

1 2761-S AMH CARR H5157.2

2 SHB 2761 - H AMD 932 WITHDRAWN 2-16-98

3 By Representative Carrell

4

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

7 **"PART I - CRISIS RESIDENTIAL CENTERS AND TREATMENT SERVICES**

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.13 RCW  
9 to read as follows:

10 Any county or group of counties may make application to the  
11 department of social and health services in the manner and form  
12 prescribed by the department to administer and provide the services  
13 established under RCW 13.32A.197. Any such application must include a  
14 plan or plans for providing such services to at-risk youth.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.13 RCW  
16 to read as follows:

17 No county may receive any state funds provided by this chapter  
18 until its application and plan are received by the department.

19 (1) The distribution of funds to a county or a group of counties  
20 shall be based on criteria including but not limited to the county's  
21 per capita income, regional or county at-risk populations, rates of  
22 poverty, and the presence of existing programs serving at-risk  
23 children.

24 (2) The secretary of social and health services shall reimburse a  
25 county upon presentation and approval of a valid claim pursuant to this  
26 chapter based on actual performance in meeting the terms and conditions  
27 of the approved plan and contract. Funds received by participating  
28 counties under this chapter shall not be used to replace local funds  
29 for existing programs.

30 (3) Funds available for county-operated treatment facilities and  
31 services under RCW 13.32A.197 shall not exceed the appropriation for  
32 these services specified in the biennial operating budget.

1       **Sec. 3.** RCW 74.13.031 and 1997 c 386 s 32 and 1997 c 272 s 1 are  
2 each reenacted and amended to read as follows:

3       The department shall have the duty to provide child welfare  
4 services and shall:

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

9       (2) Within available resources, recruit an adequate number of  
10 prospective adoptive and foster homes, both regular and specialized,  
11 i.e. homes for children of ethnic minority, including Indian homes for  
12 Indian children, sibling groups, handicapped and emotionally disturbed,  
13 teens, pregnant and parenting teens, and annually report to the  
14 governor and the legislature concerning the department's success in:  
15 (a) Meeting the need for adoptive and foster home placements; (b)  
16 reducing the foster parent turnover rate; (c) completing home studies  
17 for legally free children; and (d) implementing and operating the  
18 passport program required by RCW 74.13.285. The report shall include  
19 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

20       (3) Investigate complaints of alleged neglect, abuse, or  
21 abandonment of children, and on the basis of the findings of such  
22 investigation, offer child welfare services in relation to the problem  
23 to such parents, legal custodians, or persons serving in loco parentis,  
24 and/or bring the situation to the attention of an appropriate court, or  
25 another community agency: PROVIDED, That an investigation is not  
26 required of nonaccidental injuries which are clearly not the result of  
27 a lack of care or supervision by the child's parents, legal custodians,  
28 or persons serving in loco parentis. If the investigation reveals that  
29 a crime may have been committed, the department shall notify the  
30 appropriate law enforcement agency.

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

33       (5) Monitor out-of-home placements, on a timely and routine basis,  
34 to assure the safety, well-being, and quality of care being provided is  
35 within the scope of the intent of the legislature as defined in RCW  
36 74.13.010 and 74.15.010, and annually submit a report measuring the  
37 extent to which the department achieved the specified goals to the  
38 governor and the legislature.

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

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

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

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

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

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

35 (12) Provide funding for counties to operate treatment facilities  
36 and provide treatment services to children who have been ordered placed  
37 in a staff secure facility under RCW 13.32A.197.

38 Notwithstanding any other provision of RCW 13.32A.170 through  
39 13.32A.200 and 74.13.032 through 74.13.036, or of this section all

1 services to be provided by the department of social and health services  
2 under subsections (4), (6), and (7) of this section, or counties under  
3 subsection (12) of this section, subject to the limitations of these  
4 subsections, may be provided by any program offering such services  
5 funded pursuant to Titles II and III of the federal juvenile justice  
6 and delinquency prevention act of 1974.

7 **Sec. 4.** RCW 74.13.032 and 1995 c 312 s 60 are each amended to read  
8 as follows:

9 (1) The department shall establish, by contracts with private or  
10 public vendors, regional crisis residential centers with semi-secure  
11 facilities. These facilities shall be structured group care facilities  
12 licensed under rules adopted by the department and shall have an  
13 average of at least four adult staff members and in no event less than  
14 three adult staff members to every eight children.

15 (2) Within available funds appropriated for this purpose, the  
16 department shall establish, by contracts with private or public  
17 vendors, regional crisis residential centers with secure facilities.  
18 These facilities shall be facilities licensed under rules adopted by  
19 the department. These centers may also include semi-secure facilities  
20 and to such extent shall be subject to subsection (1) of this section.

21 (3) The department shall, in addition to the facilities established  
22 under subsections (1) and (2) of this section, establish additional  
23 crisis residential centers pursuant to contract with licensed private  
24 group care facilities.

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

33 (5) The secure facilities located within crisis residential centers  
34 shall be operated to conform with the definition in RCW 13.32A.030.  
35 The facilities shall have an average of no ~~((more))~~ less than ~~((three))~~  
36 one adult staff member~~((s))~~ to every ~~((eight))~~ ten children. The  
37 staffing ratio shall continue to ensure the safety of the children.

1       (6) (~~(A center with secure facilities created under this section~~  
2 ~~may not be located within, or on the same grounds as, other secure~~  
3 ~~structures including jails, juvenile detention facilities operated by~~  
4 ~~the state, or units of local government. However, the secretary may,~~  
5 ~~following consultation with the appropriate county legislative~~  
6 ~~authority, make a written finding that location of a center with secure~~  
7 ~~facilities on the same grounds as another secure structure is the only~~  
8 ~~practical location for a secure facility. Upon the written finding a~~  
9 ~~secure facility may be located on the same grounds as the secure~~  
10 ~~structure. Where)) If a secure crisis residential center is located in  
11 or adjacent to a secure juvenile detention facility, the center shall  
12 be operated in a manner that prevents in-person contact between the  
13 residents of the center and the persons held in such facility.~~

14       NEW SECTION. Sec. 5. A new section is added to chapter 74.13 RCW  
15 to read as follows:

16       (1) A county or group of counties operating a treatment facility  
17 under sections 1 and 2 of this act shall establish, by contracts with  
18 private or public vendors, treatment centers with staff secure  
19 facilities. These facilities shall be structured group care facilities  
20 licensed under rules adopted by the department.

