

2 E2SHB 1938 - S COMM AMD

3 By Committee on Human Services & Corrections

4

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

7

"PART I

8

**MENTAL HEALTH AND CHEMICAL DEPENDENCY**

9

NEW SECTION.

**Sec. 101.**

The legislature finds it is often  
10 necessary for parents to obtain mental health or chemical dependency  
11 treatment for their minor children prior to the time the child's  
12 condition presents a likelihood of serious harm or the child becomes  
13 gravely disabled. The legislature finds that treatment of such  
14 conditions is not the equivalent of incarceration or detention, but is  
15 a legitimate act of parental discretion, when supported by decisions of  
16 credentialed professionals. The legislature finds that, consistent  
17 with *Parham v. J.R.*, 442 U.S. 584 (1979), state action is not involved  
18 in the determination of a parent and professional person to admit a  
19 minor child to treatment and finds this act provides sufficient  
20 independent review by the department of social and health services, as  
21 a neutral fact-finder, to protect the interests of all parties. The  
22 legislature finds it is necessary to provide parents a statutory  
23 process, other than the petition process provided in chapters 70.96A  
24 and 71.34 RCW, to obtain treatment for their minor children without the  
25 consent of the children.

26 The legislature finds that differing standards of admission and  
27 review in parent-initiated mental health and chemical dependency  
28 treatment for their minor children are necessary and the admission  
29 standards and procedures under state involuntary treatment procedures  
30 are not adequate to provide safeguards for the safety and well-being of  
31 all children. The legislature finds the timeline for admission and  
32 reviews under existing law do not provide sufficient opportunities for  
33 assessment of the mental health and chemically dependent status of  
34 every minor child and that additional time and different standards will  
35 facilitate the likelihood of successful treatment of children who are

1 in need of assistance but unwilling to obtain it voluntarily. The  
2 legislature finds there are children whose behavior presents a clear  
3 need of medical treatment but is not so extreme as to require immediate  
4 state intervention under the state involuntary treatment procedures.

5 **MENTAL HEALTH**

6 **Sec. 102.** RCW 71.34.010 and 1992 c 205 s 302 are each amended to  
7 read as follows:

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

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

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

32 **Sec. 103.** RCW 71.34.020 and 1985 c 354 s 2 are each amended to  
33 read as follows:

34 Unless the context clearly requires otherwise, the definitions in  
35 this section apply throughout this chapter.

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

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

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

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

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

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

22 (5) "Department" means the department of social and health  
23 services.

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

34 (7) "Evaluation and treatment program" means the total system of  
35 services and facilities coordinated and approved by a county or  
36 combination of counties for the evaluation and treatment of minors  
37 under this chapter.

38 (8) "Gravely disabled minor" means a minor who, as a result of a  
39 mental disorder, is in danger of serious physical harm resulting from

1 a failure to provide for his or her essential human needs of health or  
2 safety, or manifests severe deterioration in routine functioning  
3 evidenced by repeated and escalating loss of cognitive or volitional  
4 control over his or her actions and is not receiving such care as is  
5 essential for his or her health or safety.

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

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

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

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

30 (13) "Medically appropriate" means that a minor admitted to  
31 inpatient treatment, under section 113 of this act, has not  
32 sufficiently improved his or her condition to be released to a less  
33 restrictive setting.

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

1       (~~(13)~~) (15) "Mental health professional" means a psychiatrist,  
2       psychologist, psychiatric nurse, or social worker, and such other  
3       mental health professionals as may be defined by rules adopted by the  
4       secretary under this chapter.

5       (~~(14)~~) (16) "Minor" means any person under the age of eighteen  
6       years.

7       (~~(15)~~) (17) "Outpatient treatment" means any of the  
8       nonresidential services mandated under chapter 71.24 RCW and provided  
9       by licensed services providers as identified by RCW 71.24.025(3).

10       (~~(16)~~) (18) "Parent" means:

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

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

16       (~~(17)~~) (19) "Professional person in charge" or "professional  
17       person" means a physician or other mental health professional empowered  
18       by an evaluation and treatment facility with authority to make  
19       admission and discharge decisions on behalf of that facility.

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

27       (~~(19)~~) (21) "Psychiatrist" means a person having a license as a  
28       physician in this state who has completed residency training in  
29       psychiatry in a program approved by the American Medical Association or  
30       the American Osteopathic Association, and is board eligible or board  
31       certified in psychiatry.

32       (~~(20)~~) (22) "Psychologist" means a person licensed as a  
33       psychologist under chapter 18.83 RCW.

34       (~~(21)~~) (23) "Responsible other" means the minor, the minor's  
35       parent or estate, or any other person legally responsible for support  
36       of the minor.

37       (~~(22)~~) (24) "Secretary" means the secretary of the department or  
38       secretary's designee.

1       (~~((23))~~) (25) "Start of initial detention" means the time of  
2 arrival of the minor at the first evaluation and treatment facility  
3 offering inpatient treatment if the minor is being involuntarily  
4 detained at the time. With regard to voluntary patients, "start of  
5 initial detention" means the time at which the minor gives notice of  
6 intent to leave under the provisions of this chapter.

