
SUBSTITUTE SENATE BILL 5439

State of Washington**54th Legislature****1995 Regular Session**

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long, Franklin, Smith, Schow, Owen, Moyer, Oke, Strannigan, Gaspard, Snyder, Heavey, Haugen, Rasmussen, Quigley, Wojahn, Loveland, Bauer, Winsley, Deccio, Spanel, Hale, Hochstatter and Palmer)

Read first time 02/27/95.

1 AN ACT Relating to revising procedures for nonoffender at-risk
2 youth and their families; amending RCW 13.32A.010, 13.32A.030,
3 13.32A.040, 13.32A.050, 13.32A.060, 13.32A.070, 13.32A.090, 13.32A.110,
4 13.32A.120, 13.32A.130, 13.32A.140, 13.32A.150, 13.32A.160, 13.32A.170,
5 13.32A.175, 13.32A.177, 13.32A.180, 13.32A.190, 13.32A.192, 13.32A.194,
6 13.32A.196, 13.32A.250, 13.04.030, 13.04.040, 13.04.093, 70.96A.090,
7 70.96A.095, 71.34.020, 71.34.030, 74.13.031, 74.13.032, 74.13.033,
8 74.13.034, 74.13.035, 74.13.036, 74.15.020, 82.14.300, 82.14.320,
9 28A.175.010, 28A.225.010, 28A.225.020, 28A.225.030, 28A.225.050,
10 28A.225.060, 28A.225.070, 28A.225.090, 28A.225.100, 28A.225.110,
11 28A.225.120, 28A.225.130, 28A.225.140, and 28A.225.150; adding new
12 sections to chapter 13.32A RCW; adding a new section to chapter 71.34
13 RCW; adding new sections to chapter 74.13 RCW; adding a new section to
14 chapter 28A.175 RCW; adding a new section to chapter 28A.225 RCW;
15 adding a new section to chapter 28A.600 RCW; adding a new section to
16 chapter 28A.150 RCW; creating new sections; prescribing penalties;
17 making an appropriation; and providing effective dates.

18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

19 The legislature recognizes there is a need for services and
20 assistance for parents and children who are in conflict. These
21 conflicts are manifested by children who exhibit various behaviors
22 including: Running away, substance abuse, serious acting out problems,
23 mental health needs, and other behaviors that endanger themselves or
24 others.

25 The legislature finds many parents do not know their rights
26 regarding their adolescent children and law enforcement. Parents and
27 courts feel they have insufficient legal recourse for the chronic
28 runaway child who is endangering himself or herself through his or her
29 behavior. The legislature further recognizes that for chronic runaways
30 whose behavior puts them in serious danger of harming themselves or
31 others, secure facilities must be provided to allow opportunities for
32 assessment, treatment, and to assist parents and protect their
33 children. The legislature intends to give tools to parents, courts,
34 and law enforcement to keep families together and reunite them whenever
35 possible.

36 The legislature recognizes that some children run away to protect
37 themselves from abuse or neglect in their homes. Abused and neglected
38 children should be dealt with pursuant to chapter 13.34 RCW and it is

1 not the intent of the legislature to handle dependency matters under
2 this chapter.

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

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

17 The legislature recognizes that secure crisis residential centers
18 provide an opportunity for children to receive short-term necessary
19 support and nurturing in cases where there may be abuse or neglect.
20 The legislature intends that center staff provide an atmosphere of
21 concern, care, and respect for children in the center and their
22 parents.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (iii) Whose parents have evidenced continuing but unsuccessful
17 efforts to maintain the family structure or are unable or unwilling to
18 continue efforts to maintain the family structure.

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

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

24 (6) "Department" means the department of social and health
25 services((+)

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

28 ((+3)) (7) "Extended family members" means a grandparent, brother,
29 sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom
30 the child has a relationship and is comfortable, and who is willing and
31 available to care for the child.

32 (8) "Guardian" means that person or agency that (a) has been
33 appointed as the guardian of a child in a legal proceeding other than
34 a proceeding under chapter 13.34 RCW, and (b) has the right to legal
35 custody of the child pursuant to such appointment. The term "guardian"
36 does not include a "dependency guardian" appointed pursuant to a
37 proceeding under chapter 13.34 RCW.

38 (9) "Multidisciplinary team" means a group formed to provide
39 assistance and support to a child who is an at-risk youth or a child in

1 need of services and his or her parent. The team shall include the
2 parent, a department case worker, a local government representative
3 when authorized by the local government, and when appropriate, members
4 from the mental health and substance abuse disciplines. The team may
5 also include, but is not limited to, the following persons: Educators,
6 law enforcement personnel, probation officers, employers, church
7 persons, tribal members, therapists, medical personnel, social service
8 providers, placement providers, and extended family members. The team
9 members shall be volunteers who do not receive compensation while
10 acting in a capacity as a team member, unless the member's employer
11 chooses to provide compensation or the member is a state employee.

12 (10) "Out-of-home placement" means a placement in a foster family
13 home or group care facility licensed pursuant to chapter 74.15 RCW or
14 placement in a home, other than that of the child's parent, guardian,
15 or legal custodian, not required to be licensed pursuant to chapter
16 74.15 RCW.

17 (11) "Parent" means the ((legal)) parent or parents who have the
18 legal right to custody of the child. "Parent" includes
19 custodian((s)) or guardian((s) of a child;

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

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

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

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

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

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

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

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

19 Whenever a child in need of services petition is filed by a youth
20 pursuant to RCW 13.32A.130, or the department pursuant to RCW
21 13.32A.150, the youth or the department shall have a copy of the
22 petition served on the parents of the youth. Service shall first be
23 attempted in person and if unsuccessful, then by certified mail with
24 return receipt.

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

27 Families who are in conflict or who are experiencing problems with
28 at-risk youth or a child who may be in need of services may request
29 family reconciliation services from the department. The department may
30 involve a multidisciplinary team in its response. Such services shall
31 be provided to alleviate personal or family situations which present a
32 serious and imminent threat to the health or stability of the child or
33 family and to maintain families intact wherever possible. Family
34 reconciliation services shall be designed to develop skills and
35 supports within families to resolve problems related to at-risk youth,
36 children in need of services, or family conflicts and may include but
37 are not limited to referral to services for suicide prevention,

1 psychiatric or other medical care, or psychological, welfare, legal,
2 educational, or other social services, as appropriate to the needs of
3 the child and the family. (~~Upon a referral by a school or other~~
4 ~~appropriate agency,~~) Family reconciliation services may also include
5 training in parenting, conflict management, and dispute resolution
6 skills.

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

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

10 ~~((+1))~~ (a) If a law enforcement agency has been contacted by the
11 parent of the child that the child is absent from parental custody
12 without consent; or

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

17 ~~((+3))~~ (c) If an agency legally charged with the supervision of a
18 child has notified a law enforcement agency that the child has run away
19 from placement; or

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

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

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

31 (3) If a law enforcement officer takes a child into custody
32 pursuant to either subsection (1)(a) or (b) of this section and
33 transports the child to a secure crisis residential center, the officer
34 shall, within twenty-four hours of delivering the child to the center,
35 provide to the center a written report detailing the reasons the
36 officer took the child into custody.

37 (4) If the police who initially take the juvenile into custody or
38 the staff of the secure crisis residential center have reasonable cause

1 to believe that the child is absent from home because he or she is
2 abused or neglected, a report shall be made immediately to the
3 department.

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

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

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

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

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

19 (a) Transport the child to his or her home or to a parent at his or
20 her place of employment, if no parent is at home. The officer
21 releasing a child into the custody of the parent shall inform the
22 parent of the reason for the taking of the child into custody and shall
23 inform the child and the parent of the nature and location of
24 appropriate services available in their community. The parent may
25 direct the officer to take the child to the home of an adult extended
26 family member or a responsible adult. The officer releasing a child
27 into the custody of an adult extended family member or a responsible
28 adult shall inform the child and the extended family member or
29 responsible adult of the nature and location of appropriate services
30 available in the community; or

31 (b) Take the child to ~~((the home of an adult extended family~~
32 ~~member,))~~ a designated secure crisis residential center, ~~((or the home~~
33 ~~of a responsible adult))~~ after attempting to notify the parent or legal
34 guardian:

35 (i) If the child expresses fear or distress at the prospect of
36 being returned to his or her home which leads the officer to believe
37 there is a possibility that the child is experiencing ~~((in the home))~~

1 some type of child abuse or neglect, as defined in RCW 26.44.020(~~as~~
2 ~~now law or hereafter amended~~); or

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

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

7 (~~The officer releasing a child into the custody of an extended~~
8 ~~family member or a responsible adult shall inform the child and the~~
9 ~~extended family member or responsible adult of the nature and location~~
10 ~~of appropriate services available in the community.))~~

11 (2) An officer taking a child into custody under RCW 13.32A.050 (3)
12 or (4) shall inform the child of the reason for custody, and shall take
13 the child to a designated secure crisis residential center licensed by
14 the department and established pursuant to chapter 74.13 RCW. However,
15 an officer taking a child into custody under RCW 13.32A.050(4) may
16 place the child in a juvenile detention facility as provided in RCW
17 13.32A.065. The department shall ensure that all the law enforcement
18 authorities are informed on a regular basis as to the location of the
19 designated secure crisis residential center or centers in their
20 (~~judicial district~~) jurisdiction, where children taken into custody
21 under RCW 13.32A.050 may be taken.