21       (2) The staff at the facilities established under RCW 13.32A.197  
22 shall be trained so that they may effectively counsel, supervise,  
23 provide treatment for behavioral difficulties or needs, and provide  
24 structure to the juveniles admitted to treatment facilities. The  
25 treatment, supervision, and counseling must recognize the need for  
26 support and the varying circumstances that cause children to leave  
27 their families.

28       (3) Juveniles shall be admitted to the facilities based on a court  
29 order for placement at a staff secure facility to receive treatment  
30 under RCW 13.32A.197. Juveniles shall not be denied admission based on  
31 their county of residence.

32                   **PART II - MENTAL HEALTH AND CHEMICAL DEPENDENCY TREATMENT**

33       NEW SECTION. Sec. 6. The legislature finds it is often necessary  
34 for parents to obtain mental health or chemical dependency treatment  
35 for their minor children prior to the time the child's condition  
36 presents a likelihood of serious harm or the child becomes gravely

1 disabled. The legislature finds that treatment of such conditions is  
2 not the equivalent of incarceration or detention, but is a legitimate  
3 act of parental discretion, when supported by decisions of credentialed  
4 professionals. The legislature finds that, consistent with *Parham v.*  
5 *J.R.*, 442 U.S. 584 (1979), state action is not involved in the  
6 determination of a parent and professional person to admit a minor  
7 child to treatment and finds this act provides sufficient independent  
8 review by the department of social and health services, as a neutral  
9 fact-finder, to protect the interests of all parties. The legislature  
10 finds it is necessary to provide parents a statutory process, other  
11 than the petition process provided in chapters 70.96A and 71.34 RCW, to  
12 obtain treatment for their minor children without the consent of the  
13 children.

14 The legislature finds that differing standards of admission and  
15 review in parent-initiated mental health and chemical dependency  
16 treatment for their minor children are necessary and the admission  
17 standards and procedures under state involuntary treatment procedures  
18 are not adequate to provide safeguards for the safety and well-being of  
19 all children. The legislature finds the timeline for admission and  
20 reviews under existing law do not provide sufficient opportunities for  
21 assessment of the mental health and chemically dependent status of  
22 every minor child and that additional time and different standards will  
23 facilitate the likelihood of successful treatment of children who are  
24 in need of assistance but unwilling to obtain it voluntarily. The  
25 legislature finds there are children whose behavior presents a clear  
26 need of medical treatment but is not so extreme as to require immediate  
27 state intervention under the state involuntary treatment procedures.

28 **PART II-A - MENTAL HEALTH**

29 **Sec. 7.** RCW 71.34.010 and 1992 c 205 s 302 are each amended to  
30 read as follows:

31 It is the purpose of this chapter to ~~((ensure))~~ assure that minors  
32 in need of mental health care and treatment receive an appropriate  
33 continuum of culturally relevant care and treatment, ~~((from))~~ including  
34 prevention and early intervention ~~((to))~~, self-directed care, parent-  
35 directed care, and involuntary treatment. To facilitate the continuum  
36 of care and treatment to minors in out-of-home placements, all

1 divisions of the department that provide mental health services to  
2 minors shall jointly plan and deliver those services.

3 It is also the purpose of this chapter to protect the rights of  
4 minors against needless hospitalization and deprivations of liberty and  
5 to enable treatment decisions to be made in response to clinical needs  
6 in accordance with sound professional judgment. The mental health care  
7 and treatment providers shall encourage the use of voluntary services  
8 and, whenever clinically appropriate, the providers shall offer less  
9 restrictive alternatives to inpatient treatment. Additionally, all  
10 mental health care and treatment providers shall ((ensure)) assure that  
11 minors' parents are given an opportunity to participate in the  
12 treatment decisions for their minor children. The mental health care  
13 and treatment providers shall, to the extent possible, offer services  
14 that involve minors' parents or family.

15 It is also the purpose of this chapter to assure the ability of  
16 parents to exercise reasonable, compassionate care and control of their  
17 minor children when there is a medical necessity for treatment and  
18 without the requirement of filing a petition under this chapter.

19 **Sec. 8.** RCW 71.34.020 and 1985 c 354 s 2 are each amended to read  
20 as follows:

21 Unless the context clearly requires otherwise, the definitions in  
22 this section apply throughout this chapter.

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

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

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

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

36 (3) "Commitment" means a determination by a judge or court  
37 commissioner, made after a commitment hearing, that the minor is in

1 need of inpatient diagnosis, evaluation, or treatment or that the minor  
2 is in need of less restrictive alternative treatment.

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

7 (5) "Department" means the department of social and health  
8 services.

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

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

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

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

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

37 (11) "Likelihood of serious harm" means either: (a) A substantial  
38 risk that physical harm will be inflicted by an individual upon his or  
39 her own person, as evidenced by threats or attempts to commit suicide



1 or inflict physical harm on oneself; (b) a substantial risk that  
2 physical harm will be inflicted by an individual upon another, as  
3 evidenced by behavior which has caused such harm or which places  
4 another person or persons in reasonable fear of sustaining such harm;  
5 or (c) a substantial risk that physical harm will be inflicted by an  
6 individual upon the property of others, as evidenced by behavior which  
7 has caused substantial loss or damage to the property of others.

8 (12) "Medical necessity" for inpatient care means a requested  
9 service which is reasonably calculated to: (a) Diagnose, correct,  
10 cure, or alleviate a mental disorder; or (b) prevent the worsening of  
11 mental conditions that endanger life or cause suffering and pain, or  
12 result in illness or infirmity or threaten to cause or aggravate a  
13 handicap, or cause physical deformity or malfunction, and there is no  
14 adequate less restrictive alternative available.

15 (13) "Medically appropriate" means that the condition of a minor  
16 admitted to inpatient treatment, under section 18 of this act, has not  
17 improved sufficiently to eliminate the medical necessity for the minor  
18 to receive inpatient treatment for his or her condition to be released  
19 to a less restrictive setting.

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

26 ~~((13))~~ (15) "Mental health professional" means a psychiatrist,  
27 psychologist, psychiatric nurse, or social worker, and such other  
28 mental health professionals as may be defined by rules adopted by the  
29 secretary under this chapter.

30 ~~((14))~~ (16) "Minor" means any person under the age of eighteen  
31 years.

32 ~~((15))~~ (17) "Outpatient treatment" means any of the  
33 nonresidential services mandated under chapter 71.24 RCW and provided  
34 by licensed services providers as identified by RCW 71.24.025(3).

35 ~~((16))~~ (18) "Parent" means:

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

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

3 ~~((17))~~ (19) "Professional person in charge" or "professional  
4 person" means a physician or other mental health professional empowered  
5 by an evaluation and treatment facility with authority to make  
6 admission and discharge decisions on behalf of that facility.