7       **Sec. 104.** RCW 71.34.025 and 1995 c 312 s 56 are each amended to  
8 read as follows:

9       (1) (~~The admission of any child under RCW 71.34.030 may be~~  
10 ~~reviewed by the county designated mental health professional between~~  
11 ~~fifteen and thirty days following admission. The county designated~~  
12 ~~mental health professional may undertake the review on his or her own~~  
13 ~~initiative and may seek reimbursement from the parents, their~~  
14 ~~insurance, or medicaid for the expense of the review.~~

15       ~~(2))~~ The department shall ~~((ensure))~~ assure that, for any minor  
16 admitted to inpatient treatment under section 113 of this act, a review  
17 is conducted by a professional person at the department or at a  
18 contracted agency no sooner than seven days and no later than ~~((sixty))~~  
19 fourteen days following admission to determine whether it is medically  
20 appropriate to continue the ~~((child's))~~ minor's treatment on an  
21 inpatient basis. (~~The department may, subject to available funds,~~  
22 ~~contract with a county for the conduct of the review conducted under~~  
23 ~~this subsection and may seek reimbursement from the parents, their~~  
24 ~~insurance, or medicaid for the expense of any review conducted by an~~  
25 ~~agency under contract.~~

26       If the county designated mental health professional determines that  
27 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) The department shall, at thirty-day intervals following the  
6 review conducted under subsection (1) of this section, conduct reviews  
7 of the treatment status of each minor admitted to inpatient treatment,  
8 under section 113 of this act, to determine whether it is medically  
9 appropriate to continue the minor's treatment under inpatient status.  
10 The reviews shall be conducted by a professional person at the  
11 department or at a contracted agency.

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

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

31 (5) If the evaluation conducted under section 113 of this act is  
32 done by the department, the reviews required by subsections (1) and (2)  
33 of this section shall be done by contract with an independent agency.

34 (6) The department may, subject to available funds, contract with  
35 other governmental agencies to conduct the reviews under this section.  
36 The department may seek reimbursement from the parents, their  
37 insurance, or medicaid for the expense of any review conducted by an  
38 agency under contract.

1 NEW SECTION. **Sec. 105.** A new section is added to chapter 71.34  
2 RCW to read as follows:

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

14 **VOLUNTARY MENTAL HEALTH OUTPATIENT TREATMENT**

15 **Sec. 106.** RCW 71.34.030 and 1995 c 312 s 52 are each amended to  
16 read as follows:

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

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

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

32 ~~(b) A minor thirteen years or older may, with the concurrence of  
33 the professional person in charge of an evaluation and treatment  
34 facility, admit himself or herself without parental consent to the  
35 evaluation and treatment facility, provided that notice is given by the  
36 facility to the minor's parent in accordance with the following  
37 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 commissioner,~~  
22 ~~or licensed attorney designated by the superior court as a hearing~~  
23 ~~officer for such hearing. The hearing may be held at the treatment~~  
24 ~~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 give~~  
2 ~~notice of intent to leave at any time. The notice need not follow any~~  
3 ~~specific form so long as it is written and the intent of the minor can~~  
4 ~~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. 107.**   A new section is added to chapter 71.34  
22 RCW to read as follows:

23       (1) Any provider of outpatient treatment for a minor thirteen years  
24 of age or older shall provide notice of the treatment to the minor's  
25 parents. The notice shall be made upon the completion of the minor's  
26 third visit for treatment, and shall contain the name, location, and  
27 telephone number of the mental health care provider who is designated  
28 to discuss the minor's need for treatment with the parent.

29       (2) A treatment provider may defer notification to a parent of a  
30 minor's request for treatment if: (a) The minor alleges physical or  
31 sexual abuse by the parent and the treatment provider notifies the  
32 department of the alleged abuse. Upon completion of its assessment of  
33 the allegation, the department shall notify the treatment provider of  
34 its findings. If the department determines the allegation is not  
35 valid, the treatment provider shall immediately notify the parent of  
36 the minor's treatment. If the department determines the allegation is  
37 valid, the treatment provider need not provide notice to the parent; or  
38 (b) the provider believes the parental notification will interfere with

1 the necessary treatment for the minor. If the provider believes the  
2 notification will interfere with the necessary treatment, the provider  
3 shall notify the department. The department shall review the  
4 circumstances and pursue either a child in need of services petition,  
5 if the child meets the definition of a child in need of services under  
6 RCW 13.32A.030(4)(c), or a dependency petition under chapter 13.34 RCW,  
7 if the child meets the definition of a dependent child under RCW  
8 13.34.030(4). If the department determines neither petition is  
9 appropriate it shall immediately inform the provider, who shall notify  
10 the parent of the treatment within twenty-four hours or after the third  
11 visit for treatment, whichever is later.