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

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

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

1 ~~(2))~~ A law enforcement officer acting in good faith pursuant to
2 this chapter in failing to take a child into custody, in taking a child
3 into custody, or in releasing a child to a person ~~((other than))~~ at the
4 request of a parent ~~((of such child))~~ is immune from civil or criminal
5 liability for such action.

6 ~~((3))~~ (2) A person ~~((other than a parent of such child who~~
7 ~~receives))~~ with whom a child is placed pursuant to this chapter and who
8 acts reasonably and in good faith ~~((in doing so))~~ is immune from civil
9 or criminal liability for the act of receiving ~~((such))~~ the child.
10 ~~((Such))~~ The immunity does not release ~~((such))~~ the person from
11 liability under any other law ~~((including the laws regulating licensed~~
12 ~~child care and prohibiting child abuse))~~.

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

15 The parents of a child placed in a secure crisis residential center
16 shall contribute fifty dollars per day, for not more than five
17 consecutive days, for the expense of the child's placement. However,
18 the secretary may establish a payment schedule that requires a lesser
19 payment based on a parent's ability to pay. The payment shall be made
20 to the department. No child may be denied placement in, or removed
21 from, a secure crisis residential center based solely on the income of
22 the parent.

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

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

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

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

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

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

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

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

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

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

15 (d) Arrange transportation for the child to the residence of the
16 parent, as soon as practicable, at the latter's expense to the extent
17 of his or her ability to pay, with any unmet transportation expenses to
18 be assumed by the department, when the child and his or her parent
19 agrees to the child's return home or when the parent produces a copy of
20 a court order entered under this chapter requiring the child to reside
21 in the parent's home;

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

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

28 **Sec. 10.** RCW 13.32A.110 and 1979 c 155 s 25 are each amended to
29 read as follows:

30 If a child who has a legal residence outside the state of
31 Washington is admitted to a secure crisis residential center or is
32 placed by a law enforcement officer with a responsible person other
33 than the child's parent, and the child refuses to return home, the
34 provisions of RCW 13.24.010 shall apply.

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

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

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

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

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

26 (1) A child admitted to a secure crisis residential center under
27 this chapter who is not returned to the home of his or her parent or
28 who is not placed in an (~~alternative residential~~) out-of-home
29 placement (~~under an agreement between the parent and child,~~) shall(~~,~~
30 ~~except as provided for by RCW 13.32A.140 and 13.32A.160(2),~~) reside in
31 the (~~placement~~) center under the rules (~~established for~~) of the
32 center for a period not less than three and not to exceed five
33 consecutive days from the time of intake(~~,~~ ~~except as otherwise~~
34 ~~provided by this chapter~~). The parents may remove the child at any
35 time during the five-day period if no allegations of abuse or neglect
36 have been made against the parents. The department may remove the
37 child whenever a dependency petition is filed under chapter 13.34 RCW.

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

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

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

27 (1) The administrator of a secure crisis residential center may
28 convene a multidisciplinary team at the request of a child placed at
29 the center or the child's parent. If the administrator has reasonable
30 cause to believe that a child is a child in need of services and the
31 parent is unavailable or unwilling to continue efforts to maintain the
32 family structure, the administrator shall immediately convene a
33 multidisciplinary team. The parent may disband the team at any time
34 unless the court has ordered an out-of-home placement pursuant to
35 section 19(3) of this act. Upon the filing of an at-risk youth or

1 dependency petition, the team shall cease to exist unless the parent
2 requests continuation of the team.

3 (2) The secretary shall request participation of appropriate state
4 agencies in the multidisciplinary teams. Those agencies that agree to
5 participate shall provide the secretary all information necessary to
6 facilitate forming a multidisciplinary team and the secretary shall
7 provide this information to the administrator of each secure crisis
8 residential center.

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

17 (4) The administrator shall also seek participation from
18 representatives of mental health and drug and alcohol treatment
19 providers as appropriate.

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

30 (6) When an administrator of a secure crisis residential center
31 requests the formation of a team, the state agencies must respond as
32 soon as possible. The team shall have the authority to evaluate the
33 juvenile, and family members, if appropriate and agreed to by the
34 parent, and shall:

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

37 (b) Make a referral to the designated chemical dependency
38 specialist or the county designated mental health professional, if
39 appropriate;

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

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

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

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

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

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

23 **Sec. 14.** RCW 13.32A.140 and 1990 c 276 s 9 are each amended to
24 read as follows:

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

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

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

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

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

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

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

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

7 (2) The child has been admitted to a secure crisis residential
8 center and:

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

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

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

15 (3) An agreement between parent and child made pursuant to RCW
16 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer
17 acceptable to parent or child, and:

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

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

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

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

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

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

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

1 placement)) under this section, shall be represented as provided for in
2 RCW 13.04.093.

3 **Sec. 15.** RCW 13.32A.150 and 1992 c 205 s 208 are each amended to
4 read as follows:

5 (1) Except as otherwise provided in this (~~section~~) chapter, the
6 juvenile court shall not accept the filing of (~~an alternative~~
7 ~~residential placement~~) a child in need of services petition by the
8 child or the parents or the filing of an at-risk youth petition by the
9 parent, unless verification is provided that a family assessment has
10 been completed by the department. The family assessment shall be aimed
11 at family reconciliation and avoidance of the out-of-home placement of
12 the child. If the department is unable to complete an assessment
13 within two working days following a request for assessment the child or
14 the parents may proceed under subsection (2) of this section or the
15 parent may proceed under (~~subsection (3) of this~~) section 23 of this
16 act.

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

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

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

36 (b) ~~The petitioning parent has the right to legal custody of the~~
37 ~~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. 16.** 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 on 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 secure crisis residential center, foster
6 family home, group home facility licensed under chapter 74.15 RCW, or
7 any 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. 17.** 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 petition and may approve or deny (~~(alternative residential)~~) an
19 out-of-home placement giving due weight to the intent of the
20 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 19(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. 18.** 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. 19.** 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.

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

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

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

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

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

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

3 **Sec. 20.** RCW 13.32A.177 and 1988 c 275 s 14 are each amended to
4 read as follows:

5 A determination of ((child)) support payments ordered under RCW
6 13.32A.175 shall be based upon ((the child support schedule and
7 ~~standards adopted under~~)) chapter 26.19 RCW ((26.19.040)).

8 **Sec. 21.** RCW 13.32A.180 and 1979 c 155 s 32 are each amended to
9 read as follows:

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

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

27 **Sec. 22.** RCW 13.32A.190 and 1989 c 269 s 5 are each amended to
28 read as follows:

29 (1) Upon making a dispositional order under ((RCW 13.32A.180))
30 section 19 of this act, the court shall schedule the matter on the
31 calendar for review within three months, advise the parties of the date
32 thereof, appoint legal counsel and/or a guardian ad litem to represent
33 the child at the review hearing, advise parents of their right to be
34 represented by legal counsel at the review hearing, and notify the
35 parties of their rights to present evidence at the hearing. Where

1 resources are available, the court shall encourage the parent and child
2 to participate in (~~mediation~~) programs for reconciliation of their
3 conflict.

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

16 (3) Out-of-home placement may not be continued past one hundred
17 eighty days from the day the review hearing commenced. The court shall
18 order (~~that~~) the child to return to the home of the parent at the
19 expiration of the placement. If (~~continued~~) an out-of-home placement
20 is disapproved prior to one hundred eighty days, the court shall enter
21 an order requiring (~~that~~) the child to return to the home of the
22 child's parent.

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

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

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

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

34 (5) The court shall terminate a placement made under this section
35 upon the request of a parent unless the placement is made pursuant to
36 section 19(3) of this act.

