment and evaluation facility's report.

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

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

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

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

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

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

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

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

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

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

28 NEW SECTION. Sec. 55. A new section is added to chapter 71.34 RCW
29 to read as follows:

30 Any provider of treatment at an evaluation and treatment facility
31 who provides treatment to a minor under RCW 71.34.030(1) must provide
32 notice of the request for treatment to the minor's parents. The notice
33 must be made within forty-eight hours of the request for treatment,
34 excluding Saturdays, Sundays, and holidays, and must contain the same
35 information as required under RCW 71.34.030(2)(b).

36 NEW SECTION. Sec. 56. A new section is added to chapter 71.34 RCW
37 to read as follows:

1 (1) The admission of any child under RCW 71.34.030 may be reviewed
2 by the county-designated mental health professional between fifteen and
3 thirty days following admission. The county-designated mental health
4 professional may undertake the review on his or her own initiative and
5 may seek reimbursement from the parents, their insurance, or medicaid
6 for the expense of the review.

7 (2) The department shall ensure a review is conducted no later than
8 sixty days following admission to determine whether it is medically
9 appropriate to continue the child's treatment on an inpatient basis.
10 The department may, subject to available funds, contract with a county
11 for the conduct of the review conducted under this subsection and may
12 seek reimbursement from the parents, their insurance, or medicaid for
13 the expense of any review conducted by an agency under contract.

14 If the county-designated mental health professional determines that
15 continued inpatient treatment of the child is no longer medically
16 appropriate, the professional shall notify the facility, the child, the
17 child's parents, and the department of the finding within twenty-four
18 hours of the determination.

19 (3) For purposes of eligibility for medical assistance under
20 chapter 74.09 RCW, children in inpatient mental health or chemical
21 dependency treatment shall be considered to be part of their parent's
22 or legal guardian's household, unless the child has been assessed by
23 the department of social and health services or its designee as likely
24 to require such treatment for at least ninety consecutive days, or is
25 in out-of-home care in accordance with chapter 13.34 RCW, or the
26 child's parents are found to not be exercising responsibility for care
27 and control of the child. Payment for such care by the department of
28 social and health services shall be made only in accordance with rules,
29 guidelines, and clinical criteria applicable to inpatient treatment of
30 minors established by the department.

31 NEW SECTION. **Sec. 57.** A new section is added to chapter 71.34 RCW
32 to read as follows:

33 Nothing in this chapter authorizes school district personnel to
34 refer minors to any evaluation and treatment program or mental health
35 professional without providing notice of the referral to the minor's
36 parent.

1 NEW SECTION. **Sec. 58.** A new section is added to chapter 71.34 RCW
2 to read as follows:

3 The department shall randomly select and review the information on
4 children who are admitted to in-patient treatment on application of the
5 child's parent. The review shall determine whether the children
6 reviewed were appropriately admitted into treatment based on an
7 objective evaluation of the child's condition and the outcome of the
8 child's treatment.

9 **Sec. 59.** RCW 74.13.031 and 1990 c 146 s 9 are each amended to read
10 as follows:

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

13 (1) Develop, administer, supervise, and monitor a coordinated and
14 comprehensive plan that establishes, aids, and strengthens services for
15 the protection and care of homeless, runaway, dependent, or neglected
16 children.

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

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

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

1 (5) Monitor out-of-home placements, on a timely and routine basis,
2 to assure the safety, well-being, and quality of care being provided is
3 within the scope of the intent of the legislature as defined in RCW
4 74.13.010 and 74.15.010, and annually submit a report delineating the
5 results to the ~~((house and senate committees on social and health
6 services))~~ legislature.

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

16 (7) Have authority to provide temporary shelter to children who
17 have run away from home and who are admitted to crisis residential
18 centers.

19 (8) Have authority to purchase care for children~~((r))~~ and ~~((shall
20 follow in general the policy of using))~~ use properly approved private
21 agency services for the ~~((actual))~~ care and supervision of such
22 children insofar as they are available, paying for care of such
23 children as are accepted by the department as eligible for support at
24 reasonable rates established by the department.

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

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

36 (11) Have authority within funds appropriated for foster care
37 services to purchase care for Indian children who are in the custody of
38 a federally recognized Indian tribe or tribally licensed child-placing
39 agency pursuant to parental consent, tribal court order, or state

1 juvenile court order(~~(7)~~and)). The purchase of such care (~~shall be~~)
2 is subject to the same eligibility standards and rates of support
3 applicable to other children for whom the department purchases care.