7 ~~((18))~~ (20) "Psychiatric nurse" means a registered nurse who has  
8 a bachelor's degree from an accredited college or university, and who  
9 has had, in addition, at least two years' experience in the direct  
10 treatment of mentally ill or emotionally disturbed persons, such  
11 experience gained under the supervision of a mental health  
12 professional. "Psychiatric nurse" shall also mean any other registered  
13 nurse who has three years of such experience.

14 ~~((19))~~ (21) "Psychiatrist" means a person having a license as a  
15 physician in this state who has completed residency training in  
16 psychiatry in a program approved by the American Medical Association or  
17 the American Osteopathic Association, and is board eligible or board  
18 certified in psychiatry.

19 ~~((20))~~ (22) "Psychologist" means a person licensed as a  
20 psychologist under chapter 18.83 RCW.

21 ~~((21))~~ (23) "Responsible other" means the minor, the minor's  
22 parent or estate, or any other person legally responsible for support  
23 of the minor.

24 ~~((22))~~ (24) "Secretary" means the secretary of the department or  
25 secretary's designee.

26 ~~((23))~~ (25) "Start of initial detention" means the time of  
27 arrival of the minor at the first evaluation and treatment facility  
28 offering inpatient treatment if the minor is being involuntarily  
29 detained at the time. With regard to voluntary patients, "start of  
30 initial detention" means the time at which the minor gives notice of  
31 intent to leave under the provisions of this chapter.

32 **Sec. 9.** RCW 71.34.025 and 1995 c 312 s 56 are each amended to read  
33 as follows:

34 (1) ~~((The admission of any child under RCW 71.34.030 may be~~  
35 ~~reviewed by the county designated mental health professional between~~  
36 ~~fifteen and thirty days following admission. The county designated~~  
37 ~~mental health professional may undertake the review on his or her own~~

1 ~~initiative and may seek reimbursement from the parents, their~~  
2 ~~insurance, or medicaid for the expense of the review.~~

3 ~~(2))~~ The department shall ~~((ensure))~~ assure that, for any minor  
4 admitted to inpatient treatment under section 18 of this act, a review  
5 is conducted by a physician or other mental health professional who is  
6 employed by the department, or an agency under contract with the  
7 department, and who neither has a financial interest in continued  
8 inpatient treatment of the minor nor is affiliated with the facility  
9 providing the treatment. The physician or other mental health  
10 professional shall conduct the review no sooner than five days and no  
11 later than ((sixty)) seven days, excluding Saturdays, Sundays, and  
12 holidays, following admission to determine whether it is medically  
13 appropriate to continue the ((child's)) minor's treatment on an  
14 inpatient basis. ((The department may, subject to available funds,  
15 contract with a county for the conduct of the review conducted under  
16 this subsection and may seek reimbursement from the parents, their  
17 insurance, or medicaid for the expense of any review conducted by an  
18 agency under contract.

19 ~~If the county designated mental health professional determines that~~  
20 ~~continued inpatient treatment of the child is no longer medically~~  
21 ~~appropriate, the professional shall notify the facility, the child, the~~  
22 ~~child's parents, and the department of the finding within twenty four~~  
23 ~~hours of the determination.~~

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

36 (2) The department shall, at thirty-day intervals following the  
37 review conducted under subsection (1) of this section, conduct three  
38 reviews of the treatment status of each minor admitted to inpatient  
39 treatment, under section 18 of this act, to determine whether it is

1 medically appropriate to continue the minor's treatment under inpatient  
2 status. The reviews shall be conducted by a physician or other mental  
3 health professional who is employed by the department, or an agency  
4 under contract with the department, and who neither has a financial  
5 interest in continued inpatient treatment of the minor nor is  
6 affiliated with the facility providing the treatment.

7 (3) In making a determination under subsection (1) or (2) of this  
8 section, the department shall consider the opinion of the treatment  
9 provider, the safety of the minor, and the likelihood the minor's  
10 mental health will deteriorate if released from inpatient treatment.  
11 The department shall consult with the parent in advance of making its  
12 determination.

13 (4) If, after any review conducted by the department under this  
14 section, the department determines it is no longer medically  
15 appropriate for a minor to receive inpatient treatment, the department  
16 shall immediately notify the parents and the facility. The facility  
17 shall release the minor to the parents within twenty-four hours of  
18 receiving notice. If the professional person in charge and the parent  
19 believe that it is medically appropriate for the minor to remain in  
20 inpatient treatment, the minor shall be released to the parent on the  
21 second judicial day following the department's determination in order  
22 to allow the parent time to file an at-risk youth petition under  
23 chapter 13.32A RCW. If the department determines it is medically  
24 appropriate for the minor to receive outpatient treatment and the minor  
25 declines to obtain such treatment, such refusal shall be grounds for  
26 the parent to file an at-risk youth petition.

27 (5) If after the third department review under subsection (2) of  
28 this section, the department determines that it is medically  
29 appropriate to continue the minor's inpatient treatment, the  
30 department, or the department's designee, shall file a petition under  
31 RCW 71.34.070 within seven days of the department's determination. For  
32 the purposes of this section, it is not necessary to file a petition  
33 for initial detention.

34 (6) If the evaluation conducted under section 18 of this act is  
35 done by the department, the reviews required by subsections (1) and (2)  
36 of this section shall be done by contract with an independent agency.

37 (7) The department may, subject to available funds, contract with  
38 other governmental agencies to conduct the reviews under this section.  
39 The department may seek reimbursement from the parents, their

1 insurance, or medicaid for the expense of any review conducted by an  
2 agency under contract.

3 NEW SECTION. **Sec. 10.** A new section is added to chapter 71.34 RCW  
4 to read as follows:

5 For purposes of eligibility for medical assistance under chapter  
6 74.09 RCW, minors in inpatient mental health treatment shall be  
7 considered to be part of their parent's or legal guardian's household,  
8 unless the minor has been assessed by the department or its designee as  
9 likely to require such treatment for at least ninety consecutive days,  
10 or is in out-of-home care in accordance with chapter 13.34 RCW, or the  
11 parents are found to not be exercising responsibility for care and  
12 control of the minor. Payment for such care by the department shall be  
13 made only in accordance with rules, guidelines, and clinical criteria  
14 applicable to inpatient treatment of minors established by the  
15 department.

