
SUBSTITUTE HOUSE BILL 2761

State of Washington

55th Legislature

1998 Regular Session

By House Committee on Children & Family Services (originally sponsored by Representatives Carrell, Wolfe, B. Thomas, Cooke, Boldt, Smith, Gombosky, Talcott, D. Schmidt, D. Sommers, McDonald and Backlund)

Read first time 02/06/98. Referred to Committee on .

1 AN ACT Relating to at-risk youth; amending RCW 13.32A.040,
2 13.32A.100, 74.13.032, 74.13.0321, 74.13.033, 74.13.034, 74.13.036,
3 71.34.010, 71.34.020, 71.34.025, 71.34.030, 70.96A.095, 70.96A.097,
4 7.21.030, 13.32A.250, 13.34.165, 28A.225.090, 13.32A.080, and
5 13.32A.082; reenacting and amending RCW 74.13.031 and 70.96A.020;
6 adding new sections to chapter 13.32A RCW; adding new sections to
7 chapter 71.34 RCW; adding new sections to chapter 70.96A RCW; creating
8 new sections; prescribing penalties; and providing an expiration date.

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

10 **PART I - FAMILY RECONCILIATION, CRISIS RESIDENTIAL CENTER SERVICES**

11 NEW SECTION. **Sec. 1.** A new section is added to chapter 13.32A RCW
12 to read as follows:

13 Any county or group of counties may make application to the
14 department of social and health services in the manner and form
15 prescribed by the department to administer and provide family
16 reconciliation services and crisis residential center services. Any
17 such application must include a plan or plans for providing family

1 reconciliation services and crisis residential center services to at-
2 risk youth.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 13.32A RCW
4 to read as follows:

5 No county may receive any state funds provided by this chapter
6 until its application and plan are received by the department.

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

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

18 (3) Funds available for county-operated family reconciliation
19 services and crisis residential centers shall not exceed the
20 appropriation for these services specified in the biennial operating
21 budget.

22 **Sec. 3.** RCW 13.32A.040 and 1995 c 312 s 5 are each amended to read
23 as follows:

24 Families who are in conflict or who are experiencing problems with
25 at-risk youth or a child who may be in need of services may request
26 family reconciliation services from the department, or a county or
27 group of counties operating under sections 1 and 2 of this act. The
28 department, county, or group of counties may involve a local
29 multidisciplinary team in its response in determining the services to
30 be provided and in providing those services. Such services shall be
31 provided to alleviate personal or family situations which present a
32 serious and imminent threat to the health or stability of the child or
33 family and to maintain families intact wherever possible. Family
34 reconciliation services shall be designed to develop skills and
35 supports within families to resolve problems related to at-risk youth,
36 children in need of services, or family conflicts and may include but
37 are not limited to referral to services for suicide prevention,

1 psychiatric or other medical care, or psychological, mental health,
2 drug or alcohol treatment, welfare, legal, educational, or other social
3 services, as appropriate to the needs of the child and the family.
4 Family reconciliation services may also include training in parenting,
5 conflict management, and dispute resolution skills.

6 **Sec. 4.** RCW 13.32A.100 and 1996 c 133 s 16 are each amended to
7 read as follows:

8 Where a child is placed in an out-of-home placement pursuant to RCW
9 13.32A.090(2)(e), the department, or a county or group of counties
10 operating under sections 1 and 2 of this act, shall make available
11 family reconciliation services in order to facilitate the reunification
12 of the family. Any such placement may continue as long as there is
13 agreement by the child and parent.

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

16 The department shall have the duty to provide child welfare
17 services and shall:

18 (1) Develop, administer, supervise, and monitor a coordinated and
19 comprehensive plan that establishes, aids, and strengthens services for
20 the protection and care of homeless, runaway, dependent, or neglected
21 children.

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

33 (3) Investigate complaints of alleged neglect, abuse, or
34 abandonment of children, and on the basis of the findings of such
35 investigation, offer child welfare services in relation to the problem
36 to such parents, legal custodians, or persons serving in loco parentis,
37 and/or bring the situation to the attention of an appropriate court, or

1 another community agency: PROVIDED, That an investigation is not
2 required of nonaccidental injuries which are clearly not the result of
3 a lack of care or supervision by the child's parents, legal custodians,
4 or persons serving in loco parentis. If the investigation reveals that
5 a crime may have been committed, the department shall notify the
6 appropriate law enforcement agency.