4 Notwithstanding any other provision of RCW 13.32A.170 through
5 13.32A.200 and 74.13.032 through 74.13.036, or of this section, all
6 services to be provided by the department of social and health services
7 under subsections (4)(~~7~~) and (6)(~~7~~and~~7~~)) of this section,
8 subject to the limitations of these subsections, may be provided by any
9 program offering such services funded pursuant to Titles II and III of
10 the federal juvenile justice and delinquency prevention act of 1974.

11 **Sec. 60.** RCW 74.13.032 and 1979 c 155 s 78 are each amended to
12 read as follows:

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

23 (2) Within available funds appropriated for this purpose, the
24 department shall establish, by contracts with private vendors, regional
25 crisis residential centers with secure facilities. These facilities
26 shall be facilities licensed under rules adopted by the department.
27 These centers may also include semi-secure facilities and to such
28 extent shall be subject to subsection (1) of this section.

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

34 (4) The staff at the facilities established under this section
35 shall be trained so that they may effectively counsel juveniles
36 admitted to the centers, provide treatment, supervision, and structure
37 to the juveniles that recognize the need for support and the varying
38 circumstances that cause children to leave their families, and carry

1 out the responsibilities stated in RCW 13.32A.090. The
2 responsibilities stated in RCW 13.32A.090 may, in any of the centers,
3 be carried out by the department.

4 (5) The secure facilities located within crisis residential
5 ((facilities)) centers shall be operated ((as semi-secure facilities))
6 to conform with the definition in RCW 13.32A.030. The facilities shall
7 have an average of no more than three adult staff members to every
8 eight children. The staffing ratio shall continue to ensure the safety
9 of the children.

10 (6) A center with secure facilities created under this section may
11 not be located within, or on the same grounds as, other secure
12 structures including jails, juvenile detention facilities operated by
13 the state, or units of local government. However, the secretary may,
14 following consultation with the appropriate county legislative
15 authority, make a written finding that location of a center with secure
16 facilities on the same grounds as another secure structure is the only
17 practical location for a secure facility. Upon the written finding a
18 secure facility may be located on the same grounds as the secure
19 structure. Where a center is located in or adjacent to a secure
20 juvenile detention facility, the center shall be operated in a manner
21 that prevents in-person contact between the residents of the center and
22 the persons held in such facility.

23 NEW SECTION. Sec. 61. A new section is added to chapter 74.13 RCW
24 to read as follows:

25 No contract may provide reimbursement or compensation to a crisis
26 residential center's secure facility for any service delivered or
27 provided to a resident child after five consecutive days of residence.

28 Sec. 62. RCW 74.13.033 and 1992 c 205 s 213 are each amended to
29 read as follows:

30 (1) If a resident of a center becomes by his or her behavior
31 disruptive to the facility's program, such resident may be immediately
32 removed to a separate area within the facility and counseled on an
33 individual basis until such time as the child regains his or her
34 composure. The department may set rules and regulations establishing
35 additional procedures for dealing with severely disruptive children on
36 the premises(~~(, which procedures are consistent with the federal~~
37 ~~juvenile justice and delinquency prevention act of 1974 and regulations~~

1 ~~and clarifying instructions promulgated thereunder. Nothing in this~~
2 ~~section shall prohibit a center from referring any child who, as the~~
3 ~~result of a mental or emotional disorder, or intoxication by alcohol or~~
4 ~~other drugs, is suicidal, seriously assaultive or seriously destructive~~
5 ~~toward others, or otherwise similarly evidences an immediate need for~~
6 ~~emergency medical evaluation and possible care, for evaluation pursuant~~
7 ~~to chapter 71.34 RCW or to a mental health professional pursuant to~~
8 ~~chapter 71.05 RCW whenever such action is deemed appropriate and~~
9 ~~consistent with law)).~~

10 (2) When the juvenile resides in this facility, all services deemed
11 necessary to the juvenile's reentry to normal family life shall be made
12 available to the juvenile as required by chapter 13.32A RCW. In
13 assessing the child and providing these services, the facility staff
14 shall:

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

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

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

21 (d) Provide additional crisis counseling as needed, to the end that
22 placement of the child in the crisis residential center will be
23 required for the shortest time possible, but not to exceed five
24 consecutive days; and

25 (e) Convene, when appropriate, a multidisciplinary team.