12 **VOLUNTARY MENTAL HEALTH INPATIENT TREATMENT**

13 NEW SECTION. **Sec. 108.** A new section is added to chapter 71.34  
14 RCW to read as follows:

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

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

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

31 NEW SECTION. **Sec. 109.** A new section is added to chapter 71.34  
32 RCW to read as follows:

33 The administrator of the treatment facility shall provide notice to  
34 the parents of a minor when the minor is voluntarily admitted to  
35 inpatient treatment under section 108 of this act. The notice shall be  
36 in the form most likely to reach the parent within twenty-four hours of

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

8 NEW SECTION. **Sec. 110.** A new section is added to chapter 71.34  
9 RCW to read as follows:

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

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

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

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

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

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

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

32 NEW SECTION. **Sec. 111.** A new section is added to chapter 71.34  
33 RCW to read as follows:

34 (1) Any minor thirteen years or older voluntarily admitted to an  
35 evaluation and treatment facility under section 108 of this act may  
36 give notice of intent to leave at any time. The notice need not follow

1 any specific form so long as it is written and the intent of the minor  
2 can be discerned.

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

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

12 NEW SECTION. **Sec. 112.** A new section is added to chapter 71.34  
13 RCW to read as follows:

14 Any minor admitted to inpatient treatment under section 108 or 113  
15 of this act shall be discharged immediately from inpatient treatment  
16 upon written request of the parent.

17 **PARENT-INITIATED MENTAL HEALTH TREATMENT**

18 NEW SECTION. **Sec. 113.** A new section is added to chapter 71.34  
19 RCW to read as follows:

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

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

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

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

3 (4) No provider is obligated to provide treatment to a child under  
4 the provisions of this section. No provider may admit a child 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 appropriately  
10 trained and qualified by education and experience, as defined by the  
11 department, in psychiatric social work.

12 NEW SECTION. **Sec. 114.** A new section is added to chapter 71.34  
13 RCW 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 child to determine whether the child 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. 115.** A new section is added to chapter 71.34  
24 RCW 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 **CHEMICAL DEPENDENCY**

31 **Sec. 116.** 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 121 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    **VOLUNTARY CHEMICAL DEPENDENCY OUTPATIENT TREATMENT**

33        **Sec. 117.** 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. 118.** 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 **VOLUNTARY CHEMICAL DEPENDENCY INPATIENT TREATMENT**

8 NEW SECTION. **Sec. 119.** 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. 120.** 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 **PARENT-INITIATED CHEMICAL DEPENDENCY TREATMENT**

27 NEW SECTION. **Sec. 121.** 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 child 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 child 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 child was brought to  
7 the facility, unless the professional person determines that the  
8 condition of the child necessitates additional time for evaluation. In  
9 no event shall a child 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 Within twenty-four hours of the admission the professional person shall  
14 notify the department of the admission.

15 (4) No provider is obligated to provide treatment to a child under  
16 the provisions of this section. No provider may admit a child 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 facility based solely on his or her request.

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

23 **Sec. 122.** RCW 70.96A.097 and 1995 c 312 s 48 are each amended to  
24 read as follows:

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

31 ~~(2))~~ The department shall ensure that, for any minor admitted to  
32 inpatient treatment under section 121 of this act, a review is  
33 conducted by a professional person at the department or at a contracted  
34 agency no sooner than seven days and no later than ((sixty)) fourteen  
35 days following admission to determine whether it is medically  
36 appropriate to continue the ((child's)) minor's treatment on an  
37 inpatient basis. ((The department may, subject to available funds,  
38 contract with a county for the conduct of the review conducted under

1 this subsection and may seek reimbursement from the parents, their  
2 insurance, or medicaid for the expense of any review conducted by an  
3 agency under contract.

4 If the county-designated chemical dependency specialist determines  
5 that continued inpatient treatment of the child is no longer medically  
6 appropriate, the specialist shall notify the facility, the child, the  
7 child's parents, and the department of the finding within twenty-four  
8 hours of the determination.

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

21 (2) The department shall, at thirty-day intervals following the  
22 review conducted under subsection (1) of this section, conduct reviews  
23 of the treatment status of each minor admitted to inpatient treatment,  
24 under section 121 of this act, to determine whether it is medically  
25 appropriate to continue the minor's treatment under inpatient status.  
26 The reviews shall be conducted by a professional person at the  
27 department or at a contracted agency.

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

34 (4) If the department determines it is no longer medically  
35 appropriate for a minor to receive inpatient treatment, the department  
36 shall immediately notify the parents and the facility. The facility  
37 shall release the minor to the parents within twenty-four hours of  
38 receiving notice. If the professional person in charge and the parent  
39 believe that it is medically appropriate for the minor to remain in

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

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

13 NEW SECTION. Sec. 123. A new section is added to chapter 70.96A  
14 RCW to read as follows:

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

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

22 (3) The professional person in charge of the facility may evaluate  
23 whether the minor has a chemical dependency and is in need of  
24 outpatient treatment.

25 NEW SECTION. Sec. 124. A new section is added to chapter 70.96A  
26 RCW to read as follows:

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

1 NEW SECTION. **Sec. 125.** It is the purpose of sections 121 and 123  
2 of this act to assure the ability of parents to exercise reasonable,  
3 compassionate care and control of their minor children when there is a  
4 medical necessity for treatment and without the requirement of filing  
5 a petition under chapter 70.96A RCW.

