

1 **SSB 6208 - H COMM AMD ADOPTED 3-06-98**

2 By Committee on Children & Family Services

3 Strike everything after the enacting clause and insert the  
4 following:

5 **PART I - CRISIS RESIDENTIAL CENTERS AND STAFF-SECURE**  
6 **TREATMENT CENTERS**

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

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

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

16 No county may receive any state funds provided by section 1 of  
17 this act until its application and plan are received by the department.

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

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

1 (3) Funds available for county-operated staff-secure facilities  
2 and services under RCW 13.32A.197 shall not exceed the appropriation  
3 for these services specified in the biennial operating budget.

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

6 The department shall have the duty to provide child welfare  
7 services and shall:

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

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

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

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

36 (5) Monitor out-of-home placements, on a timely and routine basis,  
37 to assure the safety, well-being, and quality of care being provided is

1 within the scope of the intent of the legislature as defined in RCW  
2 74.13.010 and 74.15.010, and annually submit a report measuring the  
3 extent to which the department achieved the specified goals to the  
4 governor and the legislature.

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

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

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

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

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

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

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

4           Notwithstanding any other provision of RCW 13.32A.170 through  
5 13.32A.200 and 74.13.032 through 74.13.036, or of this section all  
6 services to be provided by the department of social and health services  
7 under subsections (4), (6), and (7) of this section, or counties under  
8 subsection (12) of this section, subject to the limitations of these  
9 subsections, may be provided by any program offering such services  
10 funded pursuant to Titles II and III of the federal juvenile justice  
11 and delinquency prevention act of 1974.

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

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

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

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

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

1 (5) The secure facilities located within crisis residential  
2 centers shall be operated to conform with the definition in RCW  
3 13.32A.030. The facilities shall have an average of no ~~((more))~~ less  
4 than ~~((three))~~ one adult staff member~~((s))~~ to every ~~((eight))~~ ten  
5 children. The staffing ratio shall continue to ensure the safety of  
6 the children.

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

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

22 (1) A county or group of counties operating a staff-secure  
23 facility under sections 1 and 2 of this act shall establish, by  
24 contracts with private or public vendors, treatment centers with staff  
25 secure facilities. These facilities shall be structured group care  
26 facilities licensed under rules adopted by the department.

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

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

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

NEW SECTION. **Sec. 6.** The legislature finds it is often necessary for parents to obtain mental health or chemical dependency treatment for their minor children prior to the time the child's condition presents a likelihood of serious harm or the child becomes gravely disabled. The legislature finds that treatment of such conditions is not the equivalent of incarceration or detention, but is a legitimate act of parental discretion, when supported by decisions of credentialed professionals. The legislature finds that, consistent with *Parham v. J.R.*, 442 U.S. 584 (1979), state action is not involved in the determination of a parent and professional person to admit a minor child to treatment and finds this act provides sufficient independent review by the department of social and health services, as a neutral fact-finder, to protect the interests of all parties. The legislature intends and recognizes that children affected by the provisions of this act are not children whose mental or substance abuse problems are adequately addressed by chapters 70.96A and 71.34 RCW. Therefore, the legislature finds it is necessary to provide parents a statutory process, other than the petition process provided in chapters 70.96A and 71.34 RCW, to obtain treatment for their minor children without the consent of the children.

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

**PART II-A - MENTAL HEALTH**

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

3           It is the purpose of this chapter to ~~((ensure))~~ assure that minors  
4 in need of mental health care and treatment receive an appropriate  
5 continuum of culturally relevant care and treatment, ~~((from))~~ including  
6 prevention and early intervention ~~((to))~~, self-directed care, parent-  
7 directed care, and involuntary treatment. To facilitate the continuum  
8 of care and treatment to minors in out-of-home placements, all  
9 divisions of the department that provide mental health services to  
10 minors shall jointly plan and deliver those services.

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

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

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

29           Unless the context clearly requires otherwise, the definitions in  
30 this section apply throughout this chapter.