26 (3) Based on the assessments done under subsection (2) of this
27 section the facility staff may refer any child who, as the result of a
28 mental or emotional disorder, or intoxication by alcohol or other
29 drugs, is suicidal, seriously assaultive, or seriously destructive
30 toward others, or otherwise similarly evidences an immediate need for
31 emergency medical evaluation and possible care, for evaluation pursuant
32 to chapter 71.34 RCW, to a mental health professional pursuant to
33 chapter 71.05 RCW, or to a chemical dependency specialist pursuant to
34 chapter 70.96A RCW whenever such action is deemed appropriate and
35 consistent with law.

36 (4) A juvenile taking unauthorized leave from ((this residence
37 may)) a facility shall be apprehended and returned to it by law
38 enforcement officers or other persons designated as having this
39 authority as provided in RCW 13.32A.050. If returned to the facility

1 after having taken unauthorized leave for a period of more than twenty-
2 four hours a juvenile (~~may~~) shall be supervised by such a facility
3 for a period, pursuant to this chapter, which, unless where otherwise
4 provided, may not exceed five consecutive days on the premises. Costs
5 of housing juveniles admitted to crisis residential centers shall be
6 assumed by the department for a period not to exceed five consecutive
7 days.

8 **Sec. 63.** RCW 74.13.034 and 1992 c 205 s 214 are each amended to
9 read as follows:

10 (1) A child taken into custody and taken to a crisis residential
11 center established pursuant to RCW 74.13.032(~~(+2)~~) may, if the center
12 is unable to provide appropriate treatment, supervision, and structure
13 to the child, be taken at department expense to another crisis
14 residential center (~~(or)~~), the nearest regional secure crisis
15 residential center, or a secure facility with which it is collocated
16 under RCW 74.13.032. Placement in both (~~centers~~) locations shall not
17 exceed five consecutive days from the point of intake as provided in
18 RCW 13.32A.130.

19 (2) A child taken into custody and taken to a crisis residential
20 center established by this chapter may be placed physically by the
21 department or the department's designee and, at departmental expense
22 and approval, in a secure juvenile detention facility operated by the
23 county in which the center is located for a maximum of forty-eight
24 hours, including Saturdays, Sundays, and holidays, if the child has
25 taken unauthorized leave from the center and the person in charge of
26 the center determines that the center cannot provide supervision and
27 structure adequate to ensure that the child will not again take
28 unauthorized leave. Juveniles placed in such a facility pursuant to
29 this section may not, to the extent possible, come in contact with
30 alleged or convicted juvenile or adult offenders.

31 (3) Any child placed in secure detention pursuant to this section
32 shall, during the period of confinement, be provided with appropriate
33 treatment by the department or the department's designee, which shall
34 include the services defined in RCW 74.13.033(2). If the child placed
35 in secure detention is not returned home or if an alternative living
36 arrangement agreeable to the parent and the child is not made within
37 twenty-four hours after the child's admission, the child shall be taken
38 at the department's expense to a crisis residential center. Placement

1 in the crisis residential center or centers plus placement in juvenile
2 detention shall not exceed five consecutive days from the point of
3 intake as provided in RCW 13.32A.130.

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

11 ~~((5) It is the intent of the legislature that by July 1, 1982,
12 crisis residential centers, supplemented by community mental health
13 programs and mental health professionals, will be able to respond
14 appropriately to children admitted to centers under this chapter and
15 will be able to respond to the needs of such children with appropriate
16 treatment, supervision, and structure.))~~

17 **Sec. 64.** RCW 74.13.035 and 1979 c 155 s 81 are each amended to
18 read as follows:

19 Crisis residential centers shall compile ~~((yearly))~~ quarterly
20 records which shall be transmitted to the department and which shall
21 contain information regarding population profiles of the children
22 admitted to the centers during each past calendar year. Such
23 information shall include but shall not be limited to the following:

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

26 (2) Who brought the children to the center;

27 (3) Services provided to children admitted to the center;

28 (4) The circumstances which necessitated the children being brought
29 to the center;

30 (5) The ultimate disposition of cases;

31 (6) The number of children admitted to custody who ran away from
32 the center and their ultimate disposition, if any;

33 (7) Length of stay.

34 The department may require the provision of additional information and
35 may require each center to provide all such necessary information in a
36 uniform manner.