6 NEW SECTION. **Sec. 126.** The department of social and health  
7 services shall adopt rules defining "appropriately trained professional  
8 person" for the purposes of conducting mental health and chemical  
9 dependency evaluations under sections 113(3), 114(1), 121(3), and  
10 123(1) of this act.

11 **PART II**

12 **MISCELLANEOUS PROVISIONS**

13 **Sec. 201.** RCW 13.32A.030 and 1996 c 133 s 9 are each amended to  
14 read as follows:

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

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

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

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

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

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

28 (3) "Child," "juvenile," and "youth" mean any unemancipated  
29 individual who is under the chronological age of eighteen years.

30 (4) "Child in need of services" means a juvenile:

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

34 (b) Who has been reported to law enforcement as absent without  
35 consent for at least twenty-four consecutive hours from the parent's

1 home, a crisis residential center, an out-of-home placement, or a  
2 court-ordered placement on two or more separate occasions; and  
3 (i) Has exhibited a serious substance abuse problem; or  
4 (ii) Has exhibited behaviors that create a serious risk of harm to  
5 the health, safety, or welfare of the child or any other person; or  
6 (c)(i) Who is in need of necessary services, including food,  
7 shelter, health care, clothing, educational, or services designed to  
8 maintain or reunite the family;  
9 (ii) Who lacks access, or has declined, to utilize these services;  
10 and  
11 (iii) Whose parents have evidenced continuing but unsuccessful  
12 efforts to maintain the family structure or are unable or unwilling to  
13 continue efforts to maintain the family structure.  
14 (5) "Child in need of services petition" means a petition filed in  
15 juvenile court by a parent, child, or the department seeking  
16 adjudication of placement of the child.  
17 (6) "Crisis residential center" means a secure or semi-secure  
18 facility established pursuant to chapter 74.13 RCW.  
19 (7) "Custodian" means the person or entity who has the legal right  
20 to the custody of the child.  
21 (8) "Department" means the department of social and health  
22 services.  
23 (9) "Extended family member" means an adult who is a grandparent,  
24 brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin  
25 with whom the child has a relationship and is comfortable, and who is  
26 willing and available to care for the child.  
27 (10) "Guardian" means that person or agency that (a) has been  
28 appointed as the guardian of a child in a legal proceeding other than  
29 a proceeding under chapter 13.34 RCW, and (b) has the right to legal  
30 custody of the child pursuant to such appointment. The term "guardian"  
31 does not include a "dependency guardian" appointed pursuant to a  
32 proceeding under chapter 13.34 RCW.  
33 (11) "Multidisciplinary team" means a group formed to provide  
34 assistance and support to a child who is an at-risk youth or a child in  
35 need of services and his or her parent. The team shall include the  
36 parent, a department case worker, a local government representative  
37 when authorized by the local government, and when appropriate, members  
38 from the mental health and substance abuse disciplines. The team may  
39 also include, but is not limited to, the following persons: Educators,



1 law enforcement personnel, probation officers, employers, church  
2 persons, tribal members, therapists, medical personnel, social service  
3 providers, placement providers, and extended family members. The team  
4 members shall be volunteers who do not receive compensation while  
5 acting in a capacity as a team member, unless the member's employer  
6 chooses to provide compensation or the member is a state employee.

7 (12) "Out-of-home placement" means a placement in a foster family  
8 home or group care facility licensed pursuant to chapter 74.15 RCW or  
9 placement in a home, other than that of the child's parent, guardian,  
10 or legal custodian, not required to be licensed pursuant to chapter  
11 74.15 RCW.

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

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

18 (15) "Semi-secure facility" means any facility, including but not  
19 limited to crisis residential centers or specialized foster family  
20 homes, operated in a manner to reasonably assure that youth placed  
21 there will not run away. Pursuant to rules established by the  
22 department, the facility administrator shall establish reasonable hours  
23 for residents to come and go from the facility such that no residents  
24 are free to come and go at all hours of the day and night. To prevent  
25 residents from taking unreasonable actions, the facility administrator,  
26 where appropriate, may condition a resident's leaving the facility upon  
27 the resident being accompanied by the administrator or the  
28 administrator's designee and the resident may be required to notify the  
29 administrator or the administrator's designee of any intent to leave,  
30 his or her intended destination, and the probable time of his or her  
31 return to the center.

32 (16) "Staff secure facility" means a structured group care facility  
33 licensed under rules adopted by the department with a ratio of at least  
34 one adult staff member to every two children.

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

1       **Sec. 202.** RCW 13.32A.050 and 1996 c 133 s 10 are each amended to  
2 read as follows:

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

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

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

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

14       (d) If a law enforcement agency has been notified by the juvenile  
15 court that the court finds probable cause exists to believe that the  
16 child has violated a court placement order issued pursuant to chapter  
17 13.32A or 13.34 RCW or that the court has issued an order for law  
18 enforcement pick-up of the child under this chapter or chapter 13.34  
19 RCW.

