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HOUSE BILL 1910

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State of Washington

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By Representatives Boldt, Carrell, Dickerson, Tokuda and Cooke

Read first time 02/13/97. Referred to Committee on Children & Family Services.

1 AN ACT Relating to a crisis residential center; and amending RCW  
2 13.32A.030, 13.32A.042, 13.32A.044, and 13.32A.130.

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

4 **Sec. 1.** RCW 13.32A.030 and 1996 c 133 s 9 are each amended to read  
5 as follows:

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

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

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

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

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

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

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

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

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

7 (b) Who has been reported to law enforcement as absent without  
8 consent for at least twenty-four consecutive hours from the parent's  
9 home, a crisis residential center, an out-of-home placement, or a  
10 court-ordered placement on two or more separate occasions; and

11 (i) Has exhibited a serious substance abuse problem; or

12 (ii) Has exhibited behaviors that create a serious risk of harm to  
13 the health, safety, or welfare of the child or any other person; or

14 (c)(i) Who is in need of necessary services, including food,  
15 shelter, health care, clothing, educational, or services designed to  
16 maintain or reunite the family;

17 (ii) Who lacks access, or has declined, to utilize these services;  
18 and

19 (iii) Whose parents have evidenced continuing but unsuccessful  
20 efforts to maintain the family structure or are unable or unwilling to  
21 continue efforts to maintain the family structure.

22 (5) "Child in need of services petition" means a petition filed in  
23 juvenile court by a parent, child, or the department seeking  
24 adjudication of placement of the child.

25 (6) "Crisis residential center" means a secure or semi-secure  
26 facility established pursuant to chapter 74.13 RCW.

27 (7) "Custodian" means the person or entity who has the legal right  
28 to the custody of the child.

29 (8) "Department" means the department of social and health  
30 services.

31 (9) "Extended family member" means an adult who is a grandparent,  
32 brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin  
33 with whom the child has a relationship and is comfortable, and who is  
34 willing and available to care for the child.

35 (10) "Guardian" means that person or agency that (a) has been  
36 appointed as the guardian of a child in a legal proceeding other than  
37 a proceeding under chapter 13.34 RCW, and (b) has the right to legal  
38 custody of the child pursuant to such appointment. The term "guardian"

1 does not include a "dependency guardian" appointed pursuant to a  
2 proceeding under chapter 13.34 RCW.

3 (11) "Multidisciplinary team" means a group formed to provide  
4 assistance and support to a child who is an at-risk youth or a child in  
5 need of services and his or her parent. The team shall include the  
6 parent, a department case worker, a local government representative  
7 when authorized by the local government, and when appropriate, members  
8 from the mental health and substance abuse disciplines. The team may  
9 also include, but is not limited to, the following persons: Educators,  
10 law enforcement personnel, probation officers, employers, church  
11 persons, tribal members, therapists, medical personnel, social service  
12 providers, placement providers, and extended family members. ((The  
13 team members shall be volunteers who do not receive compensation while  
14 acting in a capacity as a team member, unless the member's employer  
15 chooses to provide compensation or the member is a state employee.))

16 (12) "Out-of-home placement" means a placement in a foster family  
17 home or group care facility licensed pursuant to chapter 74.15 RCW or  
18 placement in a home, other than that of the child's parent, guardian,  
19 or legal custodian, not required to be licensed pursuant to chapter  
20 74.15 RCW.

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

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

27 (15) "Semi-secure facility" means any facility, including but not  
28 limited to crisis residential centers or specialized foster family  
29 homes, operated in a manner to reasonably assure that youth placed  
30 there will not run away. Pursuant to rules established by the  
31 department, the facility administrator shall establish reasonable hours  
32 for residents to come and go from the facility such that no residents  
33 are free to come and go at all hours of the day and night. To prevent  
34 residents from taking unreasonable actions, the facility administrator,  
35 where appropriate, may condition a resident's leaving the facility upon  
36 the resident being accompanied by the administrator or the  
37 administrator's designee and the resident may be required to notify the  
38 administrator or the administrator's designee of any intent to leave,

1 his or her intended destination, and the probable time of his or her  
2 return to the center.

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

6 **Sec. 2.** RCW 13.32A.042 and 1995 c 312 s 13 are each amended to  
7 read as follows:

8 (1)(a) The administrator of a crisis residential center (~~may~~)  
9 shall convene a multidisciplinary team, which is to be locally based  
10 and administered, at the request of a child placed at the center or the  
11 child's parent.

12 (b) If the administrator has reasonable cause to believe that a  
13 child is a child in need of services and the parent is unavailable or  
14 unwilling to continue efforts to maintain the family structure, the  
15 administrator shall immediately convene a multidisciplinary team.

16 (c) A parent may disband a team twenty-four hours, excluding  
17 weekends and holidays, after receiving notice of formation of the team  
18 under (b) of this subsection unless a petition has been filed under RCW  
19 13.32A.140. If a petition has been filed the parent may not disband  
20 the team until the hearing is held under RCW 13.32A.179. The court may  
21 allow the team to continue if an out-of-home placement is ordered under  
22 RCW 13.32A.179(3). Upon the filing of an at-risk youth or dependency  
23 petition the team shall cease to exist, unless the parent requests  
24 continuation of the team or unless the out-of-home placement was  
25 ordered under RCW 13.32A.179(3).

