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ENGROSSED SUBSTITUTE SENATE BILL 6646

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State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long and Franklin; by request of Department of Social and Health Services)

Read first time 02/02/96.

1 AN ACT Relating to technical and clarifying amendments to the Becca  
2 bill; amending RCW 13.32A.030, 13.32A.050, 13.32A.060, 13.32A.065,  
3 13.32A.070, 13.32A.082, 13.32A.090, 13.32A.095, 13.32A.100, 13.32A.110,  
4 13.32A.120, 13.32A.130, 13.32A.140, 13.32A.150, 13.32A.152, 13.32A.160,  
5 13.32A.170, 13.32A.179, 13.32A.190, 13.32A.192, 13.32A.194, 13.32A.250,  
6 13.34.165, 28A.225.030, 28A.225.035, 28A.225.090, 70.96A.020,  
7 70.96A.095, 71.34.035, and 74.13.036; and creating a new section.

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

9 **Sec. 1.** RCW 13.32A.030 and 1995 c 312 s 3 are each amended to read  
10 as follows:

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

13 (1) "Administrator" means the individual who has the daily  
14 administrative responsibility of a crisis residential center, or his or  
15 her designee.

16 (2) "At-risk youth" means a juvenile:

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

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

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

6 ~~((+2))~~ (3) "Child," "juvenile," and "youth" mean any unemancipated  
7 individual who is under the chronological age of eighteen years.

8 ~~((+3))~~ (4) "Child in need of services" means a juvenile:

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

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

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

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

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

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

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

27 ~~((+4))~~ (5) "Child in need of services petition" means a petition  
28 filed in juvenile court by a parent, child, or the department seeking  
29 adjudication of placement of the child.

30 ~~((+5))~~ (6) "Crisis residential center" or "center" means a secure  
31 or semi-secure facility established pursuant to chapter 74.13 RCW.

32 (7) "Custodian" means the person or entity who has the legal right  
33 to the custody of the child.

34 ~~((+6))~~ (8) "Department" means the department of social and health  
35 services.

36 ~~((+7))~~ (9) "Extended family member" means an adult who is a  
37 grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or  
38 first cousin with whom the child has a relationship and is comfortable,  
39 and who is willing and available to care for the child.

1       (~~(8)~~) (10) "Guardian" means that person or agency that (a) has  
2 been appointed as the guardian of a child in a legal proceeding other  
3 than a proceeding under chapter 13.34 RCW, and (b) has the right to  
4 legal custody of the child pursuant to such appointment. The term  
5 "guardian" does not include a "dependency guardian" appointed pursuant  
6 to a proceeding under chapter 13.34 RCW.

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

21       (~~(10)~~) (12) "Out-of-home placement" means a placement in a foster  
22 family home or group care facility licensed pursuant to chapter 74.15  
23 RCW or placement in a home, other than that of the child's parent,  
24 guardian, or legal custodian, not required to be licensed pursuant to  
25 chapter 74.15 RCW.

26       (~~(11)~~) (13) "Parent" means the parent or parents who have the  
27 legal right to custody of the child. "Parent" includes custodian or  
28 guardian.

29       (~~(12)~~) (14) "Secure facility" means a crisis residential center,  
30 or portion thereof, that has locking doors, locking windows, or a  
31 secured perimeter, designed and operated to prevent a child from  
32 leaving without permission of the facility staff.

33       (~~(13)~~) (15) "Semi-secure facility" means any facility, including  
34 but not limited to crisis residential centers or specialized foster  
35 family homes, operated in a manner to reasonably assure that youth  
36 placed there will not run away. Pursuant to rules established by the  
37 department, the facility administrator shall establish reasonable hours  
38 for residents to come and go from the facility such that no residents  
39 are free to come and go at all hours of the day and night. To prevent

1 residents from taking unreasonable actions, the facility administrator,  
2 where appropriate, may condition a resident's leaving the facility upon  
3 the resident being accompanied by the administrator or the  
4 administrator's designee and the resident may be required to notify the  
5 administrator or the administrator's designee of any intent to leave,  
6 his or her intended destination, and the probable time of his or her  
7 return to the center.

8 (~~(14)~~) (16) "Temporary out-of-home placement" means an out-of-  
9 home placement of not more than fourteen days ordered by the court at  
10 a fact-finding hearing on a child in need of services petition.

11 **Sec. 2.** RCW 13.32A.050 and 1995 c 312 s 6 are each amended to read  
12 as follows:

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

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

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

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

24 (d) If a law enforcement agency has been notified by the juvenile  
25 court that the court finds probable cause exists to believe that the  
26 child has violated a court placement order issued pursuant to chapter  
27 13.32A or 13.34 RCW or that the court has issued an order for law  
28 enforcement pick-up of the child under this chapter or chapter 13.34  
29 RCW.

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

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

1 the child into custody. The center shall provide the department with  
2 a copy of the officer's report.

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

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

11 (6) If a law enforcement officer receives a report that causes the  
12 officer to have reasonable suspicion that a child is being harbored  
13 under RCW 13.32A.080 or for other reasons has a reasonable suspicion  
14 that a child is being harbored under RCW 13.32A.080, the officer shall  
15 remove the child from the custody of the person harboring the child and  
16 shall transport the child to one of the locations specified in RCW  
17 13.32A.060.