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

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

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

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

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

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

16 (5) "Department" means the department of social and health  
17 services.

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

28 (7) "Evaluation and treatment program" means the total system of  
29 services and facilities coordinated and approved by a county or  
30 combination of counties for the evaluation and treatment of minors  
31 under this chapter.

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



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

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

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

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

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

31 ~~((+13))~~ (14) "Mental health professional" means a psychiatrist,  
32 psychologist, psychiatric nurse, or social worker, and such other  
33 mental health professionals as may be defined by rules adopted by the  
34 secretary under this chapter.

35 ~~((+14))~~ (15) "Minor" means any person under the age of eighteen  
36 years.

1           (~~(+15)~~) (16) "Outpatient treatment" means any of the  
2 nonresidential services mandated under chapter 71.24 RCW and provided  
3 by licensed services providers as identified by RCW 71.24.025(3).

4           (~~(+16)~~) (17) "Parent" means:

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

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

10          (~~(+17)~~) (18) "Professional person in charge" or "professional  
11 person" means a physician or other mental health professional empowered  
12 by an evaluation and treatment facility with authority to make  
13 admission and discharge decisions on behalf of that facility.

14          (~~(+18)~~) (19) "Psychiatric nurse" means a registered nurse who has  
15 a bachelor's degree from an accredited college or university, and who  
16 has had, in addition, at least two years' experience in the direct  
17 treatment of mentally ill or emotionally disturbed persons, such  
18 experience gained under the supervision of a mental health  
19 professional. "Psychiatric nurse" shall also mean any other registered  
20 nurse who has three years of such experience.

21          (~~(+19)~~) (20) "Psychiatrist" means a person having a license as a  
22 physician in this state who has completed residency training in  
23 psychiatry in a program approved by the American Medical Association or  
24 the American Osteopathic Association, and is board eligible or board  
25 certified in psychiatry.

26          (~~(+20)~~) (21) "Psychologist" means a person licensed as a  
27 psychologist under chapter 18.83 RCW.

28          (~~(+21)~~) (22) "Responsible other" means the minor, the minor's  
29 parent or estate, or any other person legally responsible for support  
30 of the minor.

31          (~~(+22)~~) (23) "Secretary" means the secretary of the department or  
32 secretary's designee.

33          (~~(+23)~~) (24) "Start of initial detention" means the time of  
34 arrival of the minor at the first evaluation and treatment facility  
35 offering inpatient treatment if the minor is being involuntarily  
36 detained at the time. With regard to voluntary patients, "start of  
37 initial detention" means the time at which the minor gives notice of  
38 intent to leave under the provisions of this chapter.

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

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

9           (2)) The department shall ((ensure)) assure that, for any minor  
10 admitted to inpatient treatment under section 18 of this act, a review  
11 is conducted ((no later than sixty days)) by a physician or other  
12 mental health professional who is employed by the department, or an  
13 agency under contract with the department, and who neither has a  
14 financial interest in continued inpatient treatment of the minor nor is  
15 affiliated with the facility providing the treatment. The physician or  
16 other mental health professional shall conduct the review not less than  
17 seven nor more than fourteen days following ((admission)) the date the  
18 minor was brought to the facility under section 18(1) of this act to  
19 determine whether it is ((medically appropriate)) a medical necessity  
20 to continue the ((child's)) minor's treatment on an inpatient basis.  
21 ~~((The department may, subject to available funds, contract with a~~  
22 ~~county for the conduct of the review conducted under this subsection~~  
23 ~~and may seek reimbursement from the parents, their insurance, or~~  
24 ~~medicaid for the expense of any review conducted by an agency under~~  
25 ~~contract.~~

26           ~~If the county designated mental health professional determines~~  
27 ~~that continued inpatient treatment of the child is no longer medically~~  
28 ~~appropriate, the professional shall notify the facility, the child, the~~  
29 ~~child's parents, and the department of the finding within twenty four~~  
30 ~~hours of the determination.~~