37 The department shall report to the legislature within one year of
38 the initial contracts establishing crisis residential centers operated

1 as a secure facility. The report shall evaluate and compare the
2 information required to be compiled in this section for the secure and
3 semi-secure facilities of crisis residential centers. The department
4 shall include plans for establishing secure facilities as funds are
5 appropriated.

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

10 **Sec. 65.** RCW 74.13.036 and 1989 c 175 s 147 are each amended to
11 read as follows:

12 (1) The department of social and health services shall oversee
13 implementation of chapter 13.34 RCW and chapter 13.32A RCW. The
14 oversight shall be comprised of working with affected parts of the
15 criminal justice and child care systems as well as with local
16 government, legislative, and executive authorities to effectively carry
17 out these chapters. The department shall work with all such entities
18 to ensure that chapters 13.32A and 13.34 RCW are implemented in a
19 uniform manner throughout the state.

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

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

27 (b) Procedures for designating department staff responsible for
28 family reconciliation services;

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

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

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

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

5 (3) In addition to its other oversight duties, the department
6 shall:

7 (a) Identify and evaluate resource needs in each region of the
8 state;

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

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

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

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

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

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

23 **NEW SECTION.** **Sec. 66.** A new section is added to chapter 28A.225
24 RCW to read as follows:

25 For purposes of this chapter, "community truancy board" means a
26 board composed of members of the local community in which the child
27 attends school. The local school district boards of directors may
28 create a community truancy board. Members of the board shall be
29 selected from representatives of the community. Duties of a community
30 truancy board shall include, but not be limited to, recommending
31 methods for improving school attendance.

32 **Sec. 67.** RCW 28A.225.020 and 1992 c 205 s 202 are each amended to
33 read as follows:

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

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

6 (2) Schedule a conference or conferences with the custodial parent,
7 parents, or guardian and ~~((juvenile))~~ child at a time and place
8 reasonably convenient for all persons included for the purpose of
9 analyzing the causes of the ~~((juvenile's))~~ child's absences after two
10 unexcused absences within any month during the current school year. If
11 a regularly scheduled parent-teacher conference day is to take place
12 within thirty days of the second unexcused absence, then the school
13 district may schedule this conference on that day; and

14 (3) Take steps to eliminate or reduce the ~~((juvenile's))~~ child's
15 absences. These steps shall include, where appropriate, adjusting the
16 ~~((juvenile's))~~ child's school program or school or course assignment,
17 providing more individualized or remedial instruction, ~~((preparing the~~
18 ~~juvenile for employment with specific))~~ providing appropriate
19 vocational courses or work experience, or ~~((both))~~ refer the child to
20 a community truancy board, ~~((and))~~ or assisting the parent or
21 ~~((student))~~ child to obtain supplementary services that might eliminate
22 or ameliorate the cause or causes for the absence from school.

23 **Sec. 68.** RCW 28A.225.030 and 1992 c 205 s 203 are each amended to
24 read as follows:

25 If the actions taken by a school ~~((pursuant to))~~ district under RCW
26 28A.225.020 ~~((is))~~ are not successful in substantially reducing ~~((a))~~
27 an enrolled student's absences from school, ~~((any of the following~~
28 ~~actions may be taken after five or more))~~ upon the fifth unexcused
29 absence~~((s))~~ by a child within any month during the current school year
30 or upon the tenth unexcused absence during the current school year~~((:~~
31 ~~(1) The attendance officer of))~~ the school district ~~((through its~~
32 ~~attorney may))~~ shall file a petition with the juvenile court ~~((to~~
33 ~~assume jurisdiction under RCW 28A.200.010, 28A.200.020, and 28A.225.010~~
34 ~~through 28A.225.150 for the purpose of))~~ alleging a violation of RCW
35 28A.225.010: (1) By the parent; ((or)) (2) ((a petition alleging a
36 violation of RCW 28A.225.010 by a)) by the child ~~((may be filed with~~
37 ~~the juvenile court by the parent of such child or by the attendance~~
38 ~~officer of the school district through its attorney at the request of~~

1 the parent. ~~If the court assumes jurisdiction in such an instance, the~~
2 ~~provisions of RCW 28A.200.010, 28A.200.020, and 28A.225.010 through~~
3 ~~28A.225.150, except where otherwise stated, shall apply))~~; or (3) by
4 the parent and the child.