16 **PART II-B - VOLUNTARY MENTAL HEALTH OUTPATIENT TREATMENT**

17 **Sec. 11.** RCW 71.34.030 and 1995 c 312 s 52 are each amended to  
18 read as follows:

19 ~~((1))~~ Any minor thirteen years or older may request and receive  
20 outpatient treatment without the consent of the minor's parent.  
21 Parental authorization is required for outpatient treatment of a minor  
22 under the age of thirteen.

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

31 ~~(a) A minor may be voluntarily admitted by application of the~~  
32 ~~parent. The consent of the minor is not required for the minor to be~~  
33 ~~evaluated and admitted as appropriate.~~

34 ~~(b) A minor thirteen years or older may, with the concurrence of~~  
35 ~~the professional person in charge of an evaluation and treatment~~  
36 ~~facility, admit himself or herself without parental consent to the~~

1 evaluation and treatment facility, provided that notice is given by the  
2 facility to the minor's parent in accordance with the following  
3 requirements:

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

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

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

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

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

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

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

35 (c) Written renewal of voluntary consent must be obtained from the  
36 applicant no less than once every twelve months.

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

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

1       ~~(a) Any minor under the age of thirteen must be discharged~~  
2 ~~immediately upon written request of the parent.~~

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

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

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

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

23       NEW SECTION.   **Sec. 12.** For the purpose of gathering information  
24 related to parental notification of outpatient mental health treatment  
25 of minors, the department of health shall conduct a survey of providers  
26 of outpatient treatment, as defined in chapter 71.34 RCW. The survey  
27 shall gather information from a statistically valid sample of  
28 providers. In accordance with confidentiality statutes and the  
29 physician-patient privilege, the survey shall secure information from  
30 the providers related to:

31       (1) The number of minors receiving outpatient treatment;

32       (2) The number of parents of minors in treatment notified of the  
33 minor's treatment;

34       (3) The average number of outpatient visits prior to parental  
35 notification;

36       (4) The average number of treatments with parental notification;

37       (5) The average number of treatments without parental notification;

1 (6) The percentage of minors in treatment who are prescribed  
2 medication;

3 (7) The medication prescribed;

4 (8) The number of patients terminating treatment due to parental  
5 notification; and

6 (9) Any other pertinent information.

7 The department shall submit the survey results to the governor and  
8 the appropriate committees of the legislature by December 1, 1998.

9 This section expires June 1, 1999.

10 **PART II-C - VOLUNTARY MENTAL HEALTH INPATIENT TREATMENT**

11 NEW SECTION. **Sec. 13.** A new section is added to chapter 71.34 RCW  
12 to read as follows:

13 (1) A minor thirteen years or older may admit himself or herself to  
14 an evaluation and treatment facility for inpatient mental treatment,  
15 without parental consent. The admission shall occur only if the  
16 professional person in charge of the facility concurs with the need for  
17 inpatient treatment.

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

25 (3) Written renewal of voluntary consent must be obtained from the  
26 applicant no less than once every twelve months. The minor's need for  
27 continued inpatient treatments shall be reviewed and documented no less  
28 than every one hundred eighty days.

29 NEW SECTION. **Sec. 14.** A new section is added to chapter 71.34 RCW  
30 to read as follows:

31 The administrator of the treatment facility shall provide notice to  
32 the parents of a minor when the minor is voluntarily admitted to  
33 inpatient treatment under section 13 of this act. The notice shall be  
34 in the form most likely to reach the parent within twenty-four hours of  
35 the minor's voluntary admission and shall advise the parent: (1) That  
36 the minor has been admitted to inpatient treatment; (2) of the location



1 and telephone number of the facility providing such treatment; (3) of  
2 the name of a professional person on the staff of the facility  
3 providing treatment who is designated to discuss the minor's need for  
4 inpatient treatment with the parent; and (4) of the medical necessity  
5 for admission.

6 NEW SECTION. **Sec. 15.** A new section is added to chapter 71.34 RCW  
7 to read as follows:

8 (1) Any minor thirteen years or older who has voluntarily admitted  
9 himself or herself to inpatient treatment shall be released to the  
10 parent upon the parent's written request for release unless the  
11 professional person in charge of the facility exercises his or her  
12 option to file a petition for commitment of a minor.

13 (2)(a) The petition shall be filed with the superior court of the  
14 county in which treatment is being provided setting forth the basis for  
15 the facility's belief that the minor is in need of inpatient treatment  
16 and that release would constitute a threat to the minor's health or  
17 safety.

18 (b) The petition shall be signed by the minor and the professional  
19 person in charge of the facility or that person's designee.

20 (c) The parent may apply to the court for separate counsel to  
21 represent the parent if the parent cannot afford counsel.

22 (d) There shall be a hearing on the petition, which shall be held  
23 within seventy-two hours from the filing of the petition.

24 (3) The commitment hearing shall be conducted at the superior court  
25 or an appropriate place at the treatment facility.

26 (4) The professional person must demonstrate, by a preponderance of  
27 the evidence, that the minor is in need of inpatient treatment and that  
28 the release would constitute a threat to the minor's health or safety.  
29 The rules of evidence shall not apply at the hearing.

30 NEW SECTION. **Sec. 16.** A new section is added to chapter 71.34 RCW  
31 to read as follows:

32 (1) Any minor thirteen years or older voluntarily admitted to an  
33 evaluation and treatment facility under section 13 of this act may give  
34 notice of intent to leave at any time. The notice need not follow any  
35 specific form so long as it is written and the intent of the minor can  
36 be discerned.

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

5 (3) The professional person shall discharge the minor, thirteen  
6 years or older, from the facility within twenty-four hours after  
7 receipt of the minor's notice of intent to leave, unless the county-  
8 designated mental health professional commences an initial detention  
9 proceeding under the provisions of this chapter.

10 NEW SECTION. Sec. 17. A new section is added to chapter 71.34 RCW  
11 to read as follows:

12 Any minor admitted to inpatient treatment under section 13 or 18 of  
13 this act shall be discharged immediately from inpatient treatment upon  
14 written request of the parent.

15 **PART II-D - PARENT-INITIATED MENTAL HEALTH TREATMENT**

16 NEW SECTION. Sec. 18. A new section is added to chapter 71.34 RCW  
17 to read as follows:

18 (1) A parent may bring, or authorize the bringing of, his or her  
19 minor child to an evaluation and treatment facility and request that  
20 the professional person examine the minor to determine whether the  
21 minor has a mental disorder and is in need of inpatient treatment.

22 (2) The consent of the minor is not required for admission,  
23 evaluation, and treatment if the parent brings the minor to the  
24 facility.