31           (3) ~~For purposes of eligibility for medical assistance under~~  
32 ~~chapter 74.09 RCW, children in inpatient mental health or chemical~~  
33 ~~dependency treatment shall be considered to be part of their parent's~~  
34 ~~or legal guardian's household, unless the child has been assessed by~~  
35 ~~the department of social and health services or its designee as likely~~  
36 ~~to require such treatment for at least ninety consecutive days, or is~~  
37 ~~in out of home care in accordance with chapter 13.34 RCW, or the~~  
38 ~~child's parents are found to not be exercising responsibility for care~~

1 ~~and control of the child. Payment for such care by the department of~~  
2 ~~social and health services shall be made only in accordance with rules,~~  
3 ~~guidelines, and clinical criteria applicable to inpatient treatment of~~  
4 ~~minors established by the department.)~~)

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

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

25 (4) If the evaluation conducted under section 18 of this act is  
26 done by the department, the reviews required by subsection (1) of this  
27 section shall be done by contract with an independent agency.

28 (5) The department may, subject to available funds, contract with  
29 other governmental agencies to conduct the reviews under this section.  
30 The department may seek reimbursement from the parents, their  
31 insurance, or medicaid for the expense of any review conducted by an  
32 agency under contract.

33 (6) In addition to the review required under this section, the  
34 department may periodically determine and redetermine the medical  
35 necessity of treatment for purposes of payment with public funds.

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

1 For purposes of eligibility for medical assistance under chapter  
2 74.09 RCW, minors in inpatient mental health treatment shall be  
3 considered to be part of their parent's or legal guardian's household,  
4 unless the minor has been assessed by the department or its designee as  
5 likely to require such treatment for at least ninety consecutive days,  
6 or is in out-of-home care in accordance with chapter 13.34 RCW, or the  
7 parents are found to not be exercising responsibility for care and  
8 control of the minor. Payment for such care by the department shall be  
9 made only in accordance with rules, guidelines, and clinical criteria  
10 applicable to inpatient treatment of minors established by the  
11 department.

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

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

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

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

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

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

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

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

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

17           ~~(iv) The parent may apply to the court for separate counsel to~~  
18 ~~represent the parent if the parent cannot afford counsel.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32       (3) The average number of outpatient visits prior to parental  
33 notification;

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

35       (5) The average number of treatments without parental  
36 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  
12 RCW to read as follows:

13 (1) A minor thirteen years or older may admit himself or herself  
14 to 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  
30 RCW to read as follows:

31 The administrator of the treatment facility shall provide notice  
32 to 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



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

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

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

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

18 (3) The professional person shall discharge the minor, thirteen  
19 years or older, from the facility upon receipt of the minor's notice of  
20 intent to leave.

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

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

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

28 (2) The consent of the minor is not required for admission,  
29 evaluation, and treatment if the parent brings the minor to the  
30 facility.

31 (3) An appropriately trained professional person may evaluate  
32 whether the minor has a mental disorder. The evaluation shall be  
33 completed within twenty-four hours of the time the minor was brought to  
34 the facility, unless the professional person determines that the

1 condition of the minor necessitates additional time for evaluation. In  
2 no event shall a minor be held longer than seventy-two hours for  
3 evaluation. If, in the judgment of the professional person, it is  
4 determined it is a medical necessity for the minor to receive inpatient  
5 treatment, the minor may be held for treatment. The facility shall  
6 limit treatment to that which the professional person determines is  
7 medically necessary to stabilize the minor's condition until the  
8 evaluation has been completed. Within twenty-four hours of completion  
9 of the evaluation, the professional person shall notify the department  
10 if the child is held for treatment and of the date of admission.

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

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

16 (6) Prior to the review conducted under RCW 71.34.025, the  
17 professional person shall notify the minor of his or her right to  
18 petition superior court for release from the facility.