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

10 NEW SECTION. Sec. 69. A new section is added to chapter 28A.225
11 RCW to read as follows:

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

14 (a) The child has five or more unexcused absences within any month
15 during the current school year or ten or more unexcused absences in the
16 current school year;

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

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

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

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

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

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

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

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

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

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

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

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

8 **Sec. 70.** RCW 36.18.020 and 1993 c 435 s 1 are each amended to read
9 as follows:

10 Clerks of superior courts shall collect the following fees for
11 their official services:

12 (1) The party filing the first or initial paper in any civil
13 action, including an action for restitution, or change of name, shall
14 pay, at the time ((said)) the paper is filed, a fee of one hundred ten
15 dollars except in proceedings filed under RCW 26.50.030 or 49.60.227
16 where the petitioner shall pay a filing fee of twenty dollars, or in
17 proceedings filed under RCW 28A.225.030 alleging a violation of the
18 compulsory attendance laws where the petitioner shall not pay a filing
19 fee, or an unlawful detainer action under chapter 59.18 or 59.20 RCW
20 where the plaintiff shall pay a filing fee of thirty dollars. If the
21 defendant serves or files an answer to an unlawful detainer complaint
22 under chapter 59.18 or 59.20 RCW, the plaintiff shall pay, prior to
23 proceeding with the unlawful detainer action, an additional eighty
24 dollars which shall be considered part of the filing fee. The thirty
25 dollar filing fee under this subsection for an unlawful detainer action
26 shall not include an order to show cause or any other order or judgment
27 except a default order or default judgment in an unlawful detainer
28 action.

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

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

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

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

3 (6) The party filing a demand for jury of six in a civil action,
4 shall pay, at the time of filing, a fee of fifty dollars; if the demand
5 is for a jury of twelve the fee shall be one hundred dollars. If,
6 after the party files a demand for a jury of six and pays the required
7 fee, any other party to the action requests a jury of twelve, an
8 additional fifty-dollar fee will be required of the party demanding the
9 increased number of jurors.

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

16 (8) For preparing, transcribing or certifying any instrument on
17 file or of record in the clerk's office, with or without seal, for the
18 first page or portion thereof, a fee of two dollars, and for each
19 additional page or portion thereof, a fee of one dollar. For
20 authenticating or exemplifying any instrument, a fee of one dollar for
21 each additional seal affixed.

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

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

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

30 (12) In probate proceedings, the party instituting such
31 proceedings, shall pay at the time of filing the first paper therein,
32 a fee of one hundred ten dollars: PROVIDED, HOWEVER, A fee of twenty
33 dollars shall be charged for filing a will only, when no probate of the
34 will is contemplated. Except as provided for in subsection (13) of
35 this section a fee of two dollars shall be charged for filing a
36 petition, written agreement, or memorandum as provided in RCW
37 11.96.170.

38 (13) For filing any petition to contest a will admitted to probate
39 or a petition to admit a will which has been rejected, or a petition

1 objecting to a written agreement or memorandum as provided in RCW
2 11.96.170, there shall be paid a fee of one hundred ten dollars.

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

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

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

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

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

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

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

30 NEW SECTION. **Sec. 71.** A new section is added to chapter 28A.225
31 RCW to read as follows:

32 In any judicial district having a court commissioner, the court
33 commissioner shall have the power, authority, and jurisdiction,
34 concurrent with a juvenile court judge, to hear all cases under RCW
35 28A.225.030, 28A.225.090, and section 69 of this act and to enter
36 judgment and make orders with the same power, force, and effect as any
37 judge of the juvenile court, subject to motion or demand by any party
38 within ten days from the entry of the order or judgment by the court

1 commissioner as provided in RCW 2.24.050. In any judicial district
2 having a family law commissioner appointed pursuant to chapter 26.12
3 RCW, the family law commissioner shall have the power, authority, and
4 jurisdiction, concurrent with a juvenile court judge, to hear cases
5 under RCW 28A.225.030, 28A.225.090, and section 69 of this act and to
6 enter judgment and make orders with the same power, force, and effect
7 as any judge of the juvenile court, subject to motion or demand by any
8 party within ten days from the entry of the order or judgment by the
9 court commissioner as provided in RCW 2.24.050.