37 NEW SECTION. Sec. 23. A new section is added to chapter 13.32A
38 RCW to read as follows:

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

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

9 (b) The petitioner has the right to legal custody of the child;

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

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

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

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

24 **Sec. 24.** RCW 13.32A.192 and 1990 c 276 s 12 are each amended to
25 read as follows:

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

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

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

33 (c) Appoint legal counsel for the child;

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

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

1 (2) Unless out-of-home placement of the child is otherwise
2 authorized or required by law, the child shall reside in the home of
3 his or her parent or in an ~~((alternative residential))~~ out-of-home
4 placement requested by the parent or child and approved by the parent.
5 ~~((Upon request by the parent, the court may enter a court order~~
6 ~~requiring the child to reside in the home of his or her parent or an~~
7 ~~alternative residential placement approved by the parent.))~~

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

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

32 **Sec. 25.** RCW 13.32A.194 and 1990 c 276 s 13 are each amended to
33 read as follows:

34 (1) The court shall hold a fact-finding hearing to consider a
35 proper at-risk youth petition. The court ~~((may))~~ shall grant the
36 petition and enter an order finding the child to be an at-risk youth if
37 the allegations in the petition are established by a preponderance of
38 the evidence~~((The court shall not enter such an order if the court~~

1 ~~has approved an alternative residential placement petition regarding~~
2 ~~the child or if)), unless~~ the child is the subject of a proceeding
3 under chapter 13.34 RCW. If the petition is granted, the court shall
4 enter an order requiring the child to reside in the home of his or her
5 parent or ~~((in an alternative residential placement approved by the~~
6 ~~parent))~~ in an out-of-home placement as provided in RCW 13.32A.192(2).

7 (2) The court may order the department to submit a dispositional
8 plan if such a plan would assist the court in ordering a suitable
9 disposition in the case. If the court orders the department to prepare
10 a plan, the department shall provide copies of the plan to the parent,
11 the child, and the court. If the parties or the court desire the
12 department to be involved in any future proceedings or case plan
13 development, the department shall be provided timely notification of
14 all court hearings.

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

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

23 **Sec. 26.** RCW 13.32A.196 and 1991 c 364 s 14 are each amended to
24 read as follows:

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

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

33 (a) Regular school attendance;

34 (b) Counseling;

35 (c) Participation in a substance abuse or mental health outpatient
36 treatment program;

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

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

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

8 (4) The court may order the parent to participate in counseling
9 services or any other services for the child requiring parental
10 participation. The parent shall cooperate with the court-ordered case
11 plan and shall take necessary steps to help implement the case plan.
12 The parent shall be financially responsible for costs related to the
13 court-ordered plan; however, this requirement shall not affect the
14 eligibility of the parent or child for public assistance or other
15 benefits to which the parent or child may otherwise be entitled.

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

23 ((+5)) (6) The court may order the department to monitor
24 compliance with the dispositional order, assist in coordinating the
25 provision of court-ordered services, and submit reports at subsequent
26 review hearings regarding the status of the case.

27 **Sec. 27.** RCW 13.32A.250 and 1990 c 276 s 16 are each amended to
28 read as follows:

29 (1) In all ((~~alternative residential placement~~)) child in need of
30 services proceedings and at-risk youth proceedings, the court shall
31 verbally notify the parents and the child of the possibility of a
32 finding of contempt for failure to comply with the terms of a court
33 order entered pursuant to this chapter. The court shall treat the
34 parents and the child equally for the purposes of applying contempt of
35 court processes and penalties under this section.

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

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

4 (4) A child imprisoned for contempt under this section shall be
5 imprisoned only in a secure juvenile detention facility operated by or
6 pursuant to a contract with a county.

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

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

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

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

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

26 (a) Attempt to notify the parent of the child of the location of
27 the child and return the child to the parent unless there has been a
28 placement ordered under this title;

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

33 (c) Notify the department.

34 (2) If a person provides the notices required in this section he or
35 she is immune from liability for any cause of action arising from
36 providing shelter to the child. The immunity shall not extend to acts

1 of intentional misconduct or gross negligence by the person providing
2 the shelter.

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

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

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

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

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

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

16 (e) Relating to juveniles alleged or found to have committed
17 offenses, traffic infractions, or violations as provided in RCW
18 13.40.020 through 13.40.230, unless:

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

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

23 (iii) The alleged offense or infraction is a traffic, fish,
24 boating, or game offense or traffic infraction committed by a juvenile
25 sixteen years of age or older and would, if committed by an adult, be
26 tried or heard in a court of limited jurisdiction, in which instance
27 the appropriate court of limited jurisdiction shall have jurisdiction
28 over the alleged offense or infraction: PROVIDED, That if such an
29 alleged offense or infraction and an alleged offense or infraction
30 subject to juvenile court jurisdiction arise out of the same event or
31 incident, the juvenile court may have jurisdiction of both matters:
32 PROVIDED FURTHER, That the jurisdiction under this subsection does not
33 constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1)
34 or (e)(i) of this subsection: PROVIDED FURTHER, That courts of limited
35 jurisdiction which confine juveniles for an alleged offense or
36 infraction may place juveniles in juvenile detention facilities under
37 an agreement with the officials responsible for the administration of
38 the juvenile detention facility in RCW 13.04.035 and 13.20.060; or

1 (iv) The juvenile is sixteen or seventeen years old and the alleged
2 offense is: (A) A serious violent offense as defined in RCW 9.94A.030
3 committed on or after June 13, 1994; or (B) a violent offense as
4 defined in RCW 9.94A.030 committed on or after June 13, 1994, and the
5 juvenile has a criminal history consisting of: (I) One or more prior
6 serious violent offenses; (II) two or more prior violent offenses; or
7 (III) three or more of any combination of the following offenses: Any
8 class A felony, any class B felony, vehicular assault, or manslaughter
9 in the second degree, all of which must have been committed after the
10 juvenile's thirteenth birthday and prosecuted separately. In such a
11 case the adult criminal court shall have exclusive original
12 jurisdiction.

13 If the juvenile challenges the state's determination of the
14 juvenile's criminal history, the state may establish the offender's
15 criminal history by a preponderance of the evidence. If the criminal
16 history consists of adjudications entered upon a plea of guilty, the
17 state shall not bear a burden of establishing the knowing and
18 voluntariness of the plea;

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

21 (g) Relating to termination of a diversion agreement under RCW
22 13.40.080, including a proceeding in which the divertee has attained
23 eighteen years of age; and

24 (h) Relating to court validation of a voluntary consent to foster
25 care placement under chapter 13.34 RCW, by the parent or Indian
26 custodian of an Indian child, except if the parent or Indian custodian
27 and child are residents of or domiciled within the boundaries of a
28 federally recognized Indian reservation over which the tribe exercises
29 exclusive jurisdiction.

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

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

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

3 The administrator shall, in any county or judicial district in the
4 state, appoint or designate one or more persons of good character to
5 serve as probation counselors during the pleasure of the administrator.
6 The probation counselor shall:

7 (1) Receive and examine referrals to the juvenile court for the
8 purpose of considering the filing of a petition or information pursuant
9 to chapter 13.32A or 13.34 RCW (~~((13.34.040, 13.34.180, and))~~) or RCW
10 13.40.070 (~~((as now or hereafter amended, and RCW 13.32A.150))~~);

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

14 (3) Arrange and supervise diversion agreements as provided in RCW
15 13.40.080, (~~((as now or hereafter amended,))~~) and ensure that the
16 requirements of such agreements are met except as otherwise provided in
17 this title;

18 (4) Prepare predisposition studies as required in RCW 13.34.120 and
19 13.40.130, (~~((as now or hereafter amended,))~~) and be present at the
20 disposition hearing to respond to questions regarding the
21 predisposition study: PROVIDED, That such duties shall be performed by
22 the department (~~((of social and health services))~~) for cases relating to
23 dependency or to the termination of a parent and child relationship
24 which is filed by the department (~~((of social and health services))~~)
25 unless otherwise ordered by the court; and

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

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

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

35 The probation counselors and persons appointed to have charge of
36 detention facilities shall each receive compensation which shall be
37 fixed by the legislative authority of the county, or in cases of joint
38 counties, judicial districts of more than one county, or joint judicial
39 districts such sums as shall be agreed upon by the legislative

1 authorities of the counties affected, and such persons shall be paid as
2 other county officers are paid.

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

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

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

13 It shall be the duty of the prosecuting attorney to act in
14 proceedings relating to the commission of a juvenile offense as
15 provided in RCW 13.40.070 and 13.40.090 and in proceedings as provided
16 in chapter 71.34 RCW. It shall be the duty of the prosecuting attorney
17 to handle delinquency cases under chapter 13.24 RCW and it shall be the
18 duty of the attorney general to handle dependency cases under chapter
19 13.24 RCW. It shall be the duty of the attorney general in contested
20 cases brought by the department to present the evidence supporting any
21 petition alleging dependency or seeking the termination of a parent and
22 child relationship or any contested case filed under RCW 26.33.100 or
23 approving or disapproving (~~(alternative residential)~~) out-of-home
24 placement: PROVIDED, That in each county with a population of less
25 than two hundred ten thousand, the attorney general may contract with
26 the prosecuting attorney of the county to perform (~~(said)~~) the duties
27 of the attorney general under this section.