19 (7) For the purposes of this section "professional person" does  
20 not include a social worker, unless the social worker is certified  
21 under RCW 18.19.110 and appropriately trained and qualified by  
22 education and experience, as defined by the department, in psychiatric  
23 social work.

24 NEW SECTION. **Sec. 17.** A new section is added to chapter 71.34  
25 RCW to read as follows:

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

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

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

35 (4) Any minor admitted to inpatient treatment under sections 13 or  
36 16 of this act shall be discharged immediately from inpatient treatment  
37 upon written request of the parent.

1        NEW SECTION.    **Sec. 18.**    A new section is added to chapter 71.34  
 2 RCW to read as follows:

3        Following the review conducted under RCW 71.34.025, a minor child  
 4 may petition the superior court for his or her release from the  
 5 facility.    The petition may be filed not sooner than five days  
 6 following the review.    The court shall release the minor unless it  
 7 finds, upon a preponderance of the evidence, that it is a medical  
 8 necessity for the minor to remain at the facility.

9        NEW SECTION.    **Sec. 19.**    A new section is added to chapter 71.34  
 10 RCW to read as follows:

11        If the minor is not released as a result of the petition filed  
 12 under section 20 of this act, he or she shall be released not later  
 13 than thirty days following the later of:    (1) The date of the  
 14 department's determination under RCW 71.34.025(2); or (2) the filing of  
 15 a petition for judicial review under section 20 of this act, unless a  
 16 professional person or the county designated mental health professional  
 17 initiates proceedings under this chapter.

18        NEW SECTION.    **Sec. 20.**    A new section is added to chapter 71.34  
 19 RCW to read as follows:

20        The ability of a parent to bring his or her minor child to a  
 21 certified evaluation and treatment program for evaluation and treatment  
 22 does not create a right to obtain or benefit from any funds or  
 23 resources of the state.    The state may provide services for indigent  
 24 minors to the extent that funds are available.

25                                **PART II-E - CHEMICAL DEPENDENCY**

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

28        For the purposes of this chapter the following words and phrases  
 29 shall have the following meanings unless the context clearly requires  
 30 otherwise:

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

33        (2) "Alcoholism" means a disease, characterized by a dependency on  
 34 alcoholic beverages, loss of control over the amount and circumstances

1 of use, symptoms of tolerance, physiological or psychological  
2 withdrawal, or both, if use is reduced or discontinued, and impairment  
3 of health or disruption of social or economic functioning.

4 (3) "Approved treatment program" means a discrete program of  
5 chemical dependency treatment provided by a treatment program certified  
6 by the department of social and health services as meeting standards  
7 adopted under this chapter.

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

11 (5) "Chemical dependency program" means expenditures and  
12 activities of the department designed and conducted to prevent or treat  
13 alcoholism and other drug addiction, including reasonable  
14 administration and overhead.

15 (6) "Department" means the department of social and health  
16 services.

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

22 (8) "Director" means the person administering the chemical  
23 dependency program within the department.

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

26 (10) "Drug addiction" means a disease characterized by a  
27 dependency on psychoactive chemicals, loss of control over the amount  
28 and circumstances of use, symptoms of tolerance, physiological or  
29 psychological withdrawal, or both, if use is reduced or discontinued,  
30 and impairment of health or disruption of social or economic  
31 functioning.

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

34 (12) "Gravely disabled by alcohol or other drugs" means that a  
35 person, as a result of the use of alcohol or other drugs: (a) Is in  
36 danger of serious physical harm resulting from a failure to provide for  
37 his or her essential human needs of health or safety; or (b) manifests  
38 severe deterioration in routine functioning evidenced by a repeated and

1 escalating loss of cognition or volitional control over his or her  
2 actions and is not receiving care as essential for his or her health or  
3 safety.

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

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

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

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

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

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

37 (19) "Minor" means a person less than eighteen years of age.