7 (4) Provide funding to counties to offer, on a voluntary basis,
8 family reconciliation services to families who are in conflict.

9 (5) Monitor out-of-home placements, on a timely and routine basis,
10 to assure the safety, well-being, and quality of care being provided is
11 within the scope of the intent of the legislature as defined in RCW
12 74.13.010 and 74.15.010, and annually submit a report measuring the
13 extent to which the department achieved the specified goals to the
14 governor and the legislature.

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

24 (7) (~~Have authority~~) Provide funding for counties to provide
25 temporary shelter to children who have run away from home and who are
26 admitted to crisis residential centers.

27 (8) Have authority to purchase care for children; and shall follow
28 in general the policy of using properly approved private agency
29 services for the actual care and supervision of such children insofar
30 as they are available, paying for care of such children as are accepted
31 by the department as eligible for support at reasonable rates
32 established by the department.

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

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

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

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

18 **Sec. 6.** RCW 74.13.032 and 1995 c 312 s 60 are each amended to read
19 as follows:

20 (1) The department or a county or group of counties operating under
21 sections 1 and 2 of this act shall establish, by contracts with private
22 or public vendors, regional crisis residential centers with semi-secure
23 facilities. These facilities shall be structured group care facilities
24 licensed under rules adopted by the department and shall have an
25 average of at least four adult staff members and in no event less than
26 three adult staff members to every eight children.

27 (2) Within available funds appropriated for this purpose, the
28 department or a county shall establish, by contracts with private or
29 public vendors, regional crisis residential centers with secure
30 facilities. These facilities shall be facilities licensed under rules
31 adopted by the department. These centers may also include semi-secure
32 facilities and to such extent shall be subject to subsection (1) of
33 this section.

34 (3) The department or a county shall, in addition to the facilities
35 established under subsections (1) and (2) of this section, establish
36 additional crisis residential centers pursuant to contract with
37 licensed private group care facilities.

1 (4) The staff at the facilities established under this section
2 shall be trained so that they may effectively counsel juveniles
3 admitted to the centers, provide treatment, supervision, and structure
4 to the juveniles that recognize the need for support and the varying
5 circumstances that cause children to leave their families, and carry
6 out the responsibilities stated in RCW 13.32A.090. The
7 responsibilities stated in RCW 13.32A.090 may, in any of the centers,
8 be carried out by the department or a county.

9 (5) The secure facilities located within crisis residential centers
10 shall be operated to conform with the definition in RCW 13.32A.030.
11 The facilities shall have an average of no more than three adult staff
12 members to every eight children. The staffing ratio shall continue to
13 ensure the safety of the children.

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

27 **Sec. 7.** RCW 74.13.0321 and 1995 c 312 s 61 are each amended to
28 read as follows:

29 No department or county contract may provide reimbursement or
30 compensation to a crisis residential center's secure facility for any
31 service delivered or provided to a resident child after five
32 consecutive days of residence.

33 **Sec. 8.** RCW 74.13.033 and 1995 c 312 s 62 are each amended to read
34 as follows:

35 (1) If a resident of a center becomes by his or her behavior
36 disruptive to the facility's program, such resident may be immediately
37 removed to a separate area within the facility and counseled on an

1 individual basis until such time as the child regains his or her
2 composure. The department may set rules and regulations establishing
3 additional procedures for dealing with severely disruptive children on
4 the premises.

5 (2) When the juvenile resides in this facility, all services deemed
6 necessary to the juvenile's reentry to normal family life shall be made
7 available to the juvenile as required by chapter 13.32A RCW. In
8 assessing the child and providing these services, the facility staff
9 shall:

10 (a) Interview the juvenile as soon as possible;

11 (b) Contact the juvenile's parents and arrange for a counseling
12 interview with the juvenile and his or her parents as soon as possible;

13 (c) Conduct counseling interviews with the juvenile and his or her
14 parents, to the end that resolution of the child/parent conflict is
15 attained and the child is returned home as soon as possible;

16 (d) Provide additional crisis counseling as needed, to the end that
17 placement of the child in the crisis residential center will be
18 required for the shortest time possible, but not to exceed five
19 consecutive days; and

20 (e) Convene, when appropriate, a multidisciplinary team.