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

1 In developing this plan, the department shall identify existing
2 local and state services and barriers to those services for children.
3 The plan for intensive treatment services, to the extent possible,
4 shall build upon those existing resources.

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

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

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

14 **Sec. 35.** RCW 70.96A.090 and 1990 c 151 s 5 are each amended to
15 read as follows:

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

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

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

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

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

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

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

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

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

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

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

37 **Sec. 36.** RCW 70.96A.095 and 1991 c 364 s 9 are each amended to
38 read as follows:

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

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

21 **Sec. 37.** RCW 71.34.020 and 1985 c 354 s 2 are each amended to read
22 as follows:

23 Unless the context clearly requires otherwise, the definitions in
24 this section apply throughout this chapter.

25 (1) "Child psychiatrist" means a person having a license as a
26 physician and surgeon in this state, who has had graduate training in
27 child psychiatry in a program approved by the American Medical
28 Association or the American Osteopathic Association, and who is board
29 eligible or board certified in child psychiatry.

30 (2) "Children's mental health specialist" means:

31 (a) A mental health professional who has completed a minimum of one
32 hundred actual hours, not quarter or semester hours, of specialized
33 training devoted to the study of child development and the treatment of
34 children; and

35 (b) A mental health professional who has the equivalent of one year
36 of full-time experience in the treatment of children under the
37 supervision of a children's mental health specialist.

1 (3) "Commitment" means a determination by a judge or court
2 commissioner, made after a commitment hearing, that the minor is in
3 need of inpatient diagnosis, evaluation, or treatment or that the minor
4 is in need of less restrictive alternative treatment.

5 (4) "County-designated mental health professional" means a mental
6 health professional designated by one or more counties to perform the
7 functions of a county-designated mental health professional described
8 in this chapter.

9 (5) "Department" means the department of social and health
10 services.

11 (6) "Evaluation and treatment facility" means a public or private
12 facility or unit that is certified by the department to provide
13 emergency, inpatient, residential, or outpatient mental health
14 evaluation and treatment services for minors. A physically separate
15 and separately-operated portion of a state hospital may be designated
16 as an evaluation and treatment facility for minors. A facility which
17 is part of or operated by the department or federal agency does not
18 require certification. No correctional institution or facility,
19 juvenile court detention facility, or jail may be an evaluation and
20 treatment facility within the meaning of this chapter.

21 (7) "Evaluation and treatment program" means the total system of
22 services and facilities coordinated and approved by a county or
23 combination of counties for the evaluation and treatment of minors
24 under this chapter.

25 (8) "Gravely disabled minor" means a minor who, as a result of a
26 mental disorder, is in danger of serious physical harm resulting from
27 a failure to provide for his or her essential human needs of health or
28 safety, or manifests severe deterioration in routine functioning
29 evidenced by repeated and escalating loss of cognitive or volitional
30 control over his or her actions and is not receiving such care as is
31 essential for his or her health or safety.

32 (9) "Inpatient treatment" means twenty-four-hour-per-day mental
33 health care provided within a general hospital, psychiatric hospital,
34 or residential treatment facility certified by the department as an
35 evaluation and treatment facility for minors.

36 (10) "Less restrictive alternative" or "less restrictive setting"
37 means outpatient treatment provided to a minor who is not residing in
38 a facility providing inpatient treatment as defined in this chapter.

1 (11) "Likelihood of serious harm" means either: (a) A substantial
2 risk that physical harm will be inflicted by an individual upon his or
3 her own person, as evidenced by threats or attempts to commit suicide
4 or inflict physical harm on oneself; (b) a substantial risk that
5 physical harm will be inflicted by an individual upon another, as
6 evidenced by behavior which has caused such harm or which places
7 another person or persons in reasonable fear of sustaining such harm;
8 or (c) a substantial risk that physical harm will be inflicted by an
9 individual upon the property of others, as evidenced by behavior which
10 has caused substantial loss or damage to the property of others.

11 (12) "Mental disorder" means any organic, mental, behavioral, or
12 emotional impairment that has substantial adverse effects on an
13 individual's cognitive or volitional functions. The presence of
14 alcohol abuse, drug abuse, juvenile criminal history, antisocial
15 behavior, or mental retardation alone is insufficient to justify a
16 finding of "mental disorder" within the meaning of this section.

17 (13) "Mental health professional" means a psychiatrist,
18 psychologist, psychiatric nurse, or social worker, and such other
19 mental health professionals as may be defined by rules adopted by the
20 secretary under this chapter.

21 (14) "Minor" means any person under the age of eighteen years.

22 (15) "Outpatient treatment" means any of the nonresidential
23 services mandated under chapter 71.24 RCW and provided by licensed
24 services providers as identified by RCW 71.24.025(3).

25 (16) "Parent" means:

26 (a) A biological or adoptive parent who has legal custody of the
27 child, including either parent if custody is shared under a joint
28 custody agreement; or

29 (b) A person or agency judicially appointed as legal guardian or
30 custodian of the child.

31 (17) "Professional person in charge" means a physician or other
32 mental health professional empowered by an evaluation and treatment
33 facility with authority to make admission and discharge decisions on
34 behalf of that facility.

35 (18) "Psychiatric nurse" means a registered nurse who has a
36 bachelor's degree from an accredited college or university, and who has
37 had, in addition, at least two years' experience in the direct
38 treatment of mentally ill or emotionally disturbed persons, such
39 experience gained under the supervision of a mental health

1 professional. "Psychiatric nurse" shall also mean any other registered
2 nurse who has three years of such experience.

3 (19) "Psychiatrist" means a person having a license as a physician
4 in this state who has completed residency training in psychiatry in a
5 program approved by the American Medical Association or the American
6 Osteopathic Association, and is board eligible or board certified in
7 psychiatry.

8 (20) "Psychologist" means a person licensed as a psychologist under
9 chapter 18.83 RCW.

10 (21) "Responsible other" means the minor, the minor's parent or
11 estate, or any other person legally responsible for support of the
12 minor.

13 (22) "Secretary" means the secretary of the department or
14 secretary's designee.

15 (23) "Start of initial detention" means the time of arrival of the
16 minor at the first evaluation and treatment facility offering inpatient
17 treatment if the minor is being involuntarily detained at the time.
18 With regard to voluntary patients, "start of initial detention" means
19 the time at which the minor gives notice of intent to leave under the
20 provisions of this chapter.

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

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

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

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

37 (b)) A minor ~~((thirteen years or older))~~ may be voluntarily
38 admitted by application of the parent. ~~((Such application must be~~

1 ~~accompanied by the written consent, knowingly and voluntarily given, of~~
2 ~~the minor.))~~ The consent of the minor is not required for the minor to
3 be evaluated and admitted as appropriate.

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

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

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

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

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

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

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

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

1 of evidence sought to be presented shall be within the exercise of
2 sound discretion by the judicial officer conducting the hearing.

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

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

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

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

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

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

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

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

29 The department shall randomly select and review the information on
30 children who are admitted to in-patient treatment on application of the
31 child's parent. The review shall determine whether the children
32 reviewed were appropriately admitted into treatment based on an
33 objective evaluation of the child's condition and the success of the
34 child's treatment.

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

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

3 (1) Develop, administer, supervise, and monitor a coordinated and
4 comprehensive plan that establishes, aids, and strengthens services for
5 the protection and care of homeless, runaway, dependent, or neglected
6 children.

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

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

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

28 (5) Monitor out-of-home placements, on a timely and routine basis,
29 to assure the safety, well-being, and quality of care being provided is
30 within the scope of the intent of the legislature as defined in RCW
31 74.13.010 and 74.15.010, and annually submit a report delineating the
32 results to the ~~((house and senate committees on social and health
33 services))~~ legislature.

34 (6) Have authority to accept custody of children from parents and
35 ~~((to accept custody of children from))~~ juvenile courts, where
36 authorized to do so under law, to provide child welfare services
37 including placement for adoption, and to provide for the physical care
38 of such children and make payment of maintenance costs if needed.
39 Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no

1 private adoption agency which receives children for adoption from the
2 department shall discriminate on the basis of race, creed, or color
3 when considering applications in their placement for adoption.

4 (7) Have authority to provide temporary shelter to children who
5 have run away from home and who are admitted to secure crisis
6 residential centers.

7 (8) Have authority to purchase care for children(~~(7)~~) and (~~shall~~
8 ~~follow in general the policy of using~~) use properly approved private
9 agency services for the (~~actual~~) care and supervision of such
10 children insofar as they are available, paying for care of such
11 children as are accepted by the department as eligible for support at
12 reasonable rates established by the department.