1           (~~(+19)~~) (20) "Parent" means the parent or parents who have the  
2 legal right to custody of the child. Parent includes custodian or  
3 guardian.

4           (~~(+20)~~) (21) "Peace officer" means a law enforcement official of  
5 a public agency or governmental unit, and includes persons specifically  
6 given peace officer powers by any state law, local ordinance, or  
7 judicial order of appointment.

8           (~~(+21)~~) (22) "Person" means an individual, including a minor.

9           (~~(+22)~~) (23) "Professional person in charge" or "professional  
10 person" means a physician or chemical dependency counselor as defined  
11 in rule by the department, who is empowered by a certified treatment  
12 program with authority to make assessment, admission, continuing care,  
13 and discharge decisions on behalf of the certified program.

14           (24) "Secretary" means the secretary of the department of social  
15 and health services.

16           (~~(+23)~~) (25) "Treatment" means the broad range of emergency,  
17 detoxification, residential, and outpatient services and care,  
18 including diagnostic evaluation, chemical dependency education and  
19 counseling, medical, psychiatric, psychological, and social service  
20 care, vocational rehabilitation and career counseling, which may be  
21 extended to alcoholics and other drug addicts and their families,  
22 persons incapacitated by alcohol or other psychoactive chemicals, and  
23 intoxicated persons.

24           (~~(+24)~~) (26) "Treatment program" means an organization,  
25 institution, or corporation, public or private, engaged in the care,  
26 treatment, or rehabilitation of alcoholics or other drug addicts.

27           **PART II-F - VOLUNTARY CHEMICAL DEPENDENCY OUTPATIENT TREATMENT**

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

30           (~~(+1)~~) Any person thirteen years of age or older may give consent  
31 for himself or herself to the furnishing of outpatient treatment by a  
32 chemical dependency treatment program certified by the department.  
33 (~~(Consent of the parent of a person less than eighteen years of age for~~  
34 ~~inpatient treatment is necessary to authorize the care unless the child~~  
35 ~~meets the definition of a child in need of services in RCW~~  
36 ~~13.32A.030(4)(c), as determined by the department.)) Parental~~

1 authorization is required for any treatment of a minor under the age of  
2 thirteen. ((The parent of a minor is not liable for payment of care  
3 for such persons pursuant to this chapter, unless they have joined in  
4 the consent to the treatment.

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

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

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

29 Any provider of outpatient treatment who provides outpatient  
30 treatment to a minor thirteen years of age or older shall provide  
31 notice of the minor's request for treatment to the minor's parents if:  
32 (1) The minor signs a written consent authorizing the disclosure; or  
33 (2) the treatment program director determines that the minor lacks  
34 capacity to make a rational choice regarding consenting to disclosure.  
35 The notice shall be made within seven days of the request for  
36 treatment, excluding Saturdays, Sundays, and holidays, and shall  
37 contain the name, location, and telephone number of the facility

1 providing treatment, and the name of a professional person on the staff  
2 of the facility providing treatment who is designated to discuss the  
3 minor's need for treatment with the parent.

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

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

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

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

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

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

18 (2) The ability of a parent to apply to a certified treatment  
19 program for the 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 **PART II-H - PARENT-INITIATED CHEMICAL DEPENDENCY TREATMENT**

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

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

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



1 (3) An appropriately trained professional person may evaluate  
2 whether the minor is chemically dependent. The evaluation shall be  
3 completed within twenty-four hours of the time the minor was brought to  
4 the program, unless the professional person determines that the  
5 condition of the minor necessitates additional time for evaluation. In  
6 no event shall a minor be held longer than seventy-two hours for  
7 evaluation. If, in the judgment of the professional person, it is  
8 determined it is a medical necessity for the minor to receive inpatient  
9 treatment, the minor may be held for treatment. The facility shall  
10 limit treatment to that which the professional person determines is  
11 medically necessary to stabilize the minor's condition until the  
12 evaluation has been completed. Within twenty-four hours of completion  
13 of the evaluation, the professional person shall notify the department  
14 if the child is held for treatment and of the date of admission.