10 NEW SECTION. **Sec. 72.** A new section is added to chapter 28A.225
11 RCW to read as follows:

12 (1) Each school shall document the actions taken under RCW
13 28A.225.020 and 28A.225.030 and report this information at the end of
14 each grading period to the school district superintendent who shall
15 compile the data for all the schools in the district and prepare an
16 annual school district report for each school year and submit the
17 report to the superintendent of public instruction. The reports shall
18 be made upon forms furnished by the superintendent of public
19 instruction and shall be transmitted as determined by the
20 superintendent of public instruction.

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

22 (a) The number of enrolled students and the number of excused and
23 unexcused absences;

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

26 (c) The number of enrolled students with ten or more unexcused
27 absences in a school year or five or more unexcused absences in a month
28 during a school year;

29 (d) Documentation of success by the school district in
30 substantially reducing enrolled student absences for students with five
31 or more absences in any month or ten or more unexcused absences in any
32 school year;

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

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

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

3 (4) The superintendent of public instruction shall collect these
4 reports from all school districts and prepare an annual report for each
5 school year to be submitted to the legislature no later than December
6 15th of each year.

7 **Sec. 73.** RCW 28A.225.060 and 1990 c 33 s 223 are each amended to
8 read as follows:

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

20 **Sec. 74.** RCW 28A.225.090 and 1992 c 205 s 204 are each amended to
21 read as follows:

22 Any person violating any of the provisions of either RCW
23 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five
24 dollars for each day of unexcused absence from school. However, a
25 child found to be in violation of RCW 28A.225.010 shall be required to
26 attend school and shall not be fined. If the child fails to comply
27 with the court order to attend school, the court may: (1) Order the
28 child be punished by detention; or (~~may~~) (2) impose alternatives to
29 detention such as community service hours or participation in dropout
30 prevention programs or referral to a community truancy board, if
31 available. Failure by a child to comply with an order issued under
32 this section shall not be punishable by detention for a period greater
33 than that permitted pursuant to a contempt proceeding against a child
34 under chapter 13.32A RCW. It shall be a defense for a parent charged
35 with violating RCW 28A.225.010 to show that he or she exercised
36 reasonable diligence in attempting to cause a child in his or her
37 custody to attend school or that the (~~juvenile's~~) child's school did

1 not perform its duties as required in RCW 28A.225.020. The court may
2 order the parent to provide community service at the child's school
3 instead of imposing a fine. Any fine imposed pursuant to this section
4 may be suspended upon the condition that a parent charged with
5 violating RCW 28A.225.010 shall participate with the school and the
6 ~~((juvenile))~~ child in a supervised plan for the ~~((juvenile's))~~ child's
7 attendance at school or upon condition that the parent attend a
8 conference or conferences scheduled by a school for the purpose of
9 analyzing the causes of a child's absence.

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

13 **Sec. 75.** RCW 28A.225.110 and 1990 c 33 s 228 are each amended to
14 read as follows:

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

25 NEW SECTION. **Sec. 76.** A new section is added to chapter 28A.225
26 RCW to read as follows:

27 (1) Prior to the beginning of each new semester, quarter, or other
28 academic period followed by a district, each district shall prepare a
29 list of its enrolled students who, during the previous one hundred
30 eighty days, have substantially failed to carry out their school
31 attendance responsibility under RCW 28A.225.010(1). The list shall be
32 effective for the duration of the new semester, quarter, or other
33 academic period. A student shall be considered to have "substantially
34 failed" to carry out this responsibility if the student has been absent
35 from school without excuse for five or more school days during the one
36 hundred eighty school days preceding the date on which the list is
37 published. For purposes of this subsection, the number of "school

1 days" absent without excuse shall be determined by dividing the number
2 of hours the student was absent without excuse by the number of hours
3 in the student's average school day.

4 (2) No student on the district's list prepared under subsection (1)
5 of this section shall be permitted to enroll in a traffic safety
6 education course offered by a school district or offered by a driver
7 training school under chapter 46.82 RCW or shall be permitted to obtain
8 an application for a driver's license under chapter 46.20 RCW. A
9 school district shall provide the notice specified under section 79 of
10 this act, resulting in the suspension of the student's driving
11 privilege.

12 NEW SECTION. **Sec. 77.** A new section is added to chapter 46.82 RCW
13 to read as follows:

14 A driver training school may not provide instruction in the
15 operation of an automobile to a minor who is subject to section 76 of
16 this act, unless the driver training school is provided with a
17 statement by the principal of the minor's school that the minor is not
18 on the school district's list of students who have substantially failed
19 to carry out their school attendance responsibilities.