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

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

24 (11) Have authority within funds appropriated for foster care
25 services to purchase care for Indian children who are in the custody of
26 a federally recognized Indian tribe or tribally licensed child-placing
27 agency pursuant to parental consent, tribal court order, or state
28 juvenile court order(~~(7) and~~). The purchase of such care (~~shall be~~)
29 is subject to the same eligibility standards and rates of support
30 applicable to other children for whom the department purchases care.

31 Notwithstanding any other provision of RCW 13.32A.170 through
32 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
33 services to be provided by the department of social and health services
34 under subsections (4)(~~(7)~~) and (6)(~~(7) and (7)~~) of this section,
35 subject to the limitations of these subsections, may be provided by any
36 program offering such services funded pursuant to Titles II and III of
37 the federal juvenile justice and delinquency prevention act of 1974.

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

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

13 (2) The department shall, in addition to the regional facilities
14 established under subsection (1) of this section, establish not less
15 than thirty additional secure crisis residential centers pursuant to
16 contract with licensed private group care ~~((or specialized foster
17 home))~~ facilities. The staff at the facilities shall be trained so
18 that they may effectively counsel juveniles admitted to the centers,
19 provide treatment, supervision, and structure to the juveniles, and
20 carry out the responsibilities stated in RCW 13.32A.090. The
21 responsibilities stated in RCW 13.32A.090 may, in any of the centers,
22 be carried out by the department.

23 (3) Secure crisis residential facilities shall be operated as
24 ~~((semi-secure))~~ secure facilities as defined in RCW 13.32A.030. The
25 facilities shall have an average of no more than three adult staff
26 members to every eight children. The staffing ratio shall continue to
27 ensure the safety of the children.

28 (4) Any center created under this section may be located within, or
29 on the same grounds as, other secure facilities including jails,
30 juvenile detention facilities operated by the state, or units of local
31 government. The operation of a center located within or on the same
32 grounds as another secure facility shall not permit in-person contact
33 between the residents of the center and the persons held in the other
34 secure facility.

35 NEW SECTION. **Sec. 42.** A new section is added to chapter 74.13 RCW
36 to read as follows:

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

4 NEW SECTION. **Sec. 43.** A new section is added to chapter 74.13 RCW
5 to read as follows:

6 Crisis residential centers shall be secure facilities, as defined
7 in RCW 13.32A.030, no later than January 1, 1997.

8 **Sec. 44.** RCW 74.13.033 and 1992 c 205 s 213 are each amended to
9 read as follows:

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

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

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

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

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

1 (d) Provide additional crisis counseling as needed, to the end that
2 placement of the child in the secure crisis residential center will be
3 required for the shortest time possible, but not to exceed five
4 consecutive days.

5 (3) A juvenile taking unauthorized leave from this residence may be
6 apprehended and returned to it by law enforcement officers or other
7 persons designated as having this authority as provided in RCW
8 13.32A.050. If returned to the facility after having taken
9 unauthorized leave for a period of more than twenty-four hours a
10 juvenile may be supervised by such a facility for a period, pursuant to
11 this chapter, which, unless where otherwise provided, may not exceed
12 five consecutive days on the premises. Costs of housing juveniles
13 admitted to secure crisis residential centers shall be assumed by the
14 department for a period not to exceed five consecutive days.

15 **Sec. 45.** RCW 74.13.034 and 1992 c 205 s 214 are each amended to
16 read as follows:

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

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

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

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

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

25 **Sec. 46.** RCW 74.13.035 and 1979 c 155 s 81 are each amended to
26 read as follows:

27 Secure crisis residential centers shall compile ~~((yearly))~~
28 quarterly records which shall be transmitted to the department and
29 which shall contain information regarding population profiles of the
30 children admitted to the centers during each past calendar year. Such
31 information shall include but shall not be limited to the following:

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

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

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

36 (4) The circumstances which necessitated the children being brought
37 to the center;

38 (5) The ultimate disposition of cases;

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

3 (7) Length of stay.

4 The department may require the provision of additional information and
5 may require each center to provide all such necessary information in a
6 uniform manner.

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

10 **Sec. 47.** 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 **Sec. 48.** RCW 74.15.020 and 1994 c 273 s 21 are each amended to
24 read as follows:

25 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless
26 otherwise clearly indicated by the context thereof, the following terms
27 shall mean:

28 (1) "Department" means the state department of social and health
29 services;

30 (2) "Secretary" means the secretary of social and health services;

31 (3) "Agency" means any person, firm, partnership, association,
32 corporation, or facility which receives children, expectant mothers, or
33 persons with developmental disabilities for control, care, or
34 maintenance outside their own homes, or which places, arranges the
35 placement of, or assists in the placement of children, expectant
36 mothers, or persons with developmental disabilities for foster care or
37 placement of children for adoption, and shall include the following
38 irrespective of whether there is compensation to the agency or to the

1 children, expectant mothers or persons with developmental disabilities
2 for services rendered:

3 (a) "Group-care facility" means an agency, other than a foster-
4 family home, which is maintained and operated for the care of a group
5 of children on a twenty-four hour basis;

6 (b) "Child-placing agency" means an agency which places a child or
7 children for temporary care, continued care, or for adoption;

8 (c) "Maternity service" means an agency which provides or arranges
9 for care or services to expectant mothers, before or during
10 confinement, or which provides care as needed to mothers and their
11 infants after confinement;

12 (d) "Day-care center" means an agency which regularly provides care
13 for a group of children for periods of less than twenty-four hours;

14 (e) "Family day-care provider" means a licensed day-care provider
15 who regularly provides day care for not more than twelve children in
16 the provider's home in the family living quarters;

17 (f) "Foster-family home" means an agency which regularly provides
18 care on a twenty-four hour basis to one or more children, expectant
19 mothers, or persons with developmental disabilities in the family abode
20 of the person or persons under whose direct care and supervision the
21 child, expectant mother, or person with a developmental disability is
22 placed;

23 (g) "Secure crisis residential center" means an agency which is a
24 temporary protective residential facility operated to perform the
25 duties specified in chapter 13.32A RCW, in the manner provided in RCW
26 74.13.032 through 74.13.036.

27 (4) "Agency" shall not include the following:

28 (a) Persons related by blood or marriage to the child, expectant
29 mother, or persons with developmental disabilities in the following
30 degrees: Parent, grandparent, brother, sister, stepparent,
31 stepbrother, stepsister, uncle, aunt, and/or first cousin;

32 (b) Persons who are legal guardians of the child, expectant mother,
33 or persons with developmental disabilities;

34 (c) Persons who care for a neighbor's or friend's child or
35 children, with or without compensation, where the person does not
36 engage in such activity on a regular basis, or where parents on a
37 mutually cooperative basis exchange care of one another's children, or
38 persons who have the care of an exchange student in their own home;

1 (d) A person, partnership, corporation, or other entity that
2 provides placement or similar services to exchange students or
3 international student exchange visitors;

4 (e) Nursery schools or kindergartens which are engaged primarily in
5 educational work with preschool children and in which no child is
6 enrolled on a regular basis for more than four hours per day;

7 (f) Schools, including boarding schools, which are engaged
8 primarily in education, operate on a definite school year schedule,
9 follow a stated academic curriculum, accept only school-age children
10 and do not accept custody of children;

11 (g) Seasonal camps of three months' or less duration engaged
12 primarily in recreational or educational activities;

13 (h) Hospitals licensed pursuant to chapter 70.41 RCW when
14 performing functions defined in chapter 70.41 RCW, nursing homes
15 licensed under chapter 18.51 RCW and boarding homes licensed under
16 chapter 18.20 RCW;

17 (i) Licensed physicians or lawyers;

18 (j) Facilities providing care to children for periods of less than
19 twenty-four hours whose parents remain on the premises to participate
20 in activities other than employment;

21 (k) Facilities approved and certified under chapter 71A.22 RCW;

22 (l) Any agency having been in operation in this state ten years
23 prior to June 8, 1967, and not seeking or accepting moneys or
24 assistance from any state or federal agency, and is supported in part
25 by an endowment or trust fund;

26 (m) Persons who have a child in their home for purposes of
27 adoption, if the child was placed in such home by a licensed child-
28 placing agency, an authorized public or tribal agency or court or if a
29 replacement report has been filed under chapter 26.33 RCW and the
30 placement has been approved by the court;

31 (n) An agency operated by any unit of local, state, or federal
32 government or an agency, located within the boundaries of a federally
33 recognized Indian reservation, licensed by the Indian tribe;

34 (o) An agency located on a federal military reservation, except
35 where the military authorities request that such agency be subject to
36 the licensing requirements of this chapter.