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

20 **Sec. 3.** RCW 13.32A.060 and 1995 c 312 s 7 are each amended to read  
21 as follows:

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

25 (a) Transport the child to his or her home or to a parent at his or  
26 her place of employment, if no parent is at home. ~~((The officer~~  
27 ~~releasing a child into the custody of the parent shall inform the~~  
28 ~~parent of the reason for the taking of the child into custody and shall~~  
29 ~~inform the child and the parent of the nature and location of~~  
30 ~~appropriate services available in their community.))~~ The parent may  
31 ~~((direct))~~ request that the officer ~~((to))~~ take the child to the home  
32 of an adult extended family member, responsible adult, crisis  
33 residential center, the department, or a licensed youth shelter. In  
34 responding to the request of the parent, the officer shall take the  
35 child to a requested place which, in the officer's belief, is within a  
36 reasonable distance of the parent's home. The officer releasing a  
37 child into the custody of a parent, an adult extended family member,  
38 responsible adult, or a licensed youth shelter shall inform ~~((the child~~

1 ~~and~~) the person receiving the child of the reason for taking the child  
2 into custody and inform all parties of the nature and location of  
3 appropriate services available in the community; or

4 (b) After attempting to notify the parent, take the child to a  
5 designated crisis residential center's secure facility or a center's  
6 semi-secure facility if a secure facility is full, not available, or  
7 not located within a reasonable distance:

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

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

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

16 (c) After attempting to notify the parent, if a crisis residential  
17 center is full, not available, or not located within a reasonable  
18 distance, the officer may request the department to accept custody of  
19 the child. If the department determines that an appropriate placement  
20 is currently available, the department shall accept custody and place  
21 the child in an out-of-home placement. If the department declines to  
22 accept custody of the child, the officer may release the child after  
23 attempting to take the child to the following, in the order listed:  
24 The home of an adult extended family member; a responsible adult; a  
25 licensed youth shelter and shall immediately notify the department if  
26 no placement option is available and the child is released.

27 (2) An officer taking a child into custody under RCW 13.32A.050(1)  
28 (c) or (d) shall inform the child of the reason for custody. An  
29 officer taking a child into custody under RCW 13.32A.050(1)(c)  
30 ~~((shall))~~ may release the child to the supervising agency, or shall  
31 take the child to a designated crisis residential center's secure  
32 facility ~~((or))~~. If the secure facility is not available ~~((or))~~, not  
33 located within a reasonable distance, or full, the officer shall take  
34 the child to a semi-secure ~~((facility within a))~~ crisis residential  
35 center ~~((, licensed by the department and established pursuant to~~  
36 chapter 74.13 RCW)). An officer taking a child into custody under RCW  
37 13.32A.050(1)(d) may place the child in a juvenile detention facility  
38 as provided in RCW 13.32A.065 or a secure facility, except that the  
39 child shall be taken to detention whenever the officer has been

1 notified that a juvenile court has entered a detention order under this  
2 chapter or chapter 13.34 RCW.

3 (3) The department shall ensure that all law enforcement  
4 authorities are informed on a regular basis as to the location of all  
5 designated secure and semi-secure facilities within ~~((crisis~~  
6 ~~residential center or))~~ centers in their jurisdiction, where children  
7 taken into custody under RCW 13.32A.050 may be taken.

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

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

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

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

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

24 **Sec. 5.** RCW 13.32A.070 and 1995 c 312 s 8 are each amended to read  
25 as follows:

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

31 (2) A person with whom a child is placed pursuant to this chapter  
32 and who acts reasonably and in good faith is immune from civil or  
33 criminal liability for the act of receiving the child. The immunity  
34 does not release the person from liability under any other law.

35 **Sec. 6.** RCW 13.32A.082 and 1995 c 312 s 34 are each amended to  
36 read as follows:

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

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

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

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

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

17 (3) When the department receives a report under subsection (1) of  
18 this section, it shall make a good faith attempt to notify the parent  
19 that a report has been received and offer services designed to resolve  
20 the conflict and accomplish a reunification of the family.

21 **Sec. 7.** RCW 13.32A.090 and 1995 c 312 s 10 are each amended to  
22 read as follows:

23 (1) The (~~(person in charge)~~) department or the administrator of a  
24 (~~(designated)~~) crisis residential center (~~(or the department)~~) shall  
25 perform the duties under subsection (2) of this section:

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

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

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

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

34 (2) When any of the circumstances under subsection (1) of this  
35 section are present, the department or the (~~(person in charge)~~)  
36 administrator of a center shall perform the following duties:



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

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

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

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

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

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

25 (3) If the administrator performs the duties listed in subsection  
26 (2) of this section, he or she shall also notify the department that a  
27 child has been admitted to the center.

28 **Sec. 8.** RCW 13.32A.095 and 1995 c 312 s 21 are each amended to  
29 read as follows:

30 The ~~((crisis residential center))~~ administrator shall notify  
31 parents and the appropriate law enforcement agency immediately as to  
32 any unauthorized leave from the center by a child placed at the center.