20 **Sec. 78.** RCW 46.20.100 and 1990 c 250 s 36 are each amended to
21 read as follows:

22 The department of licensing shall not consider an application of
23 any minor under the age of eighteen years for a driver's license or the
24 issuance of a motorcycle endorsement for a particular category unless:

25 (1) The application is also signed by a parent or guardian having
26 the custody of such minor, or in the event a minor under the age of
27 eighteen has no father, mother, or guardian, then a driver's license
28 shall not be issued to the minor unless his or her application is also
29 signed by the minor's employer; ((and))

30 (2) If the applicant is a student subject to section 76 of this
31 act, the department is provided with proof that the applicant is not on
32 the district's list of students who have substantially failed to carry
33 out their school attendance responsibilities.

34 (3) The applicant has satisfactorily completed a traffic safety
35 education course as defined in RCW 28A.220.020, conducted by a
36 recognized secondary school, that meets the standards established by
37 the office of the state superintendent of public instruction or the

1 applicant has satisfactorily completed a traffic safety education
2 course, conducted by a commercial driving instruction enterprise, that
3 meets the standards established by the office of the superintendent of
4 public instruction and is officially approved by that office on an
5 annual basis: PROVIDED, HOWEVER, That the director may upon a showing
6 that an applicant was unable to take or complete a driver education
7 course waive that requirement if the applicant shows to the
8 satisfaction of the department that a need exists for the applicant to
9 operate a motor vehicle and he or she has the ability to operate a
10 motor vehicle in such a manner as not to jeopardize the safety of
11 persons or property, under rules to be promulgated by the department in
12 concert with the supervisor of the traffic safety education section,
13 office of the superintendent of public instruction. For a person under
14 the age of eighteen years to obtain a motorcycle endorsement, he or she
15 must successfully complete a motorcycle safety education course that
16 meets the standards established by the department of licensing.

17 The department may waive any education requirement under this
18 subsection for an applicant previously licensed to drive a motor
19 vehicle or motorcycle outside this state if the applicant provides
20 proof satisfactory to the department that he or she has had education
21 equivalent to that required under this subsection.

22 NEW SECTION. Sec. 79. A new section is added to chapter 46.20 RCW
23 to read as follows:

24 Upon receipt of a notice from a school district that a juvenile is
25 on the district's list of students who have substantially failed to
26 carry out their school attendance responsibilities under section 76 of
27 this act, the department shall suspend for ninety days all driving
28 privileges of such student. The department shall adopt rules to
29 implement this section.

30 NEW SECTION. Sec. 80. The superintendent of public instruction,
31 in consultation with school districts and the department of licensing,
32 shall develop necessary forms and procedures for demonstrating that
33 juveniles are not on the school district's list of students who have
34 substantially failed to carry out their school attendance
35 responsibilities. The procedures shall be established and operational
36 by September 1, 1996.

1 NEW SECTION. **Sec. 81.** (1) The Washington state institute for
2 public policy shall review and evaluate the process of filing petitions
3 under RCW 28A.225.030 and section 69 of this act, including:

4 (a) The number of petitions filed by school districts;

5 (b) The disposition of petitions filed;

6 (c) The frequency of penalties and fines ordered by the courts;

7 (d) The frequency of contempt orders issued to enforce court
8 orders; and

9 (e) The effectiveness of the petition process in reducing unexcused
10 absences.

11 The institute shall submit a report of its findings to the
12 legislature by January 1, 1998.

13 (2) The institute, in consultation with the superintendent of
14 public instruction and other members of the education community, shall
15 review and evaluate the need to develop a state-wide definition of
16 excused and unexcused absences. The institute shall submit a report of
17 its findings to the legislature by January 1, 1996.

18 (3) The institute, in consultation with the superintendent of
19 public instruction, the state board of education, and other members of
20 the education community, shall review and evaluate the need to prohibit
21 school districts from suspending or expelling students as disciplinary
22 measures in response to unexcused absences of the students. The
23 institute shall submit a report of its findings to the legislature by
24 January 1, 1996.

25 (4) If specific funding for the purpose of this section is not
26 provided by June 30, 1995, in the omnibus appropriations act, this
27 section is null and void.

28 NEW SECTION. **Sec. 82.** A new section is added to chapter 28A.600
29 RCW to read as follows:

30 School district boards of directors shall review school district
31 policies regarding access and egress by students from secondary school
32 grounds during school hours. Each school district board of directors
33 shall adopt a policy specifying any restrictions on students leaving
34 secondary school grounds during school hours.