25 (3) An appropriately trained professional person may evaluate  
26 whether the minor has a mental disorder. The evaluation shall be  
27 completed within twenty-four hours of the time the minor was brought to  
28 the facility, unless the professional person determines that the  
29 condition of the minor necessitates additional time for evaluation. In  
30 no event shall a minor be held longer than seventy-two hours for  
31 evaluation without being admitted or released. If, in the judgment of  
32 the professional person, it is determined it is a medical necessity for  
33 the minor to receive inpatient treatment, the minor may be admitted.  
34 Prior to admission, the facility shall limit treatment to that which  
35 the professional person determines is medically necessary to stabilize

1 the minor's condition. Within twenty-four hours of the admission, the  
2 professional person shall notify the department of the admission.

3 (4) No provider is obligated to provide treatment to a minor under  
4 the provisions of this section. No provider may admit a minor to  
5 treatment under this section unless it is medically necessary.

6 (5) No minor receiving inpatient treatment under this section may  
7 be discharged from the facility based solely on his or her request.

8 (6) For the purposes of this section "professional person" does not  
9 include a social worker, unless the social worker is certified under  
10 RCW 18.19.110 and appropriately trained and qualified by education and  
11 experience, as defined by the department, in psychiatric social work.

12 NEW SECTION. Sec. 19. A new section is added to chapter 71.34 RCW  
13 to read as follows:

14 (1) A parent may bring, or authorize the bringing of, his or her  
15 minor child to a provider of outpatient mental health treatment and  
16 request that an appropriately trained professional person examine the  
17 minor to determine whether the minor has a mental disorder and is in  
18 need of outpatient treatment.

19 (2) The consent of the minor is not required for evaluation if the  
20 parent brings the minor to the provider.

21 (3) The professional person may evaluate whether the minor has a  
22 mental disorder and is in need of outpatient treatment.

23 NEW SECTION. Sec. 20. A new section is added to chapter 71.34 RCW  
24 to read as follows:

25 The ability of a parent to apply to a certified evaluation and  
26 treatment program for the admission of his or her minor does not create  
27 a right to obtain or benefit from any funds or resources of the state.  
28 The state may provide services for indigent minors to the extent that  
29 funds are available.

30 **PART II-E - CHEMICAL DEPENDENCY**

31 **Sec. 21.** RCW 70.96A.020 and 1996 c 178 s 23 and 1996 c 133 s 33  
32 are each reenacted and amended to read as follows:

33 For the purposes of this chapter the following words and phrases  
34 shall have the following meanings unless the context clearly requires  
35 otherwise:

- 1 (1) "Alcoholic" means a person who suffers from the disease of  
2 alcoholism.
- 3 (2) "Alcoholism" means a disease, characterized by a dependency on  
4 alcoholic beverages, loss of control over the amount and circumstances  
5 of use, symptoms of tolerance, physiological or psychological  
6 withdrawal, or both, if use is reduced or discontinued, and impairment  
7 of health or disruption of social or economic functioning.
- 8 (3) "Approved treatment program" means a discrete program of  
9 chemical dependency treatment provided by a treatment program certified  
10 by the department of social and health services as meeting standards  
11 adopted under this chapter.
- 12 (4) "Chemical dependency" means alcoholism or drug addiction, or  
13 dependence on alcohol and one or more other psychoactive chemicals, as  
14 the context requires.
- 15 (5) "Chemical dependency program" means expenditures and activities  
16 of the department designed and conducted to prevent or treat alcoholism  
17 and other drug addiction, including reasonable administration and  
18 overhead.
- 19 (6) "Department" means the department of social and health  
20 services.
- 21 (7) "Designated chemical dependency specialist" means a person  
22 designated by the county alcoholism and other drug addiction program  
23 coordinator designated under RCW 70.96A.310 to perform the commitment  
24 duties described in RCW 70.96A.140 and qualified to do so by meeting  
25 standards adopted by the department.
- 26 (8) "Director" means the person administering the chemical  
27 dependency program within the department.
- 28 (9) "Drug addict" means a person who suffers from the disease of  
29 drug addiction.
- 30 (10) "Drug addiction" means a disease characterized by a dependency  
31 on psychoactive chemicals, loss of control over the amount and  
32 circumstances of use, symptoms of tolerance, physiological or  
33 psychological withdrawal, or both, if use is reduced or discontinued,  
34 and impairment of health or disruption of social or economic  
35 functioning.
- 36 (11) "Emergency service patrol" means a patrol established under  
37 RCW 70.96A.170.
- 38 (12) "Gravely disabled by alcohol or other drugs" means that a  
39 person, as a result of the use of alcohol or other drugs: (a) Is in

1 danger of serious physical harm resulting from a failure to provide for  
2 his or her essential human needs of health or safety; or (b) manifests  
3 severe deterioration in routine functioning evidenced by a repeated and  
4 escalating loss of cognition or volitional control over his or her  
5 actions and is not receiving care as essential for his or her health or  
6 safety.

7 (13) "Incapacitated by alcohol or other psychoactive chemicals"  
8 means that a person, as a result of the use of alcohol or other  
9 psychoactive chemicals, has his or her judgment so impaired that he or  
10 she is incapable of realizing and making a rational decision with  
11 respect to his or her need for treatment and presents a likelihood of  
12 serious harm to himself or herself, to any other person, or to  
13 property.

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

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

19 (16) "Licensed physician" means a person licensed to practice  
20 medicine or osteopathic medicine and surgery in the state of  
21 Washington.

22 (17) "Likelihood of serious harm" means either: (a) A substantial  
23 risk that physical harm will be inflicted by an individual upon his or  
24 her own person, as evidenced by threats or attempts to commit suicide  
25 or inflict physical harm on one's self; (b) a substantial risk that  
26 physical harm will be inflicted by an individual upon another, as  
27 evidenced by behavior that has caused the harm or that places another  
28 person or persons in reasonable fear of sustaining the harm; or (c) a  
29 substantial risk that physical harm will be inflicted by an individual  
30 upon the property of others, as evidenced by behavior that has caused  
31 substantial loss or damage to the property of others.

32 (18) "Medical necessity" for inpatient care of a minor means a  
33 requested certified inpatient service that is reasonably calculated to:  
34 (a) Diagnose, arrest, or alleviate a chemical dependency; or (b)  
35 prevent the worsening of chemical dependency conditions that endanger  
36 life or cause suffering and pain, or result in illness or infirmity or  
37 threaten to cause or aggravate a handicap, or cause physical deformity  
38 or malfunction, and there is no adequate less restrictive alternative  
39 available.

1        (19) "Medically appropriate" means a minor admitted by his or her  
2 parents to inpatient treatment under section 26 of this act has not  
3 sufficiently improved his or her condition to be released to a less  
4 restrictive setting.