33 **Sec. 9.** RCW 13.32A.100 and 1981 c 298 s 8 are each amended to read  
34 as follows:

35 Where a child is placed in ~~((a residence other than that of his or~~  
36 ~~her parent))~~ an out-of-home placement pursuant to RCW 13.32A.090(2)(e),  
37 the department shall make available family reconciliation services in

1 order to facilitate the reunification of the family. Any such  
2 placement may continue as long as there is agreement by the child and  
3 parent.

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

6 If a child who has a legal residence outside the state of  
7 Washington is admitted to a crisis residential center or is (~~placed~~)  
8 released by a law enforcement officer (~~with a responsible person other~~  
9 ~~than the child's parent~~) to the department, and the child refuses to  
10 return home, the provisions of RCW 13.24.010 shall apply.

11 **Sec. 11.** RCW 13.32A.120 and 1995 c 312 s 11 are each amended to  
12 read as follows:

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

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

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

34 **Sec. 12.** RCW 13.32A.130 and 1995 c 312 s 12 are each amended to  
35 read as follows:

1 (1) A child admitted to a secure facility within a crisis  
2 residential center shall remain in the facility for not more than five  
3 consecutive days, but for at least twenty-four hours after admission.  
4 If a child admitted under this section is transferred between centers  
5 or between secure and semi-secure facilities, the aggregate length of  
6 time spent in all such centers or facilities may not exceed five  
7 consecutive days.

8 (2)(a)(i) The facility administrator shall determine within twenty-  
9 four hours after a child's admission to a secure facility whether the  
10 child (~~(can be safely admitted to)~~) is likely to remain in a semi-  
11 secure facility and may transfer the child to a semi-secure facility or  
12 release the child to the department. The determination shall be based  
13 on: (A) The need for continued assessment, protection, and treatment  
14 of the child in a secure facility; and (B) the likelihood the child  
15 would remain at a semi-secure facility until his or her parents can  
16 take the child home or a petition can be filed under this title.

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

26 (b) If the administrator of a secure facility determines the child  
27 is unlikely to remain in a semi-secure facility, the administrator  
28 shall keep the child in the secure facility pursuant to this chapter  
29 and in order to provide for space for the child may transfer another  
30 child who has been in the facility for at least seventy-two hours to a  
31 semi-secure facility. The administrator shall only make a transfer of  
32 a child after determining that the child who may be transferred is  
33 likely to remain at the semi-secure facility.

34 (c) A crisis residential center administrator is authorized to  
35 transfer a child to a crisis residential center in the area where the  
36 child's parents reside or where the child's lawfully prescribed  
37 residence is located.

38 (d) An administrator may transfer a child from a semi-secure  
39 facility to a secure facility whenever (~~(the administrator)~~) he or she

1 reasonably believes that the child is likely to leave the semi-secure  
2 facility and not return and after full consideration of all factors in  
3 (a) of this subsection.

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

7 (4) The requirements of this section shall not apply to a child who  
8 is: (a) Returned to the home of his or her parent; (b) placed in a  
9 semi-secure facility within a crisis residential center pursuant to a  
10 temporary out-of-home placement order authorized under RCW 13.32A.125;  
11 (c) placed in an out-of-home placement; or (d) ~~((is subject to a~~  
12 ~~petition under RCW 13.32A.191))~~ the subject of an at-risk youth  
13 petition.

14 (5) Notwithstanding the provisions of subsection (1) of this  
15 section, the parents may remove the child at any time during the five-  
16 day period unless the staff of the crisis residential center has  
17 reasonable cause to believe that the child is absent from the home  
18 because he or she is abused or neglected or if allegations of abuse or  
19 neglect have been made against the parents. ~~((The department may~~  
20 ~~remove the child whenever a dependency petition is filed under chapter~~  
21 ~~13.34 RCW.))~~ The department or any agency legally charged with the  
22 supervision of a child may remove a child from a crisis residential  
23 center at any time after the first twenty-four-hour period after  
24 admission has elapsed and only after full consideration by all parties  
25 of the factors in subsection (2)(a) of this section.

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

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

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

13 **Sec. 13.** RCW 13.32A.140 and 1995 c 312 s 15 are each amended to  
14 read as follows:

15 Unless the department files a dependency petition, the department  
16 shall file a child in need of services petition to approve an out-of-  
17 home placement on behalf of a child under any of the following sets of  
18 circumstances:

19 (1) The child has been admitted to a crisis residential center or  
20 has been placed (~~with a responsible person other than his or her~~  
21 ~~parent~~) by the department in an out-of-home placement, and:

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

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

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

28 (d) No child in need of services petition has been filed by either  
29 the child or parent;

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

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

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

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

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

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

3 (3) An agreement between parent and child made pursuant to RCW  
4 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer  
5 acceptable to parent or child, and:

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

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

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

12 (d) No child in need of services petition has been filed by either  
13 the child or the parent;

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

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

17 Under the circumstances of subsections (1), (2), or (3) of this  
18 section, the child shall remain in an out-of-home placement until a  
19 child in need of services petition filed by the department on behalf of  
20 the child is reviewed by the juvenile court and is resolved by ~~((such))~~  
21 the court. The department may authorize emergency medical or dental  
22 care for a child ~~((placed under this section))~~ admitted to a crisis  
23 residential center or placed in an out-of-home placement by the  
24 department. The state, when the department files a child in need of  
25 services petition under this section, shall be represented as provided  
26 for in RCW 13.04.093.