35 **Sec. 83.** RCW 82.14.300 and 1990 2nd ex.s. c 1 s 1 are each amended
36 to read as follows:

1 The legislature finds and declares that local government criminal
2 justice systems are in need of assistance. Many counties and cities
3 are unable to provide sufficient funding for additional police
4 protection, mitigation of congested court systems, public safety
5 education, and relief of overcrowded jails.

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

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

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

19 **Sec. 84.** RCW 82.14.320 and 1993 sp.s. c 21 s 2 are each amended to
20 read as follows:

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

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

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

29 (b) The city has levied the tax authorized in RCW 82.14.030(2) at
30 the maximum rate or the tax authorized in RCW 82.46.010(3) at the
31 maximum rate; and

32 (c) The city has a per capita yield from the tax imposed under RCW
33 82.14.030(1) at the maximum rate of less than one hundred fifty percent
34 of the state-wide average per capita yield for all cities from such
35 local sales and use tax.

36 (3) The moneys deposited in the municipal criminal justice
37 assistance account for distribution under this section shall be

1 distributed at such times as distributions are made under RCW
2 82.44.150. The distributions shall be made as follows:

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

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

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

20 (5) Notwithstanding other provisions of this section, the
21 distributions to any city that substantially decriminalizes or repeals
22 its criminal code after July 1, 1990, and that does not reimburse the
23 county for costs associated with criminal cases under RCW 3.50.800 or
24 3.50.805(2), shall be made to the county in which the city is located.

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

1 contract provisions for criminal justice services, beyond the control
2 of the local jurisdiction receiving the services, and major
3 nonrecurring capital expenditures.

4 NEW SECTION. **Sec. 85.** (1) Section 71 of this act shall take
5 effect September 1, 1995.

6 (2) Section 82 of this act shall take effect September 1, 1996.

7 NEW SECTION. **Sec. 86.** The following acts or parts of acts are
8 each repealed:

9 (1) RCW 28A.225.040 and 1990 c 33 s 221 & 1969 ex.s. c 223 s
10 28A.27.030;

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

14 (3) RCW 28A.225.070 and 1990 c 33 s 224, 1975 1st ex.s. c 275 s 57,
15 1969 ex.s. c 176 s 106, & 1969 ex.s. c 223 s 28A.27.080;

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

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

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

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

24 NEW SECTION. **Sec. 87.** If specific funding for the purposes of
25 this act, referencing this act by bill number, is not provided by June
26 30, 1995, in the omnibus appropriations act, this act is null and
27 void."

28 **E2SSB 5439** - CONF REPT
29 By Conference Committee

30

31 On page 1, line 2 of the title, after "families;" strike the
32 remainder of the title and insert "amending RCW 13.32A.010, 13.32A.030,
33 13.32A.040, 13.32A.050, 13.32A.060, 13.32A.070, 13.32A.090, 13.32A.120,
34 13.32A.130, 13.32A.140, 13.32A.150, 13.32A.160, 13.32A.170, 13.32A.175,

1 13.32A.177, 13.32A.180, 13.32A.190, 13.32A.192, 13.32A.194, 13.32A.196,
2 13.32A.250, 13.04.030, 13.04.040, 13.04.093, 43.43.510, 70.96A.090,
3 70.96A.095, 70.96A.140, 71.34.030, 71.34.050, 71.34.070, 74.13.031,
4 74.13.032, 74.13.033, 74.13.034, 74.13.035, 74.13.036, 28A.225.020,
5 28A.225.030, 36.18.020, 28A.225.060, 28A.225.090, 28A.225.110,
6 46.20.100, 82.14.300, and 82.14.320; adding new sections to chapter
7 13.32A RCW; adding new sections to chapter 46.20 RCW; adding new
8 sections to chapter 70.96A RCW; adding new sections to chapter 71.34
9 RCW; adding a new section to chapter 74.13 RCW; adding new sections to
10 chapter 28A.225 RCW; adding a new section to chapter 46.82 RCW; adding
11 a new section to chapter 28A.600 RCW; creating new sections; repealing
12 RCW 28A.225.040, 28A.225.050, 28A.225.070, 28A.225.100, 28A.225.120,
13 28A.225.130, and 28A.225.150; prescribing penalties; and providing
14 effective dates."

--- END ---