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

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

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

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

28 ~~(2))~~ The department shall ensure that, for any minor admitted to  
29 inpatient treatment under section 28 of this act, a review is conducted  
30 ((no later than sixty days)) by a physician or chemical dependency  
31 counselor, as defined in rule by the department, who is employed by the  
32 department or an agency under contract with the department and who  
33 neither has a financial interest in continued inpatient treatment of  
34 the minor nor is affiliated with the program providing the treatment.  
35 The physician or chemical dependency counselor shall conduct the review  
36 not less than seven nor more than fourteen days following ((admission))

1 the date the minor was brought to the facility under section 28(1) of  
2 this act to determine whether it is ((medically appropriate)) a medical  
3 necessity to continue the ((child's)) minor's treatment on an inpatient  
4 basis. ((The department may, subject to available funds, contract with  
5 a county for the conduct of the review conducted under this subsection  
6 and may seek reimbursement from the parents, their insurance, or  
7 medicaid for the expense of any review conducted by an agency under  
8 contract.

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

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

26 (2) In making a determination under subsection (1) of this section  
27 whether it is a medical necessity to release the minor from inpatient  
28 treatment, the department shall consider the opinion of the treatment  
29 provider, the safety of the minor, the likelihood the minor's chemical  
30 dependency recovery will deteriorate if released from inpatient  
31 treatment, and the wishes of the parent.

32 (3) If, after any review conducted by the department under this  
33 section, the department determines it is no longer a medical necessity  
34 for a minor to receive inpatient treatment, the department shall  
35 immediately notify the parents and the professional person in charge.  
36 The professional person in charge shall release the minor to the  
37 parents within twenty-four hours of receiving notice. If the  
38 professional person in charge and the parent believe that it is a

1 medical necessity for the minor to remain in inpatient treatment, the  
2 minor shall be released to the parent on the second judicial day  
3 following the department's determination in order to allow the parent  
4 time to file an at-risk youth petition under chapter 13.32A RCW. If the  
5 department determines it is a medical necessity for the minor to  
6 receive outpatient treatment and the minor declines to obtain such  
7 treatment, such refusal shall be grounds for the parent to file an at-  
8 risk youth petition.

9 (4) The department may, subject to available funds, contract with  
10 other governmental agencies for the conduct of the reviews conducted  
11 under this section and may seek reimbursement from the parents, their  
12 insurance, or medicaid for the expense of any review conducted by an  
13 agency under contract.

14 (5) In addition to the review required under this section, the  
15 department may periodically determine and redetermine the medical  
16 necessity of treatment for purposes of payment with public funds.

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

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

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

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

29 (4) Any minor admitted to inpatient treatment under section 28 of  
30 this act shall be discharged immediately from inpatient treatment upon  
31 written request of the parent.

32 NEW SECTION. Sec. 29. A new section is added to chapter 70.96A  
33 RCW to read as follows:

34 Following the review conducted under RCW 70.96A.097, a minor child  
35 may petition the superior court for his or her release from the  
36 facility. The petition may be filed not sooner than five days

1 following the review. The court shall release the minor unless it  
2 finds, upon a preponderance of the evidence, that it is a medical  
3 necessity for the minor to remain at the facility.

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

6 If the minor is not released as a result of the petition filed  
7 under section 31 of this act, he or she shall be released not later  
8 than thirty days following the later of: (1) The date of the  
9 department's determination under RCW 70.96A.097(2); or (2) the filing  
10 of a petition for judicial review under section 31 of this act, unless  
11 a professional person or the designated chemical dependency specialist  
12 initiates proceedings under this chapter.

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

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

26 NEW SECTION. **Sec. 32.** It is the purpose of sections 28 and 30 of  
27 this act to assure the ability of parents to exercise reasonable,  
28 compassionate care and control of their minor children when there is a  
29 medical necessity for treatment and without the requirement of filing  
30 a petition under chapter 70.96A RCW.

