
SECOND SUBSTITUTE HOUSE BILL 1864

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Cooke, Dickerson, Boldt and McDonald)

Read first time 03/10/97.

1 AN ACT Relating to prevention and early intervention; amending RCW
2 26.44.056; creating a new section; providing an effective date; and
3 declaring an emergency.

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

5 **Sec. 1.** RCW 26.44.056 and 1983 c 246 s 3 are each amended to read
6 as follows:

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

1 temporary protective custody by an administrator or doctor shall not be
2 deemed an arrest. Child protective services may detain the child until
3 the court assumes custody, but in no case longer than seventy-two
4 hours, excluding Saturdays, Sundays, and holidays.

5 (2) Whenever an administrator or physician has reasonable cause to
6 believe that a child would be in imminent danger if released to a
7 parent, guardian, custodian, or other person or is in imminent danger
8 if left in the custody of a parent, guardian, custodian, or other
9 person, the administrator or physician may notify a law enforcement
10 agency and the law enforcement agency shall take the child into custody
11 or cause the child to be taken into custody. The law enforcement
12 agency shall release the child to the custody of child protective
13 services. Child protective services shall detain the child until the
14 court assumes custody or upon a documented and substantiated record
15 that in the professional judgment of the child protective services the
16 child's safety will not be endangered if the child is returned. If the
17 child is returned, the department shall establish a six-month plan to
18 monitor and assure the continued safety of the child's life or health.
19 The monitoring period may be extended for good cause.

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

24 (4) An administrator of a hospital or similar institution, nurse
25 practitioner licensed under Title 18 RCW, or any physician, licensed
26 under chapter 18.71 or 18.57 RCW, shall detain a child without consent
27 of a person legally responsible for the child when a baby tests
28 positive for alcohol or drugs at birth. The baby may be held at a
29 hospital, pediatric interim care facility, or similar program or
30 facility. The administrator or physician shall notify or cause to be
31 notified the appropriate law enforcement agency or child protective
32 services under RCW 26.44.040. Notification shall be made as soon as
33 possible and in no case longer than seventy-two hours. Child
34 protective services shall refer mothers of babies detained under this
35 subsection to appropriate mandatory treatment programs. Babies who
36 require drug withdrawal shall be supervised by licensed health care
37 professionals.

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

5 NEW SECTION. **Sec. 3.** If specific funding for the purposes of this
6 act, referencing this act by bill or chapter number, is not provided by
7 June 30, 1997, in the omnibus appropriations act, this act is null and
8 void.

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