26 (2) The secretary shall request participation of appropriate state  
27 agencies to assist in the coordination and delivery of services through  
28 the multidisciplinary teams. Those agencies that agree to participate  
29 shall provide the secretary all information necessary to facilitate  
30 forming a multidisciplinary team and the secretary shall provide this  
31 information to the administrator of each crisis residential center.

32 (3) The secretary shall designate within each region a department  
33 employee who shall have responsibility for coordination of the state  
34 response to a request for creation of a multidisciplinary team. The  
35 secretary shall advise the administrator of each crisis residential  
36 center of the name of the appropriate employee. Upon a request of the  
37 administrator to form a multidisciplinary team the employee shall

1 provide a list of the agencies that have agreed to participate in the  
2 multidisciplinary team.

3 (4) The administrator shall also seek participation from  
4 representatives of mental health and drug and alcohol treatment  
5 providers as appropriate.

6 (5) A parent shall be advised of the request to form a  
7 multidisciplinary team and may select additional members of the  
8 multidisciplinary team. The parent or child may request any person or  
9 persons to participate including, but not limited to, educators, law  
10 enforcement personnel, court personnel, family therapists, licensed  
11 health care practitioners, social service providers, youth residential  
12 placement providers, other family members, church representatives, and  
13 members of their own community. The administrator shall assist in  
14 obtaining the prompt participation of persons requested by the parent  
15 or child.

16 (6) When an administrator of a crisis residential center requests  
17 the formation of a team, the state agencies must respond as soon as  
18 possible. The team shall have the authority to evaluate the juvenile,  
19 and family members, if appropriate and agreed to by the parent, and  
20 shall:

21 (a) With parental input, develop a plan of appropriate available  
22 services and assist the family in obtaining those services;

23 (b) Make a referral to the designated chemical dependency  
24 specialist or the county designated mental health professional, if  
25 appropriate;

26 (c) Recommend no further intervention because the juvenile and his  
27 or her family have resolved the problem causing the family conflict; or

28 (d) With the parent's consent, work with them to achieve  
29 reconciliation of the child and family.

30 **Sec. 3.** RCW 13.32A.044 and 1995 c 312 s 14 are each amended to  
31 read as follows:

32 (1) The purpose of the multidisciplinary team is to assist in a  
33 coordinated referral of the family to available social and health-  
34 related services.

35 (2) At the first meeting of the multidisciplinary team, it shall  
36 choose a member to coordinate the team's efforts. The parent member of  
37 the multidisciplinary team must agree with the choice of coordinator.

1 The team shall meet or communicate as often as necessary to assist the  
2 family.

3 (3) The coordinator of the multidisciplinary team may assist in  
4 filing a child in need of services petition when requested by the  
5 parent or child or an at-risk youth petition when requested by the  
6 parent. The multidisciplinary team shall have no standing as a party  
7 in any action under this title.

8 (4) If the administrator is unable to contact the child's parent,  
9 the multidisciplinary team may be used for assistance. If the parent  
10 has not been contacted within five days the administrator shall contact  
11 the department and request the case be reviewed for a dependency filing  
12 under chapter 13.34 RCW.

13 (5) The team members are volunteers who do not receive compensation  
14 while acting in a capacity as a team member, unless the member's  
15 employer chooses to provide compensation or the member is a state  
16 employee. The team members will be reimbursed for expenses as provided  
17 in RCW 43.03.060 and 43.03.065.

18 **Sec. 4.** RCW 13.32A.130 and 1996 c 133 s 8 are each amended to read  
19 as follows:

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

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

36 (ii) In making the determination the administrator shall consider  
37 the following information if known: (A) The child's age and maturity;  
38 (B) the child's condition upon arrival at the center; (C) the

1 circumstances that led to the child's being taken to the center; (D)  
2 whether the child's behavior endangers the health, safety, or welfare  
3 of the child or any other person; (E) the child's history of running  
4 away which has endangered the health, safety, and welfare of the child;  
5 and (F) the child's willingness to cooperate in the assessment.

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

14 (c) A crisis residential center administrator is authorized to  
15 transfer a child to a crisis residential center in the area where the  
16 child's parents reside or where the child's lawfully prescribed  
17 residence is located.

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

23 (3) If no parent is available or willing to remove the child during  
24 the five-day period, the department shall consider the filing of a  
25 petition under RCW 13.32A.140.

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

32 (5) Notwithstanding the provisions of subsection (1) of this  
33 section, the parents may remove the child at any time during the five-  
34 day period unless the staff of the crisis residential center has  
35 reasonable cause to believe that the child is absent from the home  
36 because he or she is abused or neglected or if allegations of abuse or  
37 neglect have been made against the parents. The department or any  
38 agency legally charged with the supervision of a child may remove a  
39 child from a crisis residential center at any time after the first

1 twenty-four-hour period after admission has elapsed and only after full  
2 consideration by all parties of the factors in subsection (2)(a) of  
3 this section.

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

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

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

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