37 (5) "Requirement" means any rule, regulation or standard of care to
38 be maintained by an agency.

1 NEW SECTION. **Sec. 49.** The sum of one hundred fifty thousand
2 dollars, or as much thereof as may be necessary, is appropriated for
3 the biennium ending June 30, 1997, from the violence reduction and drug
4 enforcement account to the department of community, trade, and economic
5 development for the purposes of implementing chapter 7, Laws of 1994
6 sp. sess. by reimbursing counties one hundred dollars per at-risk youth
7 petition filed within the county to be applied towards expenses
8 incurred by the county. Each county shall submit requests for
9 reimbursement to the department pursuant to guidelines and standards
10 adopted by the department.

11 **Sec. 50.** RCW 82.14.300 and 1990 2nd ex.s. c 1 s 1 are each amended
12 to read as follows:

13 The legislature finds and declares that local government criminal
14 justice systems are in need of assistance. Many counties and cities
15 are unable to provide sufficient funding for additional police
16 protection, mitigation of congested court systems, public safety
17 education, and relief of overcrowded jails.

18 In order to ensure public safety, it is necessary to provide fiscal
19 assistance to help local governments to respond immediately to these
20 criminal justice problems, while initiating a review of the criminal
21 justice needs of cities and counties and the resources available to
22 address those needs.

23 To provide for a more efficient and effective response to these
24 problems, the legislature encourages cities and counties to coordinate
25 strategies against crime and use multijurisdictional and innovative
26 approaches in addressing criminal justice problems.

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

31 **Sec. 51.** RCW 82.14.320 and 1993 sp.s. c 21 s 2 are each amended to
32 read as follows:

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

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

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

5 (b) The city has levied the tax authorized in RCW 82.14.030(2) at
6 the maximum rate or the tax authorized in RCW 82.46.010(3) at the
7 maximum rate; and

8 (c) The city has a per capita yield from the tax imposed under RCW
9 82.14.030(1) at the maximum rate of less than one hundred fifty percent
10 of the state-wide average per capita yield for all cities from such
11 local sales and use tax.

12 (3) The moneys deposited in the municipal criminal justice
13 assistance account for distribution under this section shall be
14 distributed at such times as distributions are made under RCW
15 82.44.150. The distributions shall be made as follows:

16 (a) Unless reduced by this subsection, thirty percent of the moneys
17 shall be distributed ratably based on population as last determined by
18 the office of financial management to those cities eligible under
19 subsection (2) of this section that have a crime rate determined under
20 subsection (2)(a) of this section which is greater than one hundred
21 seventy-five percent of the state-wide average crime rate. No city may
22 receive more than fifty percent of any moneys distributed under this
23 subsection (a) but, if a city distribution is reduced as a result of
24 exceeding the fifty percent limitation, the amount not distributed
25 shall be distributed under (b) of this subsection.

26 (b) The remainder of the moneys, including any moneys not
27 distributed in subsection (2)(a) of this section, shall be distributed
28 to all cities eligible under subsection (2) of this section ratably
29 based on population as last determined by the office of financial
30 management.

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

33 (5) Notwithstanding other provisions of this section, the
34 distributions to any city that substantially decriminalizes or repeals
35 its criminal code after July 1, 1990, and that does not reimburse the
36 county for costs associated with criminal cases under RCW 3.50.800 or
37 3.50.805(2), shall be made to the county in which the city is located.

38 (6) Moneys distributed under this section shall be expended
39 exclusively for criminal justice purposes and shall not be used to

1 replace or supplant existing funding. Criminal justice purposes are
2 defined as activities that substantially assist the criminal justice
3 system, which may include circumstances where ancillary benefit to the
4 civil justice system occurs, and which includes domestic violence
5 services such as those provided by domestic violence programs,
6 community advocates, and legal advocates, as defined in RCW 70.123.020,
7 and publications and public educational efforts designed to provide
8 information and assistance to parents in dealing with runaway or at-
9 risk youth. Existing funding for purposes of this subsection is
10 defined as calendar year 1989 actual operating expenditures for
11 criminal justice purposes. Calendar year 1989 actual operating
12 expenditures for criminal justice purposes exclude the following:
13 Expenditures for extraordinary events not likely to reoccur, changes in
14 contract provisions for criminal justice services, beyond the control
15 of the local jurisdiction receiving the services, and major
16 nonrecurring capital expenditures.

17 NEW SECTION. **Sec. 52.** A new section is added to chapter 28A.175
18 RCW to read as follows:

19 Unless the context clearly requires otherwise, the definitions in
20 this section apply throughout this chapter.

21 (1) "Dropout" means a student enrolled in a school district who
22 leaves school, during a regular school term or between school terms,
23 for any reason other than death or a lawfully imposed expulsion prior
24 to graduation or completion of a program of studies, without
25 transferring to another school.

26 (2) "Dropout rate" means the total number of dropouts as a
27 percentage of the total number of students enrolled in the school
28 district.

29 (3) "State average dropout rate" means the total number of dropouts
30 reported in the state as a percentage of the total number of students
31 enrolled in the school districts that submit annual reports to the
32 superintendent of public instruction.

33 **Sec. 53.** RCW 28A.175.010 and 1991 c 235 s 4 are each amended to
34 read as follows:

35 Each school district shall account for the educational progress of
36 each of its students. To achieve this, school districts by July 31

1 shall be required to report annually to the superintendent of public
2 instruction:

3 (1) For students enrolled in each of a school district's high
4 school programs:

5 (a) The number of students eligible for graduation in fewer than
6 four years;

7 (b) The number of students who graduate in four years;

8 (c) The number of students who remain in school for more than four
9 years but who eventually graduate and the number of students who remain
10 in school for more than four years but do not graduate;

11 (d) The number of students who transfer to other schools;

12 (e) The number of students who enter from other schools;

13 (f) The number of students in the ninth through twelfth grade who
14 drop out of school over a four-year period; and

15 (g) The number of students whose status is unknown.

16 (2) Dropout rates of students in each of the grades nine through
17 twelve and the dropout rate for all students in grades nine through
18 twelve.

19 (3) Dropout rates for student populations in each of the grades
20 nine through twelve by:

21 (a) Ethnicity;

22 (b) Gender;

23 (c) Socioeconomic status; and

24 (d) Disability status.

25 (4) The causes or reasons, or both, attributed to students for
26 having dropped out of school in grades nine through twelve.

27 (5) The superintendent of public instruction shall adopt rules
28 under chapter 34.05 RCW to assure uniformity in the information
29 districts are required to report under subsections (1) through (4) of
30 this section. In developing rules, the superintendent of public
31 instruction shall consult with school districts, including
32 administrative and counseling personnel, with regard to the methods
33 through which information is to be collected and reported.

34 (6) In reporting on the causes or reasons, or both, attributed to
35 students for having dropped out of school, school building officials
36 shall, to the extent reasonably practical, obtain such information
37 directly from students. In lieu of obtaining such information directly
38 from students, building principals and counselors shall identify the
39 causes or reasons, or both, based on their professional judgment.

1 (7) The superintendent of public instruction shall report annually
2 to the legislature the information collected under (~~subsections (1)~~
3 ~~through (4) of~~) this section.

4 **Sec. 54.** RCW 28A.225.010 and 1990 c 33 s 219 are each amended to
5 read as follows:

6 (1) All parents in this state of any child eight years of age and
7 under eighteen years of age shall cause such child to attend the public
8 school of the district in which the child resides (~~and such~~). The
9 child shall have the responsibility to and (~~therefore~~) shall attend
10 for the full time when such school may be in session unless:

11 (a) The child is attending an approved private school for the same
12 time or is enrolled in an extension program as provided in RCW
13 28A.195.010(4);

14 (b) The child is receiving home-based instruction as provided in
15 subsection (~~(4)~~) (7) of this section; or

16 (c) The school district superintendent of the district in which the
17 child resides shall have excused such child from attendance because the
18 child is physically or mentally unable to attend school, is attending
19 a residential school operated by the department of social and health
20 services, or has been temporarily excused upon the request of his or
21 her parents for purposes agreed upon by the school authorities and the
22 parent: PROVIDED, That such excused absences shall not be permitted if
23 deemed to cause a serious adverse effect upon the student's educational
24 progress: PROVIDED FURTHER, That students excused for such temporary
25 absences may be claimed as full time equivalent students to the extent
26 they would otherwise have been so claimed for the purposes of RCW
27 28A.150.250 and 28A.150.260 and shall not affect school district
28 compliance with the provisions of RCW 28A.150.220;

29 (d) The child is fifteen years of age or older and:

30 (i) The school district superintendent determines that such child
31 has already attained a reasonable proficiency in the branches required
32 by law to be taught in the first nine grades of the public schools of
33 this state;

34 (ii) The child is regularly and lawfully engaged in a useful or
35 remunerative occupation;

36 (iii) The child has already met graduation requirements in
37 accordance with state board of education rules and regulations; or

1 (iv) The child has received a certificate of educational competence
2 under rules and regulations established by the state board of education
3 under RCW 28A.305.190.