31 NEW SECTION. **Sec. 33.** The department of social and health  
32 services shall adopt rules defining "appropriately trained professional  
33 person" for the purposes of conducting mental health and chemical

1 dependency evaluations under sections 18(3), 19(1), 28(3), and 30(1) of  
2 this act.

3 **PART III - MISCELLANEOUS**

4 NEW SECTION. **Sec. 34.** The legislature finds that an essential  
5 component of the children in need of services, dependency, and truancy  
6 laws is the use of juvenile detention. As chapter 7.21 RCW is  
7 currently written, courts may not order detention time without a  
8 criminal charge being filed. It is the intent of the legislature to  
9 avoid the bringing of criminal charges against youth who need the  
10 guidance of the court rather than its punishment. The legislature  
11 further finds that ordering a child placed in detention is a remedial  
12 action, not a punitive one. Since the legislature finds that the state  
13 is required to provide instruction to children in detention, use of the  
14 courts' contempt powers is an effective means for furthering the  
15 education and protection of these children. Thus, it is the intent of  
16 the legislature to authorize a limited sanction of time in juvenile  
17 detention independent of chapter 7.21 RCW for failure to comply with  
18 court orders in truancy, child in need of services, at-risk youth, and  
19 dependency cases for the sole purpose of providing the courts with the  
20 tools necessary to enforce orders in these limited types of cases  
21 because other statutory contempt remedies are inadequate.

22 **Sec. 35.** RCW 7.21.030 and 1989 c 373 s 3 are each amended to read  
23 as follows:

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

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

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

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

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

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

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

14 (3) The court may, in addition to the remedial sanctions set forth  
15 in subsection (2) of this section, order a person found in contempt of  
16 court to pay a party for any losses suffered by the party as a result  
17 of the contempt and any costs incurred in connection with the contempt  
18 proceeding, including reasonable attorney's fees.

19 **Sec. 36.** RCW 13.32A.250 and 1996 c 133 s 28 are each amended to  
20 read as follows:

21 (1) In all child in need of services proceedings and at-risk youth  
22 proceedings, the court shall verbally notify the parents and the child  
23 of the possibility of a finding of contempt for failure to comply with  
24 the terms of a court order entered pursuant to this chapter. Except as  
25 otherwise provided in this section, the court shall treat the parents  
26 and the child equally for the purposes of applying contempt of court  
27 processes and penalties under this section.

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

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

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

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

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

13 **Sec. 37.** RCW 13.34.165 and 1996 c 133 s 29 are each amended to  
14 read as follows:

15 (1) Failure by a party to comply with an order entered under this  
16 chapter is civil contempt of court as provided in (~~chapter 7.21~~) RCW  
17 7.21.030(2)(e).

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

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

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

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

1           **Sec. 38.** RCW 28A.225.090 and 1997 c 68 s 2 are each amended to  
2 read as follows:

3           (1) A court may order a child subject to a petition under RCW  
4 28A.225.035 to:

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

6           (b) If there is space available and the program can provide  
7 educational services appropriate for the child, order the child to  
8 attend another public school, an alternative education program, center,  
9 a skill center, dropout prevention program, or another public  
10 educational program;

11           (c) Attend a private nonsectarian school or program including an  
12 education center. Before ordering a child to attend an approved or  
13 certified private nonsectarian school or program, the court shall: (i)  
14 Consider the public and private programs available; (ii) find that  
15 placement is in the best interest of the child; and (iii) find that the  
16 private school or program is willing to accept the child and will not  
17 charge any fees in addition to those established by contract with the  
18 student's school district. If the court orders the child to enroll in  
19 a private school or program, the child's school district shall contract  
20 with the school or program to provide educational services for the  
21 child. The school district shall not be required to contract for a  
22 weekly rate that exceeds the state general apportionment dollars  
23 calculated on a weekly basis generated by the child and received by the  
24 district. A school district shall not be required to enter into a  
25 contract that is longer than the remainder of the school year. A  
26 school district shall not be required to enter into or continue a  
27 contract if the child is no longer enrolled in the district;