20       (2) Law enforcement custody shall not extend beyond the amount of  
21 time reasonably necessary to transport the child to a destination  
22 authorized by law and to place the child at that destination. Law  
23 enforcement custody continues until the law enforcement officer  
24 transfers custody to a person, agency, or other authorized entity under  
25 this chapter, or releases the child because no placement is available.  
26 Transfer of custody is not complete unless the person, agency, or  
27 entity to whom the child is released agrees to accept custody.

28       (3) If a law enforcement officer takes a child into custody  
29 pursuant to either subsection (1)(a) or (b) of this section and  
30 transports the child to a crisis residential center, the officer shall,  
31 within twenty-four hours of delivering the child to the center, provide  
32 to the center a written report detailing the reasons the officer took  
33 the child into custody. The center shall provide the department with  
34 a copy of the officer's report.

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

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

4 (6) If a law enforcement officer receives a report that causes the  
5 officer to have reasonable suspicion that a child is being harbored  
6 under RCW 13.32A.080 or for other reasons has a reasonable suspicion  
7 that a child is being harbored under RCW 13.32A.080, the officer shall  
8 remove the child from the custody of the person harboring the child and  
9 shall transport the child to one of the locations specified in RCW  
10 13.32A.060.

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

13 **Sec. 203.** RCW 13.32A.060 and 1996 c 133 s 11 are each amended to  
14 read as follows:

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

18 (a) Transport the child to his or her home or to a parent at his or  
19 her place of employment, if no parent is at home. The parent may  
20 request that the officer take the child to the home of an adult  
21 extended family member, responsible adult, crisis residential center,  
22 the department, or a licensed youth shelter. In responding to the  
23 request of the parent, the officer shall take the child to a requested  
24 place which, in the officer's belief, is within a reasonable distance  
25 of the parent's home. The officer releasing a child into the custody  
26 of a parent, an adult extended family member, responsible adult, or a  
27 licensed youth shelter shall inform the person receiving the child of  
28 the reason for taking the child into custody and inform all parties of  
29 the nature and location of appropriate services available in the  
30 community; or

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

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

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

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

5 (c) After attempting to notify the parent, if a crisis residential  
6 center is full, not available, or not located within a reasonable  
7 distance, the officer may request the department to accept custody of  
8 the child. If the department determines that an appropriate placement  
9 is currently available, the department shall accept custody and place  
10 the child in an out-of-home placement. Upon accepting custody of a  
11 child from the officer, the department may place the child in an out-  
12 of-home placement for up to seventy-two hours, excluding Saturdays,  
13 Sundays, and holidays, without filing a child in need of services  
14 petition under this chapter, obtaining parental consent, or obtaining  
15 an order for placement under chapter 13.34 RCW. Upon transferring a  
16 child to the department's custody, the officer shall provide written  
17 documentation of the reasons and the statutory basis for taking the  
18 child into custody. If the department declines to accept custody of  
19 the child, the officer may release the child after attempting to take  
20 the child to the following, in the order listed: The home of an adult  
21 extended family member; a responsible adult; a licensed youth shelter  
22 and shall immediately notify the department if no placement option is  
23 available and the child is released.

24 (2) An officer taking a child into custody under RCW 13.32A.050(1)  
25 (c) or (d) shall inform the child of the reason for custody. An  
26 officer taking a child into custody under RCW 13.32A.050(1)(c) may  
27 release the child to the supervising agency, or shall take the child to  
28 a designated crisis residential center's secure facility. If the  
29 secure facility is not available, not located within a reasonable  
30 distance, or full, the officer shall take the child to a semi-secure  
31 crisis residential center. An officer taking a child into custody  
32 under RCW 13.32A.050(1)(d) may place the child in a juvenile detention  
33 facility as provided in RCW 13.32A.065 or a secure facility, except  
34 that the child shall be taken to detention whenever the officer has  
35 been notified that a juvenile court has entered a detention order under  
36 this chapter or chapter 13.34 RCW.

37 (3) Whenever an officer transfers custody of a child to a crisis  
38 residential center or the department, the child may reside in the  
39 crisis residential center or may be placed by the department in an out-

1 of-home placement for an aggregate total period of time not to exceed  
2 seventy-two hours excluding Saturdays, Sundays, and holidays.  
3 Thereafter, the child may continue in out-of-home placement only if the  
4 parents have consented, a child in need of services petition has been  
5 filed under this chapter, or an order for placement has been entered  
6 under chapter 13.34 RCW.

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

12 **Sec. 204.** RCW 13.32A.130 and 1996 c 133 s 8 are each amended to  
13 read as follows:

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

21 (2)(a)(i) The facility administrator shall determine within twenty-  
22 four hours after a child's admission to a secure facility whether the  
23 child is likely to remain in a semi-secure facility and may transfer  
24 the child to a semi-secure facility or release the child to the  
25 department. The determination shall be based on: (A) The need for  
26 continued assessment, protection, and treatment of the child in a  
27 secure facility; and (B) the likelihood the child would remain at a  
28 semi-secure facility until his or her parents can take the child home  
29 or a petition can be filed under this title.

30 (ii) In making the determination the administrator shall consider  
31 the following information if known: (A) The child's age and maturity;  
32 (B) the child's condition upon arrival at the center; (C) the  
33 circumstances that led to the child's being taken to the center; (D)  
34 whether the child's behavior endangers the health, safety, or welfare  
35 of the child or any other person; (E) the child's history of running  
36 away which has endangered the health, safety, and welfare of the child;  
37 and (F) the child's willingness to cooperate in the assessment.