5        (20) "Minor" means a person less than eighteen years of age.

6        ~~((19))~~ (21) "Parent" means the parent or parents who have the  
7 legal right to custody of the child. Parent includes custodian or  
8 guardian.

9        ~~((20))~~ (22) "Peace officer" means a law enforcement official of  
10 a public agency or governmental unit, and includes persons specifically  
11 given peace officer powers by any state law, local ordinance, or  
12 judicial order of appointment.

13        ~~((21))~~ (23) "Person" means an individual, including a minor.

14        ~~((22))~~ (24) "Professional person in charge" or "professional  
15 person" means a physician or chemical dependency counselor as defined  
16 in rule by the department, who is empowered by a certified treatment  
17 program with authority to make assessment, admission, continuing care,  
18 and discharge decisions on behalf of the certified program.

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

21        ~~((23))~~ (26) "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        ~~((24))~~ (27) "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        **PART II-F - VOLUNTARY CHEMICAL DEPENDENCY OUTPATIENT TREATMENT**

33        **Sec. 22.** RCW 70.96A.095 and 1996 c 133 s 34 are each amended to  
34 read as follows:

35        ~~((1))~~ Any person thirteen years of age or older may give consent  
36 for himself or herself to the furnishing of outpatient treatment by a  
37 chemical dependency treatment program certified by the department.

1 ((Consent of the parent of a person less than eighteen years of age for  
2 inpatient treatment is necessary to authorize the care unless the child  
3 meets the definition of a child in need of services in RCW  
4 13.32A.030(4)(c), as determined by the department.)) Parental  
5 authorization is required for any treatment of a minor under the age of  
6 thirteen. ((The parent of a minor is not liable for payment of care  
7 for such persons pursuant to this chapter, unless they have joined in  
8 the consent to the treatment.

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

19 (3) Any provider of outpatient treatment who provides outpatient  
20 treatment to a minor thirteen years of age or older shall provide  
21 notice of the minor's request for treatment to the minor's parents if:  
22 (a) The minor signs a written consent authorizing the disclosure; or  
23 (b) the treatment program director determines that the minor lacks  
24 capacity to make a rational choice regarding consenting to disclosure.  
25 The notice shall be made within seven days of the request for  
26 treatment, excluding Saturdays, Sundays, and holidays, and shall  
27 contain the name, location, and telephone number of the facility  
28 providing treatment, and the name of a professional person on the staff  
29 of the facility providing treatment who is designated to discuss the  
30 minor's need for treatment with the parent.))

31 NEW SECTION. **Sec. 23.** A new section is added to chapter 70.96A  
32 RCW to read as follows:

33 Any provider of outpatient treatment who provides outpatient  
34 treatment to a minor thirteen years of age or older shall provide  
35 notice of the minor's request for treatment to the minor's parents if:  
36 (1) The minor signs a written consent authorizing the disclosure; or  
37 (2) the treatment program director determines that the minor lacks  
38 capacity to make a rational choice regarding consenting to disclosure.

1 The notice shall be made within seven days of the request for  
2 treatment, excluding Saturdays, Sundays, and holidays, and shall  
3 contain the name, location, and telephone number of the facility  
4 providing treatment, and the name of a professional person on the staff  
5 of the facility providing treatment who is designated to discuss the  
6 minor's need for treatment with the parent.

7 **PART II-G - VOLUNTARY CHEMICAL DEPENDENCY INPATIENT TREATMENT**

8 NEW SECTION. **Sec. 24.** A new section is added to chapter 70.96A  
9 RCW to read as follows:

10 Parental consent is required for inpatient chemical dependency  
11 treatment of a minor, unless the child meets the definition of a child  
12 in need of services in RCW 13.32A.030(4)(c) as determined by the  
13 department: PROVIDED, That parental consent is required for any  
14 treatment of a minor under the age of thirteen.

15 This section does not apply to petitions filed under this chapter.

16 NEW SECTION. **Sec. 25.** A new section is added to chapter 70.96A  
17 RCW to read as follows:

18 (1) The parent of a minor is not liable for payment of inpatient or  
19 outpatient chemical dependency treatment unless the parent has joined  
20 in the consent to the treatment.

21 (2) The ability of a parent to apply to a certified treatment  
22 program for the admission of his or her minor child does not create a  
23 right to obtain or benefit from any funds or resources of the state.  
24 However, the state may provide services for indigent minors to the  
25 extent that funds are available therefor.

26 **PART II-H - PARENT-INITIATED CHEMICAL DEPENDENCY TREATMENT**

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

29 (1) A parent may bring, or authorize the bringing of, his or her  
30 minor child to a certified treatment program and request that a  
31 chemical dependency assessment be conducted by a professional person to  
32 determine whether the minor is chemically dependent and in need of  
33 inpatient treatment.



1 (2) The consent of the minor is not required for admission,  
2 evaluation, and treatment if the parent brings the minor to the  
3 program.

4 (3) An appropriately trained professional person may evaluate  
5 whether the minor is chemically dependent. The evaluation shall be  
6 completed within twenty-four hours of the time the minor was brought to  
7 the program, unless the professional person determines that the  
8 condition of the minor necessitates additional time for evaluation. In  
9 no event shall a minor be held longer than seventy-two hours for  
10 evaluation without being admitted or released. If, in the judgment of  
11 the professional person, it is determined it is a medical necessity for  
12 the minor to receive inpatient treatment, the minor may be admitted.  
13 Prior to admission, the facility shall limit treatment to that which  
14 the professional person determines is medically necessary to stabilize  
15 the minor's condition. Within twenty-four hours of the admission the  
16 professional person shall notify the department of the admission.

17 (4) No provider is obligated to provide treatment to a minor under  
18 the provisions of this section. No provider may admit a minor to  
19 treatment under this section unless it is medically necessary.

20 (5) No minor receiving inpatient treatment under this section may  
21 be discharged from the program based solely on his or her request.

22 (6) Any minor admitted to inpatient treatment under this section  
23 shall be discharged immediately from inpatient treatment upon written  
24 request of the parent.