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

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

33           (2) If the child fails to comply with the court order, the court  
34 may order the child to be punished by detention, as provided in RCW  
35 7.21.030(2)(e), or may impose alternatives to detention such as  
36 community service. Failure by a child to comply with an order issued  
37 under this subsection shall not be punishable by detention for a period



1 greater than that permitted pursuant to a civil contempt proceeding  
2 against a child under chapter 13.32A RCW.

3 (3) Any parent violating any of the provisions of either RCW  
4 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five  
5 dollars for each day of unexcused absence from school. It shall be a  
6 defense for a parent charged with violating RCW 28A.225.010 to show  
7 that he or she exercised reasonable diligence in attempting to cause a  
8 child in his or her custody to attend school or that the child's school  
9 did not perform its duties as required in RCW 28A.225.020. The court  
10 may order the parent to provide community service instead of imposing  
11 a fine. Any fine imposed pursuant to this section may be suspended  
12 upon the condition that a parent charged with violating RCW 28A.225.010  
13 shall participate with the school and the child in a supervised plan  
14 for the child's attendance at school or upon condition that the parent  
15 attend a conference or conferences scheduled by a school for the  
16 purpose of analyzing the causes of a child's absence.

17 NEW SECTION. **Sec. 39.** The legislature finds that predatory  
18 individuals, such as drug dealers, sexual marauders, and panderers,  
19 provide shelter to at-risk youth as a means of preying upon them. The  
20 legislature further finds that at-risk youth are vulnerable to the  
21 influence of these individuals. Thus, the legislature finds that it is  
22 important to the safety of Washington's youth that they be prevented  
23 from coming in contact with these predatory individuals. The  
24 legislature further finds that locating runaway children is the first  
25 step to preventing individuals from preying on these youth and to  
26 achieving family reconciliation. Therefore, the legislature intends to  
27 use punitive measures to create a clear disincentive for predatory  
28 individuals intending to take advantage of at-risk youth. The  
29 legislature further intends that all persons be required to report the  
30 location of a runaway minor, but that those individuals who fail to  
31 make such a report because they wish to have the minor remain unlocated  
32 as a means of preying upon them be punished for their failure to report  
33 the child's location.

34 **Sec. 40.** RCW 13.32A.080 and 1994 sp.s. c 7 s 507 are each amended  
35 to read as follows:

1 (1)(a) A person commits the crime of unlawful harboring of a minor  
2 if the person provides shelter to a minor without the consent of a  
3 parent of the minor and after the person knows that the minor is away  
4 from the home of the parent, without the parent's permission, and if  
5 the person intentionally:

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

8 (ii) Fails to disclose the location of the minor to a law  
9 enforcement officer after being requested to do so by the officer, if  
10 the person knows the location of the minor and had either taken the  
11 minor to that location or had assisted the minor in reaching that  
12 location; or

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

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

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

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

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

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

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

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

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

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

33 (c) Complicity of the adult in the crime of a minor, under RCW  
34 9A.08.020.

35 **Sec. 41.** RCW 13.32A.082 and 1996 c 133 s 14 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, 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 (3) When the department receives a report under subsection (1) of  
16 this section, it shall make a good faith attempt to notify the parent  
17 that a report has been received and offer services designed to resolve  
18 the conflict and accomplish a reunification of the family.

19 (4) A person who does not report a child's location in violation  
20 of subsection (1) of this section with the intent to contribute to the  
21 delinquency of a minor or engage the child in a crime is guilty of a  
22 misdemeanor.

23 NEW SECTION. Sec. 42. Part headings used in this act do not  
24 constitute any part of the law.

25 NEW SECTION. Sec. 43. This act may be known and cited as "the  
26 Becca act of 1998."

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