1 (b) If the administrator of a secure facility determines the child  
2 is unlikely to remain in a semi-secure facility, the administrator  
3 shall keep the child in the secure facility pursuant to this chapter  
4 and in order to provide for space for the child may transfer another  
5 child who has been in the facility for at least seventy-two hours to a  
6 semi-secure facility. The administrator shall only make a transfer of  
7 a child after determining that the child who may be transferred is  
8 likely to remain at the semi-secure facility.

9 (c) A crisis residential center administrator is authorized to  
10 transfer a child to a crisis residential center in the area where the  
11 child's parents reside or where the child's lawfully prescribed  
12 residence is located.

13 (d) An administrator may transfer a child from a semi-secure  
14 facility to a secure facility whenever he or she reasonably believes  
15 that the child is likely to leave the semi-secure facility and not  
16 return and after full consideration of all factors in (a)(i) and (ii)  
17 of this subsection.

18 (3) If no parent is available or willing to remove the child during  
19 the ~~((five-day period))~~ first seventy-two hours following admission,  
20 the department shall consider the filing of a petition under RCW  
21 13.32A.140.

22 ~~(4) ((The requirements of this section shall not apply to a child  
23 who is: (a) Returned to the home of his or her parent; (b) placed in  
24 a semi-secure facility within a crisis residential center pursuant to  
25 a temporary out-of-home placement order authorized under RCW  
26 13.32A.125; (c) placed in an out-of-home placement; or (d) the subject  
27 of an at-risk youth petition.~~

28 ~~(5))~~ Notwithstanding the provisions of subsection (1) of this  
29 section, the parents may remove the child at any time during the five-  
30 day period unless the staff of the crisis residential center has  
31 reasonable cause to believe that the child is absent from the home  
32 because he or she is abused or neglected or if allegations of abuse or  
33 neglect have been made against the parents. The department or any  
34 agency legally charged with the supervision of a child may remove a  
35 child from a crisis residential center at any time after the first  
36 twenty-four-hour period after admission has elapsed and only after full  
37 consideration by all parties of the factors in subsection (2)(a) of  
38 this section.

1       (~~(6)~~) (5) Crisis residential center staff shall make reasonable  
2 efforts to protect the child and achieve a reconciliation of the  
3 family. If a reconciliation and voluntary return of the child has not  
4 been achieved within forty-eight hours from the time of intake, and if  
5 the administrator of the center does not consider it likely that  
6 reconciliation will be achieved within the five-day period, then the  
7 administrator shall inform the parent and child of: (a) The  
8 availability of counseling services; (b) the right to file a child in  
9 need of services petition for an out-of-home placement, the right of a  
10 parent to file an at-risk youth petition, and the right of the parent  
11 and child to obtain assistance in filing the petition; (c) the right to  
12 request the facility administrator or his or her designee to form a  
13 multidisciplinary team; (d) the right to request a review of any out-  
14 of-home placement; (e) the right to request a mental health or chemical  
15 dependency evaluation by a county-designated professional or a private  
16 treatment facility; and (f) the right to request treatment in a program  
17 to address the child's at-risk behavior under RCW 13.32A.197.

18       (~~(7)~~) (6) At no time shall information regarding a parent's or  
19 child's rights be withheld. The department shall develop and  
20 distribute to all law enforcement agencies and to each crisis  
21 residential center administrator a written statement delineating the  
22 services and rights. Every officer taking a child into custody shall  
23 provide the child and his or her parent(s) or responsible adult with  
24 whom the child is placed with a copy of the statement. In addition,  
25 the administrator of the facility or his or her designee shall provide  
26 every resident and parent with a copy of the statement.

27       (~~(8)~~) (7) A crisis residential center and its administrator or  
28 his or her designee acting in good faith in carrying out the provisions  
29 of this section are immune from criminal or civil liability for such  
30 actions.

31       **Sec. 205.** RCW 13.32A.140 and 1996 c 133 s 19 are each amended to  
32 read as follows:

33       Unless the department files a dependency petition, the department  
34 shall file a child in need of services petition to approve an out-of-  
35 home placement on behalf of a child under any of the following sets of  
36 circumstances:

37       (1) The child has been admitted to a crisis residential center or  
38 has been placed by the department in an out-of-home placement, and:

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

3 (b) (~~Seventy-two hours, including Saturdays, Sundays, and~~  
4 ~~holidays, have passed since such notification~~) The child cannot return  
5 home, and legal authorization is needed for out-of-home placement  
6 beyond seventy-two hours;

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

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

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

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

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

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

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

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

21 (3) An agreement between parent and child made pursuant to RCW  
22 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer  
23 acceptable to parent or child, and:

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

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

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

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

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

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

35 Under the circumstances of subsections (1), (2), or (3) of this  
36 section, the child shall remain in an out-of-home placement until a  
37 child in need of services petition filed by the department on behalf of  
38 the child is reviewed by the juvenile court and is resolved by the  
39 court. The department may authorize emergency medical or dental care



1 for a child admitted to a crisis residential center or placed in an  
2 out-of-home placement by the department. The state, when the  
3 department files a child in need of services petition under this  
4 section, shall be represented as provided for in RCW 13.04.093.