25 **Sec. 27.** RCW 70.96A.097 and 1995 c 312 s 48 are each amended to  
26 read as follows:

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

33 ~~(2))~~ The department shall ensure that, for any minor admitted to  
34 inpatient treatment under section 26 of this act, a review is conducted  
35 by a physician or chemical dependency counselor, as defined in rule by  
36 the department, who is employed by the department or an agency under  
37 contract with the department and who neither has a financial interest  
38 in continued inpatient treatment of the minor nor is affiliated with

1 the program providing the treatment. The physician or chemical  
2 dependency counselor shall conduct the review no sooner than five days  
3 and no later than ((sixty)) seven days, excluding Saturdays, Sundays,  
4 and holidays, following admission to determine whether it is medically  
5 appropriate to continue the ((child's)) minor's treatment on an  
6 inpatient basis. ((The department may, subject to available funds,  
7 contract with a county for the conduct of the review conducted under  
8 this subsection and may seek reimbursement from the parents, their  
9 insurance, or medicaid for the expense of any review conducted by an  
10 agency under contract.

11 ~~If the county designated chemical dependency specialist determines~~  
12 ~~that continued inpatient treatment of the child is no longer medically~~  
13 ~~appropriate, the specialist shall notify the facility, the child, the~~  
14 ~~child's parents, and the department of the finding within twenty four~~  
15 ~~hours of the determination.~~

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

28 (2) The department shall, at thirty-day intervals following the  
29 review conducted under subsection (1) of this section, conduct reviews  
30 of the treatment status of each minor admitted to inpatient treatment,  
31 under section 26 of this act, to determine whether it is medically  
32 appropriate to continue the minor's treatment under inpatient status.  
33 The reviews shall be conducted by a physician or chemical dependency  
34 counselor, as defined in rule by the department, who is employed by the  
35 department, or an agency under contract with the department, and who  
36 neither has a financial interest in continued inpatient treatment of  
37 the minor nor is affiliated with the program providing the treatment.

38 (3) In making a determination under subsection (1) or (2) of this  
39 section whether it is medically appropriate to release the minor from

1 inpatient treatment, the department shall consider the opinion of the  
2 treatment provider, the safety of the minor, the likelihood the minor's  
3 chemical dependency recovery will deteriorate if released from  
4 inpatient treatment, and the wishes of the parent.

5 (4) If, after any review conducted by the department under this  
6 section, the department determines it is no longer medically  
7 appropriate for a minor to receive inpatient treatment, the department  
8 shall immediately notify the parents and the professional person in  
9 charge. The professional person in charge shall release the minor to  
10 the parents within twenty-four hours of receiving notice. If the  
11 professional person in charge and the parent believe that it is  
12 medically appropriate for the minor to remain in inpatient treatment,  
13 the minor shall be released to the parent on the second judicial day  
14 following the department's determination in order to allow the parent  
15 time to file an at-risk youth petition under chapter 13.32A RCW. If the  
16 department determines it is medically appropriate for the minor to  
17 receive outpatient treatment and the minor declines to obtain such  
18 treatment, such refusal shall be grounds for the parent to file an at-  
19 risk youth petition.

20 (5) The department may, subject to available funds, contract with  
21 other governmental agencies for the conduct of the reviews conducted  
22 under this section and may seek reimbursement from the parents, their  
23 insurance, or medicaid for the expense of any review conducted by an  
24 agency under contract.

25 NEW SECTION. Sec. 28. A new section is added to chapter 70.96A  
26 RCW to read as follows:

27 (1) A parent may bring, or authorize the bringing of, his or her  
28 minor child to a provider of outpatient chemical dependency treatment  
29 and request that an appropriately trained professional person examine  
30 the minor to determine whether the minor has a chemical dependency and  
31 is in need of outpatient treatment.

32 (2) The consent of the minor is not required for evaluation if the  
33 parent brings the minor to the provider.

34 (3) The professional person in charge of the program may evaluate  
35 whether the minor has a chemical dependency and is in need of  
36 outpatient treatment.



1 education and protection of these children. Thus, it is the intent of  
2 the legislature to authorize a limited sanction of time in juvenile  
3 detention independent of chapter 7.21 RCW for failure to comply with  
4 court orders in truancy, child in need of services, at-risk youth, and  
5 dependency cases for the sole purpose of providing the courts with the  
6 tools necessary to enforce orders in these limited types of cases  
7 because other statutory contempt remedies are inadequate.

8 **Sec. 33.** RCW 7.21.030 and 1989 c 373 s 3 are each amended to read  
9 as follows:

10 (1) The court may initiate a proceeding to impose a remedial  
11 sanction on its own motion or on the motion of a person aggrieved by a  
12 contempt of court in the proceeding to which the contempt is related.  
13 Except as provided in RCW 7.21.050, the court, after notice and  
14 hearing, may impose a remedial sanction authorized by this chapter.

15 (2) If the court finds that the person has failed or refused to  
16 perform an act that is yet within the person's power to perform, the  
17 court may find the person in contempt of court and impose one or more  
18 of the following remedial sanctions:

19 (a) Imprisonment if the contempt of court is of a type defined in  
20 RCW 7.21.010(1) (b) through (d). The imprisonment may extend only so  
21 long as it serves a coercive purpose.

22 (b) A forfeiture not to exceed two thousand dollars for each day  
23 the contempt of court continues.

24 (c) An order designed to ensure compliance with a prior order of  
25 the court.

26 (d) Any other remedial sanction other than the sanctions specified  
27 in (a) through (c) of this subsection if the court expressly finds that  
28 those sanctions would be ineffectual to terminate a continuing contempt  
29 of court.

30 (e) In cases under chapters 13.32A, 13.34, and 28A.225 RCW,  
31 commitment to juvenile detention for a period of time not to exceed  
32 seven days. This sanction may be imposed in addition to, or as an  
33 alternative to, any other remedial sanction authorized by this chapter.  
34 This remedy is specifically determined to be a remedial sanction.

35 (3) The court may, in addition to the remedial sanctions set forth  
36 in subsection (2) of this section, order a person found in contempt of  
37 court to pay a party for any losses suffered by the party as a result

1 of the contempt and any costs incurred in connection with the contempt  
2 proceeding, including reasonable attorney's fees.

3 **Sec. 34.** RCW 13.32A.250 and 1996 c 133 s 28 are each amended to  
4 read as follows:

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

12 (2) Failure by a party to comply with an order entered under this  
13 chapter is a civil contempt of court as provided in (~~chapter 7.21~~)  
14 RCW 7.21.030(2)(e), subject to the limitations of subsection (3) of  
15 this section.

16 (3) The court may impose remedial sanctions including a fine of up  
17 to one hundred dollars and confinement for up to seven days, or both  
18 for contempt of court under this section.

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

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

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

34 **Sec. 35.** RCW 13.34.165 and 1996 c 133 s 29 are each amended to  
35 read as follows:

1 (1) Failure by a party to comply with an order entered under this  
2 chapter is civil contempt of court as provided in (~~chapter 7.21~~) RCW  
3 7.21.030(2)(e).