27 ~~((If the department files a petition under this section, the~~  
28 ~~department shall submit in a supporting affidavit any information~~  
29 ~~provided under section 38 of this act.))~~

30 **Sec. 14.** RCW 13.32A.150 and 1995 c 312 s 16 are each amended to  
31 read as follows:

32 (1) Except as otherwise provided in this chapter, the juvenile  
33 court shall not accept the filing of a child in need of services  
34 petition by the child or the parents or the filing of an at-risk youth  
35 petition by the parent, unless verification is provided that a family  
36 assessment has been completed by the department. The family assessment  
37 provided by the department shall involve the multidisciplinary team as  
38 provided in RCW 13.32A.040, if one exists. The family assessment or

1 plan of services developed by the multidisciplinary team shall be aimed  
2 at family reconciliation, reunification, and avoidance of the out-of-  
3 home placement of the child. If the department is unable to complete  
4 an assessment within two working days following a request for  
5 assessment the child or the parents may proceed under subsection (2) of  
6 this section or the parent may proceed under RCW 13.32A.191.

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

19 (3) A petition may not be filed if the child is the subject of a  
20 proceeding under chapter 13.34 RCW.

21 **Sec. 15.** RCW 13.32A.152 and 1995 c 312 s 4 are each amended to  
22 read as follows:

23 (1) Whenever a child in need of services petition is filed by a  
24 youth pursuant to RCW ~~((13.32A.130))~~ 13.32A.150, or the department  
25 pursuant to RCW ~~((13.32A.150))~~ 13.32A.140, the ~~((youth or the~~  
26 department)) filing party shall have a copy of the petition served on  
27 the parents of the youth. Service shall first be attempted in person  
28 and if unsuccessful, then by certified mail with return receipt.

29 (2) Whenever a child in need of services petition is filed by a  
30 youth or parent pursuant to RCW 13.32A.150, the court shall immediately  
31 notify the department that a petition has been filed.

32 **Sec. 16.** RCW 13.32A.160 and 1995 c 312 s 17 are each amended to  
33 read as follows:

34 (1) When a proper child in need of services petition to approve an  
35 out-of-home placement is filed under RCW 13.32A.120, 13.32A.140, or  
36 13.32A.150 the juvenile court shall: (a) Schedule a fact-finding  
37 hearing to be held within ~~((three judicial))~~ five calendar days unless

1 the last calendar day is a Saturday, Sunday, or holiday, in which case  
2 the hearing shall be held on the preceding judicial day; notify the  
3 parent, child, and the department of such date; (b) notify the parent  
4 of the right to be represented by counsel and, if indigent, to have  
5 counsel appointed for him or her by the court; (c) appoint legal  
6 counsel for the child; (d) inform the child and his or her parent of  
7 the legal consequences of the court approving or disapproving (~~an out-~~  
8 ~~of-home placement~~) a child in need of services petition; (e) notify  
9 the parents of their rights under this chapter and chapters 11.88,  
10 13.34, 70.96A, and 71.34 RCW, including the right to file an at-risk  
11 youth petition, the right to submit (~~an~~ ~~an~~) an application for  
12 admission of their child to a treatment facility for alcohol, chemical  
13 dependency, or mental health treatment, and the right to file a  
14 guardianship petition; and (f) notify all parties, including the  
15 department, of their right to present evidence at the fact-finding  
16 hearing.

17 (2) Upon filing of a child in need of services petition, the child  
18 may be placed, if not already placed, by the department in a crisis  
19 residential center, foster family home, group home facility licensed  
20 under chapter 74.15 RCW, or any other suitable residence to be  
21 determined by the department. The court may place a child in a crisis  
22 residential center for a temporary out-of-home placement as long as the  
23 requirements of RCW 13.32A.125 are met.

24 (3) If the child has been placed in a foster family home or group  
25 care facility under chapter 74.15 RCW, the child shall remain there, or  
26 in any other suitable residence as determined by the department,  
27 pending resolution of the petition by the court. Any placement may be  
28 reviewed by the court within three judicial days upon the request of  
29 the juvenile or the juvenile's parent.

30 **Sec. 17.** RCW 13.32A.170 and 1995 c 312 s 18 are each amended to  
31 read as follows:

32 (1) The court shall hold a fact-finding hearing to consider a  
33 proper child in need of services petition, giving due weight to the  
34 intent of the legislature that families have the right to place  
35 reasonable restrictions and rules upon their children, appropriate to  
36 the individual child's developmental level. The court may appoint  
37 legal counsel and/or a guardian ad litem to represent the child and  
38 advise parents of their right to be represented by legal counsel. At



1 the commencement of the hearing, the court shall advise the parents of  
2 their rights as set forth in RCW 13.32A.160(1). If the court approves  
3 or denies a child in need of services petition, a written statement of  
4 the reasons must be filed.