5 **Sec. 206.** RCW 13.32A.160 and 1996 c 133 s 22 are each amended to  
6 read as follows:

7 (1) When a proper child in need of services petition to approve an  
8 out-of-home placement is filed under RCW 13.32A.120, 13.32A.140, or  
9 13.32A.150 the juvenile court shall: (a)(i) Schedule a fact-finding  
10 hearing to be held: (A) For a child who ~~((is))~~ resides in a ~~((center~~  
11 ~~or a child who is not residing at home, nor in an out-of-home~~  
12 ~~placement))~~ place other than his or her parent's home and other than an  
13 out-of-home placement, within five calendar days unless the last  
14 calendar day is a Saturday, Sunday, or holiday, in which case the  
15 hearing shall be held on the preceding judicial day; or (B) for ~~((any~~  
16 ~~other))~~ a child living at home or in an out-of-home placement, within  
17 ten days; and (ii) notify the parent, child, and the department of such  
18 date; (b) notify the parent of the right to be represented by counsel  
19 and, if indigent, to have counsel appointed for him or her by the  
20 court; (c) appoint legal counsel for the child; (d) inform the child  
21 and his or her parent of the legal consequences of the court approving  
22 or disapproving a child in need of services petition; (e) notify the  
23 parents of their rights under this chapter and chapters 11.88, 13.34,  
24 70.96A, and 71.34 RCW, including the right to file an at-risk youth  
25 petition, the right to submit an application for admission of their  
26 child to a treatment facility for alcohol, chemical dependency, or  
27 mental health treatment, and the right to file a guardianship petition;  
28 and (f) notify all parties, including the department, of their right to  
29 present evidence at the fact-finding hearing.

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

37 (3) If the child has been placed in a foster family home or group  
38 care facility under chapter 74.15 RCW, the child shall remain there, or

1 in any other suitable residence as determined by the department,  
2 pending resolution of the petition by the court. Any placement may be  
3 reviewed by the court within three judicial days upon the request of  
4 the juvenile or the juvenile's parent.

5 **Sec. 207.** RCW 13.32A.179 and 1996 c 133 s 24 are each amended to  
6 read as follows:

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

11 (2) At the conclusion of the disposition hearing, the court may:  
12 (a) Reunite the family and dismiss the petition; (b) approve an at-risk  
13 youth petition filed by the parents and dismiss the child in need of  
14 services petition; (c) approve an out-of-home placement requested in  
15 the child in need of services petition by the parents; (d) order an  
16 out-of-home placement at the request of the child or the department not  
17 to exceed ninety days; or (e) order the department to review the matter  
18 for purposes of filing a dependency petition under chapter 13.34 RCW.  
19 Whether or not the court approves or orders an out-of-home placement,  
20 the court may also order any conditions of supervision as set forth in  
21 RCW 13.32A.196(2).

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

37 (4) The court may order the department to submit a dispositional  
38 plan if such a plan would assist the court in ordering a suitable

1 disposition in the case. The plan, if ordered, shall address (~~only~~  
2 ~~the needs of the child and shall not address the perceived needs of the~~  
3 ~~parents, unless the order was entered under subsection (2)(d) of this~~  
4 ~~section or specifically agreed to by the parents~~) the needs of the  
5 child, and the perceived needs of the parents if the order was entered  
6 under subsection (2)(d) of this section or if specifically agreed to by  
7 the parents. If the parents do not agree or the order was not entered  
8 under subsection (2)(d) of this section the plan may only make  
9 recommendations regarding services in which the parents may voluntarily  
10 participate. If the court orders the department to prepare a plan, the  
11 department shall provide copies of the plan to the parent, the child,  
12 and the court. If the parties or the court desire the department to be  
13 involved in any future proceedings or case plan development, the  
14 department shall be provided with timely notification of all court  
15 hearings.

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

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

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

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

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

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

34 **Sec. 208.** RCW 13.32A.192 and 1996 c 133 s 26 are each amended to  
35 read as follows:

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

1 (a)(i) Schedule a fact-finding hearing to be held: (A) For a child  
2 who ~~((is))~~ resides in a ~~((center or a child who is not residing at~~  
3 ~~home, nor in an out-of-home placement))~~ place other than his or her  
4 parent's home and other than an out-of-home placement, within five  
5 calendar days unless the last calendar day is a Saturday, Sunday, or  
6 holiday, in which case the hearing shall be held on the preceding  
7 judicial day; or (B) for ~~((any other))~~ a child living at home or in an  
8 out-of-home placement, within ten days; and (ii) notify the parent and  
9 the child of such date;

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

12 (c) Appoint legal counsel for the child;

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

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

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

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

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

1 **Sec. 209.** RCW 74.13.037 and 1996 c 133 s 39 are each amended to  
2 read as follows:

3 Within available funds appropriated for this purpose, the  
4 department shall establish, by contracts with private vendors,  
5 transitional living programs for ((dependent)) youth who are being  
6 assisted by the department in being emancipated as part of their  
7 permanency plan under chapter 13.34 RCW. These programs shall be  
8 licensed under rules adopted by the department.