21 (3) Based on the assessments done under subsection (2) of this
22 section the facility staff may refer any child who, as the result of a
23 mental or emotional disorder, or intoxication by alcohol or other
24 drugs, is suicidal, seriously assaultive, or seriously destructive
25 toward others, or otherwise similarly evidences an immediate need for
26 emergency medical evaluation and possible care, for evaluation pursuant
27 to chapter 71.34 RCW, to a mental health professional pursuant to
28 chapter 71.05 RCW, or to a chemical dependency specialist pursuant to
29 chapter 70.96A RCW whenever such action is deemed appropriate and
30 consistent with law.

31 (4) A juvenile taking unauthorized leave from a facility shall be
32 apprehended and returned to it by law enforcement officers or other
33 persons designated as having this authority as provided in RCW
34 13.32A.050. If returned to the facility after having taken
35 unauthorized leave for a period of more than twenty-four hours a
36 juvenile shall be supervised by such a facility for a period, pursuant
37 to this chapter, which, unless where otherwise provided, may not exceed
38 five consecutive days on the premises. Costs of housing juveniles

1 admitted to crisis residential centers shall be assumed by the
2 department or county for a period not to exceed five consecutive days.

3 **Sec. 9.** RCW 74.13.034 and 1995 c 312 s 63 are each amended to read
4 as follows:

5 (1) A child taken into custody and taken to a crisis residential
6 center established pursuant to RCW 74.13.032 may, if the center is
7 unable to provide appropriate treatment, supervision, and structure to
8 the child, be taken at department or county expense to another crisis
9 residential center, the nearest regional secure crisis residential
10 center, or a secure facility with which it is collocated under RCW
11 74.13.032. Placement in both locations shall not exceed five
12 consecutive days from the point of intake as provided in RCW
13 13.32A.130.

14 (2) A child taken into custody and taken to a crisis residential
15 center established by this chapter may be placed physically by the
16 department or county or the department's or county's designee and, at
17 departmental or county expense and approval, in a secure juvenile
18 detention facility operated by the county in which the center is
19 located for a maximum of forty-eight hours, including Saturdays,
20 Sundays, and holidays, if the child has taken unauthorized leave from
21 the center and the person in charge of the center determines that the
22 center cannot provide supervision and structure adequate to ensure that
23 the child will not again take unauthorized leave. Juveniles placed in
24 such a facility pursuant to this section may not, to the extent
25 possible, come in contact with alleged or convicted juvenile or adult
26 offenders.

27 (3) Any child placed in secure detention pursuant to this section
28 shall, during the period of confinement, be provided with appropriate
29 treatment by the department or county or the department's or county's
30 designee, which shall include the services defined in RCW 74.13.033(2).
31 If the child placed in secure detention is not returned home or if an
32 alternative living arrangement agreeable to the parent and the child is
33 not made within twenty-four hours after the child's admission, the
34 child shall be taken at the department's or county's expense to a
35 crisis residential center. Placement in the crisis residential center
36 or centers plus placement in juvenile detention shall not exceed five
37 consecutive days from the point of intake as provided in RCW
38 13.32A.130.

1 (4) Juvenile detention facilities used pursuant to this section
2 shall first be certified by the department to ensure that juveniles
3 placed in the facility pursuant to this section are provided with
4 living conditions suitable to the well-being of the child. Where space
5 is available, juvenile courts, when certified by the department to do
6 so, shall provide secure placement for juveniles pursuant to this
7 section, at department or county expense.

8 **Sec. 10.** RCW 74.13.036 and 1996 c 133 s 37 are each amended to
9 read as follows:

10 (1) The department of social and health services shall oversee
11 implementation of chapter 13.34 RCW and chapter 13.32A RCW. The
12 oversight shall be comprised of working with affected parts of the
13 criminal justice and child care systems as well as with local
14 government, legislative, and executive authorities to effectively carry
15 out these chapters. The department shall work with all such entities
16 to ensure that chapters 13.32A and 13.34 RCW are implemented in a
17 uniform manner throughout the state.