5 (2) The court may approve an order stating that the child shall be  
6 placed in a residence other than the home of his or her parent only if  
7 it is established by a preponderance of the evidence, including a  
8 departmental recommendation for approval or dismissal of the petition,  
9 that:

10 (a) ~~((The petition is not capricious;~~

11 ~~(b) The petitioner, if a child, has made a reasonable effort to~~  
12 ~~resolve the conflict;~~

13 ~~(c) The conflict cannot be resolved by delivery of services to the~~  
14 ~~family during continued placement of the child in the parental home;~~

15 ~~(d))~~ The child is a child in need of services as defined in RCW  
16 13.32A.030(4);

17 (b) If the petitioner is a child, he or she has made a reasonable  
18 effort to resolve the conflict;

19 (c) Reasonable efforts have been made to prevent or eliminate the  
20 need for removal of the child from the child's home and to make it  
21 possible for the child to return home; and

22 ~~((+e))~~ (d) A suitable out-of-home placement resource is available.

23 The court may not grant a petition filed by the child or the  
24 department if it is established that the petition is based only upon a  
25 dislike of reasonable rules or reasonable discipline established by the  
26 parent. The court may not grant the petition if the child is the  
27 subject of a proceeding under chapter 13.34 RCW.

28 ~~((+2))~~ (3) Following the fact-finding hearing the court shall:

29 (a) Approve a child in need of services petition and, if appropriate,  
30 enter a temporary out-of-home placement for a period not to exceed  
31 fourteen days pending approval of a disposition decision to be made  
32 under RCW 13.32A.179(2); (b) approve an at-risk youth petition filed by  
33 the parents and dismiss the child in need of services petition; (c)  
34 dismiss the petition; or (d) order the department to review the case to  
35 determine whether the case is appropriate for a dependency petition  
36 under chapter 13.34 RCW.

37 **Sec. 18.** RCW 13.32A.179 and 1995 c 312 s 20 are each amended to  
38 read as follows:

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

5 (2) (~~At the commencement of the hearing the court shall advise the~~  
6 ~~parents of their rights as set forth in RCW 13.32A.160(1)(e). If the~~  
7 ~~court approves or denies a child in need of services petition, a~~  
8 ~~written statement of the reasons shall be filed.)) At the conclusion~~  
9 of the disposition hearing, the court may: (a) Reunite the family and  
10 dismiss the petition; (b) approve an at-risk youth petition filed by  
11 the parents and dismiss the child in need of services petition; (c)  
12 approve (~~a voluntary~~) an out-of-home placement requested in the child  
13 in need of services petition by the parents; (d) order (~~any conditions~~  
14 ~~set forth in RCW 13.32A.196(2))~~) an out-of-home placement at the  
15 request of the child or the department not to exceed ninety days; or  
16 (e) order the department to (~~file a petition~~) review the matter for  
17 purposes of filing a dependency petition under chapter 13.34 RCW.  
18 Whether or not the court approves or orders an out-of-home placement,  
19 the court may also order any conditions of supervision as set forth in  
20 RCW 13.32A.196(2).

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

1 ~~under this section, it may order any conditions set forth in RCW~~  
2 ~~13.32A.196(2).))~~

3       (4) The court may order the department to submit a dispositional  
4 plan if such a plan would assist the court in ordering a suitable  
5 disposition in the case. The plan, if ordered, shall address only the  
6 needs of the child and shall not address the perceived needs of the  
7 parents, unless the order was entered under subsection (2)(d) of this  
8 section or specifically agreed to by the parents. If the court orders  
9 the department to prepare a plan, the department shall provide copies  
10 of the plan to the parent, the child, and the court. If the parties or  
11 the court desire the department to be involved in any future  
12 proceedings or case plan development, the department shall be provided  
13 with timely notification of all court hearings.

14       (5) A child who fails to comply with a court order issued under  
15 this section shall be subject to contempt proceedings, as provided in  
16 this chapter, but only if the noncompliance occurs within one year  
17 after the entry of the order.

18       ~~((+5))~~ (6) After the court approves or orders an out-of-home  
19 placement, the parents or the department may request, and the court may  
20 grant, dismissal of ~~((a placement order))~~ the child in need of  
21 services proceeding when it is not feasible for the department to  
22 provide services due to one or more of the following circumstances:

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

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

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

30       ~~((+6))~~ (7) The court shall dismiss a placement made under  
31 subsection (2)(c) of this section upon the request of the parents.

32       **Sec. 19.** RCW 13.32A.190 and 1995 c 312 s 24 are each amended to  
33 read as follows:

34       (1) Upon making a dispositional order under RCW 13.32A.179, the  
35 court shall schedule the matter on the calendar for review within three  
36 months, advise the parties of the date thereof, appoint legal counsel  
37 and/or a guardian ad litem to represent the child at the review  
38 hearing, advise parents of their right to be represented by legal

1 counsel at the review hearing, and notify the parties of their rights  
2 to present evidence at the hearing. Where resources are available, the  
3 court shall encourage the parent and child to participate in programs  
4 for reconciliation of their conflict.