4 (2) The maximum term of imprisonment that may be imposed as a  
5 (~~punitive~~) remedial sanction for contempt of court under this section  
6 is confinement for up to seven days.

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

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

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

22 **Sec. 36.** RCW 28A.225.090 and 1997 c 68 s 2 are each amended to  
23 read as follows:

24 (1) A court may order a child subject to a petition under RCW  
25 28A.225.035 to:

26 (a) Attend the child's current school;

27 (b) If there is space available and the program can provide  
28 educational services appropriate for the child, order the child to  
29 attend another public school, an alternative education program, center,  
30 a skill center, dropout prevention program, or another public  
31 educational program;

32 (c) Attend a private nonsectarian school or program including an  
33 education center. Before ordering a child to attend an approved or  
34 certified private nonsectarian school or program, the court shall: (i)  
35 Consider the public and private programs available; (ii) find that  
36 placement is in the best interest of the child; and (iii) find that the  
37 private school or program is willing to accept the child and will not  
38 charge any fees in addition to those established by contract with the

1 student's school district. If the court orders the child to enroll in  
2 a private school or program, the child's school district shall contract  
3 with the school or program to provide educational services for the  
4 child. The school district shall not be required to contract for a  
5 weekly rate that exceeds the state general apportionment dollars  
6 calculated on a weekly basis generated by the child and received by the  
7 district. A school district shall not be required to enter into a  
8 contract that is longer than the remainder of the school year. A  
9 school district shall not be required to enter into or continue a  
10 contract if the child is no longer enrolled in the district;

11 (d) Be referred to a community truancy board, if available; or

12 (e) Submit to testing for the use of controlled substances or  
13 alcohol based on a determination that such testing is appropriate to  
14 the circumstances and behavior of the child and will facilitate the  
15 child's compliance with the mandatory attendance law.

16 (2) If the child fails to comply with the court order, the court  
17 may order the child to be punished by detention, as provided in RCW  
18 7.21.030(2)(e), or may impose alternatives to detention such as  
19 community service. Failure by a child to comply with an order issued  
20 under this subsection shall not be punishable by detention for a period  
21 greater than that permitted pursuant to a civil contempt proceeding  
22 against a child under chapter 13.32A RCW.

23 (3) Any parent violating any of the provisions of either RCW  
24 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five  
25 dollars for each day of unexcused absence from school. It shall be a  
26 defense for a parent charged with violating RCW 28A.225.010 to show  
27 that he or she exercised reasonable diligence in attempting to cause a  
28 child in his or her custody to attend school or that the child's school  
29 did not perform its duties as required in RCW 28A.225.020. The court  
30 may order the parent to provide community service instead of imposing  
31 a fine. Any fine imposed pursuant to this section may be suspended  
32 upon the condition that a parent charged with violating RCW 28A.225.010  
33 shall participate with the school and the child in a supervised plan  
34 for the child's attendance at school or upon condition that the parent  
35 attend a conference or conferences scheduled by a school for the  
36 purpose of analyzing the causes of a child's absence.

37 NEW SECTION. **Sec. 37.** The legislature finds that predatory  
38 individuals, such as drug dealers, sexual marauders, and panderers,



1 provide shelter to at-risk youth as a means of preying upon them. The  
2 legislature further finds that at-risk youth are vulnerable to the  
3 influence of these individuals. Thus, the legislature finds that it is  
4 important to the safety of Washington's youth that they be prevented  
5 from coming in contact with these predatory individuals. The  
6 legislature further finds that locating runaway children is the first  
7 step to preventing individuals from preying on these youth and to  
8 achieving family reconciliation. Therefore, the legislature intends to  
9 use punitive measures to create a clear disincentive for predatory  
10 individuals intending to take advantage of at-risk youth. The  
11 legislature further intends that all persons be required to report the  
12 location of a runaway minor, but that those individuals who fail to  
13 make such a report because they wish to have the minor remain unlocated  
14 as a means of preying upon them be punished for their failure to report  
15 the child's location.

16 **Sec. 38.** RCW 13.32A.080 and 1994 sp.s. c 7 s 507 are each amended  
17 to read as follows:

18 (1)(a) A person commits the crime of unlawful harboring of a minor  
19 if the person provides shelter to a minor without the consent of a  
20 parent of the minor and after the person knows that the minor is away  
21 from the home of the parent, without the parent's permission, and if  
22 the person intentionally:

23 (i) Fails to release the minor to a law enforcement officer after  
24 being requested to do so by the officer; or

25 (ii) Fails to disclose the location of the minor to a law  
26 enforcement officer after being requested to do so by the officer, if  
27 the person knows the location of the minor and had either taken the  
28 minor to that location or had assisted the minor in reaching that  
29 location; or

30 (iii) Obstructs a law enforcement officer from taking the minor  
31 into custody; or

32 (iv) Assists the minor in avoiding or attempting to avoid the  
33 custody of the law enforcement officer; or

34 (v) Engages the child in a crime; or

35 (iv) Engages in a clear course of conduct that demonstrates an  
36 intent to contribute to the delinquency of a minor or the involvement  
37 of a minor in a sex offense as defined in RCW 9.94A.030.

1 (b) It is a defense to a prosecution under this section that the  
2 defendant had custody of the minor pursuant to a court order.

3 (2) Harboring a minor is punishable as a gross misdemeanor.

4 (3) Any person who provides shelter to a child, absent from home,  
5 may notify the department's local community service office of the  
6 child's presence.

7 (4) An adult responsible for involving a child in the commission of  
8 an offense may be prosecuted under existing criminal statutes  
9 including, but not limited to:

10 (a) Distribution of a controlled substance to a minor, as defined  
11 in RCW 69.50.406;

12 (b) Promoting prostitution as defined in chapter 9A.88 RCW; and

13 (c) Complicity of the adult in the crime of a minor, under RCW  
14 9A.08.020.

15 **Sec. 39.** RCW 13.32A.082 and 1996 c 133 s 14 are each amended to  
16 read as follows:

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

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

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

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

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

35 (4) A person who violates subsection (1) of this section with the  
36 intent to contribute to the delinquency of a minor or the involvement  
37 of a minor in a sex offense as defined in RCW 9.94A.030 is guilty of a  
38 misdemeanor.

1        NEW SECTION.    **Sec. 40.**    Part headings used in this act do not  
2 constitute any part of the law.

3        NEW SECTION.    **Sec. 41.**    This act may be known and cited as "the  
4 Becca act of 1998.""

5        Correct the title.

--- **END** ---