18 (2) The department shall develop a plan and procedures, in
19 cooperation with the state-wide advisory committee, to insure the full
20 implementation of the provisions of chapter 13.32A RCW. Such plan and
21 procedures shall include but are not limited to:

22 (a) Procedures defining and delineating the role of the department
23 and juvenile court with regard to the execution of the child in need of
24 services placement process;

25 (b) Procedures for designating department or county staff
26 responsible for family reconciliation services;

27 (c) Procedures assuring enforcement of contempt proceedings in
28 accordance with RCW 13.32A.170 and 13.32A.250; and

29 (d) Procedures for the continued education of all individuals in
30 the criminal juvenile justice and child care systems who are affected
31 by chapter 13.32A RCW, as well as members of the legislative and
32 executive branches of government.

33 There shall be uniform application of the procedures developed by
34 the department and juvenile court personnel, to the extent practicable.
35 Local and regional differences shall be taken into consideration in the
36 development of procedures required under this subsection.

37 (3) In addition to its other oversight duties, the department
38 shall:

1 (a) Identify and evaluate resource needs in each region of the
2 state;

3 (b) Disseminate information collected as part of the oversight
4 process to affected groups and the general public;

5 (c) Educate affected entities within the juvenile justice and child
6 care systems, local government, and the legislative branch regarding
7 the implementation of chapters 13.32A and 13.34 RCW;

8 (d) Review complaints concerning the services, policies, and
9 procedures of those entities charged with implementing chapters 13.32A
10 and 13.34 RCW; and

11 (e) Report any violations and misunderstandings regarding the
12 implementation of chapters 13.32A and 13.34 RCW.

13 (4) The secretary shall submit a quarterly report to the
14 appropriate local government entities.

15 (5) The department shall provide an annual report to the
16 legislature not later than December 1, indicating the number of times
17 it has declined to accept custody of a child from a law enforcement
18 agency under chapter 13.32A RCW and the number of times it has received
19 a report of a child being released without placement under RCW
20 13.32A.060(1)(c). The report shall include the dates, places, and
21 reasons the department declined to accept custody and the dates and
22 places children are released without placement.

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

24 NEW SECTION. **Sec. 11.** The legislature finds it is often necessary
25 for parents to obtain mental health or chemical dependency treatment
26 for their minor children prior to the time the child's condition
27 presents a likelihood of serious harm or the child becomes gravely
28 disabled. The legislature finds that treatment of such conditions is
29 not the equivalent of incarceration or detention, but is a legitimate
30 act of parental discretion, when supported by decisions of credentialed
31 professionals. The legislature finds that, consistent with *Parham v.*
32 *J.R.*, 442 U.S. 584 (1979), state action is not involved in the
33 determination of a parent and professional person to admit a minor
34 child to treatment and finds this act provides sufficient independent
35 review by the department of social and health services, as a neutral
36 fact-finder, to protect the interests of all parties. The legislature
37 finds it is necessary to provide parents a statutory process, other

1 than the petition process provided in chapters 70.96A and 71.34 RCW, to
2 obtain treatment for their minor children without the consent of the
3 children.

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

18 **PART II-A - MENTAL HEALTH**

19 **Sec. 12.** RCW 71.34.010 and 1992 c 205 s 302 are each amended to
20 read as follows:

21 It is the purpose of this chapter to ~~((ensure))~~ assure that minors
22 in need of mental health care and treatment receive an appropriate
23 continuum of culturally relevant care and treatment, ~~((from))~~ including
24 prevention and early intervention ~~((to))~~, self-directed care, parent-
25 directed care, and involuntary treatment. To facilitate the continuum
26 of care and treatment to minors in out-of-home placements, all
27 divisions of the department that provide mental health services to
28 minors shall jointly plan and deliver those services.