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

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

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

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

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

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

32 (5) The court shall terminate a placement made under this section  
33 upon the request of a parent unless the placement is made pursuant to  
34 RCW 13.32A.179(3).

35 (6) The court may dismiss a child in need of services petition  
36 filed by a parent at any time if the court finds good cause to believe  
37 that continuation of out-of-home placement would serve no useful  
38 purpose.

1       (7) The court shall dismiss a child in need of services proceeding  
2 if the child is the subject of a proceeding under chapter 13.34 RCW.

3       **Sec. 20.** RCW 13.32A.192 and 1995 c 312 s 26 are each amended to  
4 read as follows:

5       (1) When a proper at-risk youth petition is filed by a child's  
6 parent under this chapter, the juvenile court shall:

7       (a) Schedule a fact-finding hearing to be held within (~~three~~  
8 ~~judicial~~) five calendar days unless the last calendar day is a  
9 Saturday, Sunday, or holiday, in which case the hearing shall be held  
10 on the preceding judicial day and notify the parent and the child of  
11 such date;

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

14       (c) Appoint legal counsel for the child;

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

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

19       (2) Unless out-of-home placement of the child is otherwise  
20 authorized or required by law, the child shall reside in the home of  
21 his or her parent or in an out-of-home placement requested by the  
22 parent or child and approved by the parent.

23       (3) If upon sworn written or oral declaration of the petitioning  
24 parent, the court has reason to believe that a child has willfully and  
25 knowingly violated a court order issued pursuant to subsection (2) of  
26 this section, the court may issue an order directing law enforcement to  
27 take the child into custody and place the child in a juvenile detention  
28 facility or in a secure facility within a crisis residential center.  
29 If the child is placed in detention, a review shall be held as provided  
30 in RCW 13.32A.065.

31       (4) If both a child in need of services petition and an at-risk  
32 youth petition have been filed with regard to the same child, the  
33 petitions and proceedings shall be consolidated as an at-risk youth  
34 petition. Pending a fact-finding hearing regarding the petition, the  
35 child may be placed in the parent's home or in an out-of-home placement  
36 if not already placed in a temporary out-of-home placement pursuant to  
37 a child in need of services petition. The child or the parent may

1 request a review of the child's placement including a review of any  
2 court order requiring the child to reside in the parent's home.

3 **Sec. 21.** RCW 13.32A.194 and 1995 c 312 s 27 are each amended to  
4 read as follows:

5 (1) The court shall hold a fact-finding hearing to consider a  
6 proper at-risk youth petition. The court shall grant the petition and  
7 enter an order finding the child to be an at-risk youth if the  
8 allegations in the petition are established by a preponderance of the  
9 evidence, unless the child is the subject of a proceeding under chapter  
10 13.34 RCW. If the petition is granted, the court shall enter an order  
11 requiring the child to reside in the home of his or her parent or in an  
12 out-of-home placement as provided in RCW 13.32A.192(2).

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

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

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

30 **Sec. 22.** RCW 13.32A.250 and 1995 c 312 s 29 are each amended to  
31 read as follows:

32 (1) In all child in need of services proceedings and at-risk youth  
33 proceedings, the court shall verbally notify the parents and the child  
34 of the possibility of a finding of contempt for failure to comply with  
35 the terms of a court order entered pursuant to this chapter. Except as  
36 otherwise provided in this section, the court shall treat the parents

1 and the child equally for the purposes of applying contempt of court  
2 processes and penalties under this section.

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

6 (3) The court may impose a fine of up to one hundred dollars and  
7 confinement for up to seven days, or both for contempt of court under  
8 this section.

9 (4) A child placed in confinement for contempt under this section  
10 shall be placed in confinement only in a secure juvenile detention  
11 facility operated by or pursuant to a contract with a county.

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

16 (6) Whenever the court finds probable cause to believe, based upon  
17 consideration of a motion for contempt and the information set forth in  
18 a supporting declaration, that a child has violated a placement order  
19 entered under this chapter, the court may issue an order directing law  
20 enforcement to pick up and take the child to detention. The order may  
21 be entered ex parte without prior notice to the child or other parties.  
22 Following the child's admission to detention, a detention review  
23 hearing must be held in accordance with RCW 13.32A.065.

24 **Sec. 23.** RCW 13.34.165 and 1989 c 373 s 17 are each amended to  
25 read as follows:

26 (1) Failure by a party to comply with an order entered under this  
27 chapter is contempt of court as provided in chapter 7.21 RCW.

28 (2) The maximum term of imprisonment that may be imposed as a  
29 punitive sanction for contempt of court under this section is  
30 confinement for up to seven days.

31 (3) A child imprisoned for contempt under this section shall be  
32 confined only in a secure juvenile detention facility operated by or  
33 pursuant to a contract with a county.

34 (4) A motion for contempt may be made by a parent, juvenile court  
35 personnel, or by any public agency, organization, or person having  
36 custody of the child under a court order entered pursuant to this  
37 chapter.