4 (2) A parent for the purpose of this chapter means a parent,
5 guardian, or person having legal custody of a child.

6 (3) "Truant" for the purposes of this chapter means a student who
7 is absent from school, except as provided under subsection (1) of this
8 section.

9 (4) "Average daily truancy rate" for the purposes of this chapter
10 means the average daily number of trancies as a percentage of the
11 total number of students enrolled in the school district.

12 (5) "State average daily truancy rate" means the average daily
13 number of trancies reported in the state as a percentage of the total
14 number of students enrolled in the school districts that submit annual
15 reports under RCW 28A.225.070.

16 (6) An approved private school for the purposes of this chapter and
17 chapter 28A.200 RCW shall be one approved under regulations established
18 by the state board of education pursuant to RCW 28A.305.130.

19 ((+4)) (7) For the purposes of this chapter and chapter 28A.200
20 RCW, instruction shall be home-based if it consists of planned and
21 supervised instructional and related educational activities, including
22 a curriculum and instruction in the basic skills of occupational
23 education, science, mathematics, language, social studies, history,
24 health, reading, writing, spelling, and the development of an
25 appreciation of art and music, provided for a number of hours
26 equivalent to the total annual program hours per grade level
27 established for approved private schools under RCW 28A.195.010 and
28 28A.195.040 and if such activities are:

29 (a) Provided by a parent who is instructing his or her child only
30 and are supervised by a certificated person. A certificated person for
31 purposes of this chapter and chapter 28A.200 RCW shall be a person
32 certified under chapter 28A.410 RCW. For purposes of this section,
33 "supervised by a certificated person" means: The planning by the
34 certificated person and the parent of objectives consistent with this
35 subsection; a minimum each month of an average of one contact hour per
36 week with the child being supervised by the certificated person; and
37 evaluation of such child's progress by the certificated person. The
38 number of children supervised by the certificated person shall not
39 exceed thirty for purposes of this subsection; or

1 (b) Provided by a parent who is instructing his or her child only
2 and who has either earned forty-five college level quarter credit hours
3 or its equivalent in semester hours or has completed a course in home-
4 based instruction at a postsecondary institution or a vocational-
5 technical institute; or

6 (c) Provided by a parent who is deemed sufficiently qualified to
7 provide home-based instruction by the superintendent of the local
8 school district in which the child resides.

9 ~~((+5))~~ (8) The legislature recognizes that home-based instruction
10 is less structured and more experiential than the instruction normally
11 provided in a classroom setting. Therefore, the provisions of
12 subsection ~~((+4))~~ (7) of this section relating to the nature and
13 quantity of instructional and related educational activities shall be
14 liberally construed.

15 **Sec. 55.** RCW 28A.225.020 and 1992 c 205 s 202 are each amended to
16 read as follows:

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

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

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

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

1 eliminate or ameliorate the cause or causes for the absence from
2 school.

3 **Sec. 56.** RCW 28A.225.030 and 1992 c 205 s 203 are each amended to
4 read as follows:

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

20 NEW SECTION. **Sec. 57.** A new section is added to chapter 28A.225
21 RCW to read as follows:

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

29 **Sec. 58.** RCW 28A.225.050 and 1990 c 33 s 222 are each amended to
30 read as follows:

31 To aid in the enforcement of RCW 28A.225.010 through
32 ((28A.225.140)) 28A.225.150, attendance officers shall be appointed and
33 employed as follows: In incorporated city districts the board of
34 directors shall annually appoint one or more attendance officers. In
35 all other districts the educational service district superintendent

1 shall appoint one or more attendance officers or may act as such
2 himself or herself.

3 The compensation of attendance officer in city districts shall be
4 fixed and paid by the board appointing him or her. The compensation of
5 attendance officers when appointed by the educational service district
6 superintendents shall be paid by the respective districts. An
7 educational service district superintendent shall receive no extra
8 compensation if acting as attendance officer.

9 Any sheriff, constable, city marshal or regularly appointed police
10 officer may be appointed attendance officer.

11 The attendance officer shall be vested with police powers, the
12 authority to make arrests and serve all legal processes contemplated by
13 RCW 28A.225.010 through ~~((28A.225.140))~~ 28A.225.150, and shall have
14 authority to enter all places in which children may be employed, for
15 the purpose of making such investigations as may be necessary for the
16 enforcement of RCW 28A.225.010 through ~~((28A.225.140))~~ 28A.225.150.
17 The attendance officer is authorized to take into custody ~~((the person~~
18 ~~of))~~ any child eight years of age and not over fourteen years of age,
19 who may be a truant from school ~~((, and to conduct such))~~. The officer
20 shall take the child to his or her parents, for investigation and
21 explanation, or to the school which he or she should properly attend.
22 The attendance officer shall institute proceedings against any officer,
23 parent, guardian, person, company or corporation violating any
24 provisions of RCW 28A.225.010 through ~~((28A.225.140))~~ 28A.225.150, and
25 shall otherwise discharge the duties prescribed in RCW 28A.225.010
26 through ~~((28A.225.140, and))~~ 28A.225.150. The officer shall perform
27 ~~((such))~~ other services as the educational service district
28 superintendent or the superintendent of any school or its board of
29 directors may deem necessary. ~~((However,))~~ The attendance officer
30 shall ~~((not))~~ institute proceedings against the child as provided under
31 RCW 28A.225.030 ~~((except as set forth under RCW 28A.225.030))~~.

32 The attendance officer shall keep a record of his or her
33 transactions for the inspection and information of any school district
34 board of directors, the educational service district superintendent or
35 the city superintendent, and shall make a detailed report to the city
36 superintendent or the educational service district superintendent as
37 often as the same may be required.

1 **Sec. 59.** RCW 28A.225.060 and 1990 c 33 s 223 are each amended to
2 read as follows:

3 Any attendance officer, sheriff, deputy sheriff, marshal, police
4 officer, or any other officer authorized to make arrests, shall take
5 into custody without a warrant a child who is required under the
6 provisions of RCW 28A.225.010 through ~~((28A.225.140))~~ 28A.225.150 to
7 attend school, such child then being a truant from ~~((instruction at~~
8 ~~the))~~ school which he or she is lawfully required to attend, and shall
9 forthwith deliver a child so detained either (1) to the custody of a
10 person in parental relation to the child or (2) to the school from
11 which the child is ~~((then a))~~ truant.

12 **Sec. 60.** RCW 28A.225.070 and 1990 c 33 s 224 are each amended to
13 read as follows:

14 The educational service district superintendent, on or before the
15 fifteenth day of ~~((August))~~ June of each year, ~~((by printed circular or~~
16 ~~otherwise, shall call the attention of))~~ shall notify all school
17 district officials ~~((to))~~ of the provisions of RCW 28A.225.010 through
18 ~~((28A.225.140))~~ 28A.225.150, and ~~((to))~~ the penalties ~~((prescribed))~~
19 for ~~((the))~~ violation ~~((of its provisions))~~, and ~~((he or she))~~ shall
20 require those officials ~~((of the school district which he or she shall~~
21 ~~designate))~~ to make a report annually ~~((hereafter))~~, verified by
22 affidavit, stating whether ~~((or not))~~ the provisions of RCW 28A.225.010
23 through ~~((28A.225.140))~~ 28A.225.150 have been ~~((faithfully))~~ complied
24 with ~~((in his or her district))~~. ~~((Such))~~ The reports shall be made
25 July 31 upon forms to be furnished by the superintendent of public
26 instruction and ~~((shall be))~~ immediately transmitted to the educational
27 service district superintendent ~~((at such time as the educational~~
28 ~~service district superintendent shall determine, after notice~~
29 ~~thereof))~~. The report shall include the average daily truancy rate of
30 the school district for the school year. Any school district official
31 who shall knowingly ~~((or willfully))~~ make a false report relating to
32 the enforcement of the provisions of RCW 28A.225.010 through
33 ~~((28A.225.140))~~ 28A.225.150 or fail to report as herein provided
34 ~~((shall be deemed))~~ is guilty of a misdemeanor, and upon conviction in
35 a court of competent jurisdiction shall be fined ~~((not less than~~
36 ~~twenty five dollars nor more than one hundred dollars; and))~~. Any
37 school district official who shall refuse or neglect to make the report
38 required in this section or who shall knowingly or willfully make a

1 false report, shall be personally liable to his or her district for any
2 loss which it may sustain because of such false report or neglect or
3 refusal to report.