9 **PART III**

10 **TRUANCY**

11 **Sec. 301.** RCW 28A.225.035 and 1996 c 134 s 4 and 1996 c 133 s 31  
12 are each reenacted and amended to read as follows:

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

15 (a) The child has unexcused absences during the current school  
16 year;

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

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

21 (2) The petition shall set forth the name, age, school, and  
22 residence of the child and the names and residence of the child's  
23 parents.

24 (3) The petition shall set forth facts that support the allegations  
25 in this section, including prior court orders entered pursuant to this  
26 chapter, and shall generally request relief available under this  
27 chapter and provide information about what the court may order under  
28 RCW 28A.225.090.

29 (4) When a petition is filed under RCW 28A.225.030, the juvenile  
30 court shall schedule a hearing at which the court shall consider the  
31 petition. However, a hearing shall not be required if other actions by  
32 the court would substantially reduce the child's unexcused absences.  
33 When a hearing is held, the court shall:

34 (a) Separately notify the child, the parent of the child, and the  
35 school district of the hearing;

36 (b) Notify the parent and the child of their rights to present  
37 evidence at the hearing; and

1 (c) Notify the parent and the child of the options and rights  
2 available under chapter 13.32A RCW.

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

5 (6) The court may permit the first hearing to be held without  
6 requiring that either party be represented by legal counsel, and to be  
7 held without a guardian ad litem for the child under RCW 4.08.050. At  
8 the request of the school district, the court may permit a school  
9 district representative who is not an attorney to represent the school  
10 district at any future hearings.

11 (7) The record maker shall not be required to testify in order to  
12 introduce attendance records as long as the records are duly certified  
13 by a declaration of the respective school principal and custodian.

14 (8) If the allegations in the petition are established by a  
15 preponderance of the evidence, the court shall grant the petition and  
16 enter an order assuming jurisdiction to intervene for the ((remainder  
17 of the school year, if the allegations in the petition are established  
18 by a preponderance of the evidence)) period of time determined by the  
19 court, after considering the facts alleged in the petition and the  
20 circumstances of the juvenile, to most likely cause the juvenile to  
21 return to and remain in school while the juvenile is subject to this  
22 chapter. In no case may the order expire before the end of the school  
23 year in which it is entered. In weighing the evidence, the court may  
24 consider prior orders entered under this chapter against the child and  
25 the child's noncompliance with any prior orders as evidence supporting  
26 the allegations of the petition.

27 ((+8)) (9) If the court assumes jurisdiction, the school district  
28 shall regularly report to the court any additional unexcused absences  
29 by the child.

30 ((+9)) (10) Community truancy boards and the courts shall  
31 coordinate, to the extent possible, proceedings and actions pertaining  
32 to children who are subject to truancy petitions and at-risk youth  
33 petitions in RCW 13.32A.191 or child in need of services petitions in  
34 RCW 13.32A.140.

35 **Sec. 302.** RCW 28A.225.090 and 1996 c 134 s 6 and 1996 c 133 s 32  
36 are each reenacted and amended to read as follows:

37 (1) A court may order a child subject to a petition under RCW  
38 28A.225.035 to:

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

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

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

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

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

29 (2) If the child fails to comply with the court order, the court  
30 may order the child to be punished by detention or may impose  
31 alternatives to detention such as community service. Failure by a  
32 child to comply with an order issued under this subsection shall not be  
33 punishable by detention for a period greater than that permitted  
34 pursuant to a civil contempt proceeding against a child under chapter  
35 13.32A RCW.

36 (3) Any parent violating any of the provisions of either RCW  
37 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five  
38 dollars for each day of unexcused absence from school. It shall be a  
39 defense for a parent charged with violating RCW 28A.225.010 to show

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

11 NEW SECTION. **Sec. 303.** The authority of a court to issue an order  
12 for testing to determine whether the child has consumed or used alcohol  
13 or controlled substances applies to all persons subject to a petition  
14 under RCW 28A.225.030 regardless of whether the petition was filed  
15 before the effective date of this section.

16 NEW SECTION. **Sec. 304.** Part headings used in this act do not  
17 constitute any part of the law."

18 **E2SHB 1938** - S COMM AMD  
19 By Committee on Human Services & Corrections

20

21 On page 1, line 1 of the title, after "youth;" strike the remainder  
22 of the title and insert "amending RCW 71.34.010, 71.34.020, 71.34.025,  
23 71.34.030, 70.96A.095, 70.96A.097, 13.32A.030, 13.32A.050, 13.32A.060,  
24 13.32A.130, 13.32A.140, 13.32A.160, 13.32A.179, 13.32A.192, and  
25 74.13.037; reenacting and amending RCW 70.96A.020, 28A.225.035, and  
26 28A.225.090; adding new sections to chapter 71.34 RCW; adding new  
27 sections to chapter 70.96A RCW; and creating new sections."

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