1       (5) Whenever the court finds probable cause to believe, based upon  
2 consideration of a motion for contempt and the information set forth in  
3 a supporting declaration, that a child has violated a placement order  
4 entered under this chapter, the court may issue an order directing law  
5 enforcement to pick up and take the child to detention. The order may  
6 be entered ex parte without prior notice to the child or other parties.  
7 Following the child's admission to detention, a detention review  
8 hearing must be held in accordance with RCW 13.32A.065.

9       **Sec. 24.** RCW 28A.225.030 and 1995 c 312 s 68 are each amended to  
10 read as follows:

11       If the actions taken by a school district under RCW 28A.225.020 are  
12 not successful in substantially reducing an enrolled student's absences  
13 from school, upon the fifth unexcused absence by a child within any  
14 month during the current school year or upon the tenth unexcused  
15 absence during the current school year the school district shall file  
16 a petition for a civil action with the juvenile court alleging a  
17 violation of RCW 28A.225.010: (1) By the parent; (2) by the child; or  
18 (3) by the parent and the child.

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

24       **Sec. 25.** RCW 28A.225.035 and 1995 c 312 s 69 are each amended to  
25 read as follows:

26       (1) A petition for a civil action under RCW 28A.225.030 shall  
27 consist of a written notification to the court alleging that:

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

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

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

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



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

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

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

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

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

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

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

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

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

23 **Sec. 26.** RCW 28A.225.090 and 1995 c 312 s 74 are each amended to  
24 read as follows:

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

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

11 School districts shall make complaint for violation of the  
12 provisions of RCW 28A.225.010 through 28A.225.140 to a judge of the  
13 juvenile court.

14 **Sec. 27.** RCW 70.96A.020 and 1994 c 231 s 1 are each amended to  
15 read as follows:

16 For the purposes of this chapter the following words and phrases  
17 shall have the following meanings unless the context clearly requires  
18 otherwise:

19 (1) "Alcoholic" means a person who suffers from the disease of  
20 alcoholism.

21 (2) "Alcoholism" means a disease, characterized by a dependency on  
22 alcoholic beverages, loss of control over the amount and circumstances  
23 of use, symptoms of tolerance, physiological or psychological  
24 withdrawal, or both, if use is reduced or discontinued, and impairment  
25 of health or disruption of social or economic functioning.

26 (3) "Approved treatment program" means a discrete program of  
27 chemical dependency treatment provided by a treatment program certified  
28 by the department of social and health services as meeting standards  
29 adopted under this chapter.

30 (4) "Chemical dependency" means alcoholism or drug addiction, or  
31 dependence on alcohol and one or more other psychoactive chemicals, as  
32 the context requires.

33 (5) "Chemical dependency program" means expenditures and activities  
34 of the department designed and conducted to prevent or treat alcoholism  
35 and other drug addiction, including reasonable administration and  
36 overhead.

37 (6) "Department" means the department of social and health  
38 services.

1 (7) "Designated chemical dependency specialist" means a person  
2 designated by the county alcoholism and other drug addiction program  
3 coordinator designated under RCW 70.96A.310 to perform the commitment  
4 duties described in RCW 70.96A.140 and qualified to do so by meeting  
5 standards adopted by the department.

6 (8) "Director" means the person administering the chemical  
7 dependency program within the department.

8 (9) "Drug addict" means a person who suffers from the disease of  
9 drug addiction.

10 (10) "Drug addiction" means a disease characterized by a dependency  
11 on psychoactive chemicals, loss of control over the amount and  
12 circumstances of use, symptoms of tolerance, physiological or  
13 psychological withdrawal, or both, if use is reduced or discontinued,  
14 and impairment of health or disruption of social or economic  
15 functioning.

16 (11) "Emergency service patrol" means a patrol established under  
17 RCW 70.96A.170.

18 (12) "Gravely disabled by alcohol or other drugs" means that a  
19 person, as a result of the use of alcohol or other drugs: (a) Is in  
20 danger of serious physical harm resulting from a failure to provide for  
21 his or her essential human needs of health or safety; or (b) manifests  
22 severe deterioration in routine functioning evidenced by a repeated and  
23 escalating loss of cognition or volitional control over his or her  
24 actions and is not receiving care as essential for his or her health or  
25 safety.

26 (13) "Incapacitated by alcohol or other psychoactive chemicals"  
27 means that a person, as a result of the use of alcohol or other  
28 psychoactive chemicals, has his or her judgment so impaired that he or  
29 she is incapable of realizing and making a rational decision with  
30 respect to his or her need for treatment and presents a likelihood of  
31 serious harm to himself or herself, to any other person, or to  
32 property.

33 (14) "Incompetent person" means a person who has been adjudged  
34 incompetent by the superior court.

35 (15) "Intoxicated person" means a person whose mental or physical  
36 functioning is substantially impaired as a result of the use of alcohol  
37 or other psychoactive chemicals.

38 (16) "Licensed physician" means a person licensed to practice  
39 medicine or osteopathy in the state of Washington.