4 The educational service district superintendent shall submit an
5 annual report to the superintendent of public instruction, including
6 the average daily truancy rate for each school district reporting to
7 the superintendent. From the reports submitted, the superintendent of
8 public instruction shall compile the state average daily truancy rate.
9 The superintendent of public instruction shall report annually to the
10 legislature the information collected under this section.

11 **Sec. 61.** RCW 28A.225.090 and 1992 c 205 s 204 are each amended to
12 read as follows:

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

36 Attendance officers shall make complaint for violation of the
37 provisions of RCW 28A.225.010 through (~~28A.225.140~~) 28A.225.150 to a
38 judge of the superior or district court.

1 **Sec. 62.** RCW 28A.225.100 and 1990 c 33 s 227 are each amended to
2 read as follows:

3 Any school district superintendent, educational service district
4 superintendent, teacher, or attendance officer who ~~((shall))~~ fails or
5 refuses to perform the duties prescribed by RCW 28A.225.010 through
6 ~~((28A.225.140 shall be deemed))~~ 28A.225.150 is guilty of a misdemeanor
7 and, upon conviction ~~((thereof, be fined not less than twenty nor more~~
8 ~~than one hundred dollars:— PROVIDED, That))~~ in a court of competent
9 jurisdiction shall be fined. In case of a school district employee,
10 ~~((such))~~ the fine shall be paid to the ~~((appropriate))~~ county treasurer
11 ~~((and by the county treasurer placed))~~ who shall deposit the fine to
12 the credit of the school district in which ((said)) the employee is
13 employed~~((, and)).~~ In case of all other officers ~~((such))~~ the fine
14 shall be paid to the county treasurer of the county in which the
15 educational service district headquarters is located ~~((and by the~~
16 ~~county)).~~ The treasurer ~~((placed))~~ shall deposit the fine to the
17 credit of the general school fund of the educational service
18 district~~((:— PROVIDED, That)).~~ All fees, fines, forfeitures and
19 penalties collected or assessed by a district court because of the
20 violation of ~~((a state law))~~ this title shall be remitted as provided
21 in chapter 3.62 RCW ~~((as now exists or is later amended)).~~

22 **Sec. 63.** RCW 28A.225.110 and 1990 c 33 s 228 are each amended to
23 read as follows:

24 Notwithstanding the provisions of RCW 10.82.070, all fines except
25 as otherwise provided in RCW 28A.225.010 through ~~((28A.225.140))~~
26 28A.225.150 shall inure and be applied to the support of the public
27 schools in the school district where such offense was committed~~((:—~~
28 ~~PROVIDED, That all fees, fines, forfeitures and penalties collected or~~
29 ~~assessed by a district court because of the violation of a state law~~
30 ~~shall be remitted as provided in chapter 3.62 RCW as now exists or is~~
31 ~~later amended)).~~

32 **Sec. 64.** RCW 28A.225.120 and 1990 c 33 s 229 are each amended to
33 read as follows:

34 The county prosecuting attorney or the attorney for the school
35 district shall act as attorney for the complainant in all court
36 proceedings relating to the compulsory attendance of children as
37 required by RCW 28A.225.010 through ~~((28A.225.140))~~ 28A.225.150 except

1 for ~~((these))~~ petitions filed against a child by the parent without the
2 assistance of the school district.

3 **Sec. 65.** RCW 28A.225.130 and 1990 c 33 s 230 are each amended to
4 read as follows:

5 In cases arising under RCW 28A.225.010 through ~~((28A.225.140))~~
6 28A.225.150, all district courts, municipal courts or departments, and
7 superior courts in the state of Washington shall have concurrent
8 jurisdiction.

9 **Sec. 66.** RCW 28A.225.140 and 1990 c 33 s 231 are each amended to
10 read as follows:

11 No attendance officer performing any duty under ~~((any of the~~
12 ~~provisions of))~~ RCW 28A.225.010 through ~~((28A.225.140))~~ 28A.225.150, or
13 ~~((under the provisions of any))~~ rules ~~((that may be passed in pursuance~~
14 ~~hereof, shall in any wise become))~~ adopted thereunder may be liable for
15 any costs that may accrue in the performance of ~~((any))~~ the duty
16 ~~((prescribed by RCW 28A.225.010 through 28A.225.140)).~~

17 **Sec. 67.** RCW 28A.225.150 and 1992 c 205 s 205 are each amended to
18 read as follows:

19 The school district attendance officer shall report ~~((biannually))~~
20 annually to the educational service district superintendent, in the
21 instance of petitions filed alleging a violation by a child under RCW
22 28A.225.030:

23 (1) The number of petitions filed by a school district or by a
24 parent;

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

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

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

32 The educational service district superintendent shall compile such
33 information and report annually to the superintendent of public
34 instruction. The superintendent of public instruction shall compile
35 such information and report to the ~~((committees of the house of~~

1 ~~representatives and the senate)) legislature~~ by September 1 of each
2 year.

3 NEW SECTION. **Sec. 68.** A new section is added to chapter 28A.600
4 RCW to read as follows:

5 School district boards of directors shall review school district
6 policies regarding access and egress by students from secondary school
7 grounds during school hours. Each school district board of directors
8 shall adopt a policy specifying any restrictions on students leaving
9 secondary school grounds during school hours.

10 NEW SECTION. **Sec. 69.** Section 68 of this act shall take effect
11 September 1, 1996.

12 NEW SECTION. **Sec. 70.** A new section is added to chapter 28A.150
13 RCW to read as follows:

14 (1) No later than October 15 of each school year, the
15 superintendent of public instruction shall provide to every school
16 district notice to take corrective action if the school district, in
17 the preceding school year, is determined to have a high dropout and
18 truancy rate as follows: (a) The state average dropout rate as defined
19 under section 52 of this act shall be added to the state average daily
20 truancy rate as defined under RCW 28A.225.010; (b) the school
21 district's dropout rate shall be added to the school district's average
22 daily truancy rate; and (c) if the figure in (b) of this subsection
23 exceeds the figure in (a) of this subsection, the school district shall
24 be required to take corrective action.

25 (2) Any school district that has not reported a dropout rate under
26 RCW 28A.175.010 shall be presumed to have a dropout rate ten percent
27 greater than the state average dropout rate. Any school district that
28 has not reported an average daily truancy rate under RCW 28A.225.070
29 shall be presumed to have an average daily truancy rate ten percent
30 greater than the state average daily truancy rate.

31 (3) A school district receiving notice to take corrective action
32 under subsection (1) of this section shall reduce the district's
33 dropout and truancy rates.

34 (4) By October 15 of each year, the superintendent of public
35 instruction shall complete an evaluation of each school district
36 required to take corrective action. If the school district has failed

1 to reduce its combined dropout and truancy rate, the superintendent of
2 public instruction shall withhold no less than one percent and no more
3 than five percent of the nonbasic education funds and operating expense
4 funds allocated to the school district for the current school year. In
5 determining the amount of funds to be withheld the superintendent shall
6 consider whether the school district has implemented and made effective
7 use of truancy boards, truancy petitions, and programs that promote
8 parental and community involvement in reducing dropouts and truancy.
9 A school district shall be determined to have failed to reduce its
10 combined dropout and truancy rate as follows: (a) The school
11 district's dropout rate and average daily truancy rate for the previous
12 school year shall be totaled; (b) the school district's dropout rate
13 and average daily truancy rate for the school year immediately
14 preceding the previous school year shall be totaled; and (c) if the
15 figure in (b) of this subsection exceeds the figure in (a) of this
16 subsection, the school district shall have failed to reduce its
17 combined dropout and truancy rate.

18 (5) In any school year in which a school district required to take
19 corrective action under this section fails to reduce its combined
20 dropout and truancy rate for three consecutive years, or after three
21 years has failed to reduce its combined dropout and truancy rate below
22 the rate for which it received initial notice to take corrective
23 action, the superintendent of public instruction shall withhold five
24 percent of the nonbasic education funds and operating expense funds
25 allocated to the school district for the current school year.

26 (6) If the superintendent of public instruction determines, during
27 an evaluation of a school district required to take corrective action,
28 that the school district had attained, in the previous school year, a
29 combined dropout and truancy rate below the combined state dropout and
30 truancy rate, he or she shall provide notice to the school district
31 that the district is no longer required to take corrective action.

32 (7) Any nonreimbursed funds withheld under this section shall be
33 distributed to community networks under chapter 70.190 RCW in which the
34 school district is located.

35 NEW SECTION. **Sec. 71.** Section 70 of this act shall take effect
36 January 1, 1996.

1 NEW SECTION. **Sec. 72.** If specific funding for the purposes of
2 this act, referencing this act by bill number, is not provided by June
3 30, 1995, in the omnibus appropriations act, this act is null and void.

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