

2 2SHB 1864 - S COMM AMD

3 By Committee on Human Services & Corrections

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

7 "Sec. 1. RCW 26.44.056 and 1983 c 246 s 3 are each amended to read
8 as follows:

9 (1) An administrator of a hospital or similar institution or any
10 physician, licensed pursuant to chapters 18.71 or 18.57 RCW, may detain
11 a child without consent of a person legally responsible for the child
12 whether or not medical treatment is required, if the circumstances or
13 conditions of the child are such that the detaining individual has
14 reasonable cause to believe that permitting the child to continue in
15 his or her place of residence or in the care and custody of the parent,
16 guardian, custodian or other person legally responsible for the child's
17 care would present an imminent danger to that child's safety:
18 PROVIDED, That such administrator or physician shall notify or cause to
19 be notified the appropriate law enforcement agency or child protective
20 services pursuant to RCW 26.44.040. Such notification shall be made as
21 soon as possible and in no case longer than seventy-two hours. Such
22 temporary protective custody by an administrator or doctor shall not be
23 deemed an arrest. Child protective services may detain the child until
24 the court assumes custody, but in no case longer than seventy-two
25 hours, excluding Saturdays, Sundays, and holidays.

26 (2) Whenever an administrator or physician has reasonable cause to
27 believe that a child would be in imminent danger if released to a
28 parent, guardian, custodian, or other person or is in imminent danger
29 if left in the custody of a parent, guardian, custodian, or other
30 person, the administrator or physician may notify a law enforcement
31 agency and the law enforcement agency shall take the child into custody
32 or cause the child to be taken into custody. The law enforcement
33 agency shall release the child to the custody of child protective
34 services. Child protective services shall detain the child until the
35 court assumes custody or upon a documented and substantiated record
36 that in the professional judgment of the child protective services the

1 child's safety will not be endangered if the child is returned. If the
2 child is returned, the department shall establish a six-month plan to
3 monitor and assure the continued safety of the child's life or health.
4 The monitoring period may be extended for good cause.

5 (3) A child protective services employee, an administrator, doctor,
6 or law enforcement officer shall not be held liable in any civil action
7 for the decision for taking the child into custody, if done in good
8 faith under this section.

9 (4) An administrator of a hospital or similar institution, nurse
10 practitioner licensed under Title 18 RCW, or any physician, licensed
11 under chapter 18.71 or 18.57 RCW, shall detain a child without consent
12 of a person legally responsible for the child when a baby tests
13 positive for alcohol or drugs at birth. The baby may be held at a
14 hospital, pediatric interim care facility, or similar program or
15 facility. The administrator or physician shall notify or cause to be
16 notified the appropriate law enforcement agency or child protective
17 services under RCW 26.44.040. Notification shall be made as soon as
18 possible and in no case longer than fourteen days. Child protective
19 services shall refer mothers of babies detained under this subsection
20 to appropriate mandatory treatment programs. Babies who require drug
21 withdrawal shall be supervised by licensed health care professionals.

22 NEW SECTION. Sec. 2. This act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of the
24 state government and its existing public institutions, and takes effect
25 July 1, 1997.

26 NEW SECTION. Sec. 3. If specific funding for the purposes of this
27 act, referencing this act by bill or chapter number, is not provided by
28 June 30, 1997, in the omnibus appropriations act, this act is null and
29 void."

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33 On page 1, beginning on line 1 of the title, after "intervention;"
34 strike the remainder of the title and insert "amending RCW 26.44.056;

1 creating a new section; providing an effective date; and declaring an
2 emergency."

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