1 (17) "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 one's self; (b) a substantial risk that  
5 physical harm will be inflicted by an individual upon another, as  
6 evidenced by behavior that has caused the harm or that places another  
7 person or persons in reasonable fear of sustaining the harm; or (c) a  
8 substantial risk that physical harm will be inflicted by an individual  
9 upon the property of others, as evidenced by behavior that has caused  
10 substantial loss or damage to the property of others.

11 (18) "Minor" means a person less than eighteen years of age.

12 (19) "Parent" means the parent or parents who have the legal right  
13 to custody of the child. Parent includes custodian or guardian.

14 (20) "Peace officer" means a law enforcement official of a public  
15 agency or governmental unit, and includes persons specifically given  
16 peace officer powers by any state law, local ordinance, or judicial  
17 order of appointment.

18 ((+20)) (21) "Person" means an individual, including a minor.

19 ((+21)) (22) "Secretary" means the secretary of the department of  
20 social and health services.

21 ((+22)) (23) "Treatment" means the broad range of emergency,  
22 detoxification, residential, and outpatient services and care,  
23 including diagnostic evaluation, chemical dependency education and  
24 counseling, medical, psychiatric, psychological, and social service  
25 care, vocational rehabilitation and career counseling, which may be  
26 extended to alcoholics and other drug addicts and their families,  
27 persons incapacitated by alcohol or other psychoactive chemicals, and  
28 intoxicated persons.

29 ((+23)) (24) "Treatment program" means an organization,  
30 institution, or corporation, public or private, engaged in the care,  
31 treatment, or rehabilitation of alcoholics or other drug addicts.

32 **Sec. 28.** RCW 70.96A.095 and 1995 c 312 s 47 are each amended to  
33 read as follows:

34 (1) Any person thirteen years of age or older may give consent for  
35 himself or herself to the furnishing of ((counseling, care,))  
36 outpatient treatment((, or rehabilitation)) by a chemical dependency  
37 treatment program ((or by any person)) certified by the department.  
38 Consent of the parent((, parents, or legal guardian)) of a person less

1 than eighteen years of age for inpatient treatment is ~~((not))~~ necessary  
2 to authorize the care ~~((, except that the person shall not become a~~  
3 ~~resident of the treatment program without such permission except as~~  
4 ~~provided in RCW 70.96A.120 or 70.96A.140))~~ unless the child meets the  
5 definition of a child in need of services in chapter 13.32A RCW, as  
6 determined by the department. Parental consent is required for  
7 treatment of a minor under the age of thirteen. The parent ~~((, parents,~~  
8 ~~or legal guardian))~~ of a person less than eighteen years of age are not  
9 liable for payment of care for such persons pursuant to this chapter,  
10 unless they have joined in the consent to the ~~((counseling, care,))~~  
11 ~~treatment~~ ~~((, or rehabilitation))~~.

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

23 **Sec. 29.** RCW 71.34.035 and 1995 c 312 s 58 are each amended to  
24 read as follows:

25 The department shall randomly select and review the information on  
26 children who are admitted to ~~((in-patient))~~ inpatient treatment on  
27 application of the child's parent regardless of the source of payment,  
28 if any. The review shall determine whether the children reviewed were  
29 appropriately admitted into treatment based on an objective evaluation  
30 of the child's condition and the outcome of the child's treatment.

31 **Sec. 30.** RCW 74.13.036 and 1995 c 312 s 65 are each amended to  
32 read as follows:

33 (1) The department of social and health services shall oversee  
34 implementation of chapter 13.34 RCW and chapter 13.32A RCW. The  
35 oversight shall be comprised of working with affected parts of the  
36 criminal justice and child care systems as well as with local  
37 government, legislative, and executive authorities to effectively carry

1 out these chapters. The department shall work with all such entities  
2 to ensure that chapters 13.32A and 13.34 RCW are implemented in a  
3 uniform manner throughout the state.

4 (2) The department shall develop a plan and procedures, in  
5 cooperation with the state-wide advisory committee, to insure the full  
6 implementation of the provisions of chapter 13.32A RCW. Such plan and  
7 procedures shall include but are not limited to:

8 (a) Procedures defining and delineating the role of the department  
9 and juvenile court with regard to the execution of the child in need of  
10 services placement process;

11 (b) Procedures for designating department staff responsible for  
12 family reconciliation services;

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

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

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

23 (3) In addition to its other oversight duties, the department  
24 shall:

25 (a) Identify and evaluate resource needs in each region of the  
26 state;

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

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

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

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

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

1       (5) The department shall provide an annual report to the  
2 legislature not later than December 1, indicating the number of times  
3 it has declined to accept custody of a child from a law enforcement  
4 agency under chapter 13.32A RCW and the number of times it has received  
5 a report of a child being released without placement under RCW  
6 13.32A.060(1)(c). The report shall include the dates, places, and  
7 reasons the department declined to accept custody and the dates and  
8 places children are released without placement.

9       NEW SECTION. Sec. 31. It is the intent of the legislature that  
10 the changes in this act be construed to expedite the administrative and  
11 judicial processes provided for in the existing and amended statutes to  
12 assist in assuring that children placed in a crisis residential center  
13 have an appropriate placement available to them at the conclusion of  
14 their stay at the center.

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