29 It is also the purpose of this chapter to protect the rights of
30 minors against needless hospitalization and deprivations of liberty and
31 to enable treatment decisions to be made in response to clinical needs
32 in accordance with sound professional judgment. The mental health care
33 and treatment providers shall encourage the use of voluntary services
34 and, whenever clinically appropriate, the providers shall offer less
35 restrictive alternatives to inpatient treatment. Additionally, all
36 mental health care and treatment providers shall ~~((ensure))~~ assure that
37 minors' parents are given an opportunity to participate in the

1 treatment decisions for their minor children. The mental health care
2 and treatment providers shall, to the extent possible, offer services
3 that involve minors' parents or family.

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

8 **Sec. 13.** RCW 71.34.020 and 1985 c 354 s 2 are each amended to read
9 as follows:

10 Unless the context clearly requires otherwise, the definitions in
11 this section apply throughout this chapter.

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

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

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

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

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

29 (4) "County-designated mental health professional" means a mental
30 health professional designated by one or more counties to perform the
31 functions of a county-designated mental health professional described
32 in this chapter.

33 (5) "Department" means the department of social and health
34 services.

35 (6) "Evaluation and treatment facility" means a public or private
36 facility or unit that is certified by the department to provide
37 emergency, inpatient, residential, or outpatient mental health
38 evaluation and treatment services for minors. A physically separate

1 and separately-operated portion of a state hospital may be designated
2 as an evaluation and treatment facility for minors. A facility which
3 is part of or operated by the department or federal agency does not
4 require certification. No correctional institution or facility,
5 juvenile court detention facility, or jail may be an evaluation and
6 treatment facility within the meaning of this chapter.

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

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

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

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

25 (11) "Likelihood of serious harm" means either: (a) A substantial
26 risk that physical harm will be inflicted by an individual upon his or
27 her own person, as evidenced by threats or attempts to commit suicide
28 or inflict physical harm on oneself; (b) a substantial risk that
29 physical harm will be inflicted by an individual upon another, as
30 evidenced by behavior which has caused such harm or which places
31 another person or persons in reasonable fear of sustaining such harm;
32 or (c) a substantial risk that physical harm will be inflicted by an
33 individual upon the property of others, as evidenced by behavior which
34 has caused substantial loss or damage to the property of others.

35 (12) "Medical necessity" for inpatient care means a requested
36 service which is reasonably calculated to: (a) Diagnose, correct,
37 cure, or alleviate a mental disorder; or (b) prevent the worsening of
38 mental conditions that endanger life or cause suffering and pain, or
39 result in illness or infirmity or threaten to cause or aggravate a

1 handicap, or cause physical deformity or malfunction, and there is no
2 adequate less restrictive alternative available.

3 (13) "Medically appropriate" means that the condition of a minor
4 admitted to inpatient treatment, under section 23 of this act, has not
5 improved sufficiently to eliminate the medical necessity for the minor
6 to receive inpatient treatment for his or her condition to be released
7 to a less restrictive setting.

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

14 ~~((13))~~ (15) "Mental health professional" means a psychiatrist,
15 psychologist, psychiatric nurse, or social worker, and such other
16 mental health professionals as may be defined by rules adopted by the
17 secretary under this chapter.

18 ~~((14))~~ (16) "Minor" means any person under the age of eighteen
19 years.

20 ~~((15))~~ (17) "Outpatient treatment" means any of the
21 nonresidential services mandated under chapter 71.24 RCW and provided
22 by licensed services providers as identified by RCW 71.24.025(3).

23 ~~((16))~~ (18) "Parent" means:

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

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

29 ~~((17))~~ (19) "Professional person in charge" or "professional
30 person" means a physician or other mental health professional empowered
31 by an evaluation and treatment facility with authority to make
32 admission and discharge decisions on behalf of that facility.

33 ~~((18))~~ (20) "Psychiatric nurse" means a registered nurse who has
34 a bachelor's degree from an accredited college or university, and who
35 has had, in addition, at least two years' experience in the direct
36 treatment of mentally ill or emotionally disturbed persons, such
37 experience gained under the supervision of a mental health
38 professional. "Psychiatric nurse" shall also mean any other registered
39 nurse who has three years of such experience.

1 (~~(19)~~) (21) "Psychiatrist" means a person having a license as a
2 physician in this state who has completed residency training in
3 psychiatry in a program approved by the American Medical Association or
4 the American Osteopathic Association, and is board eligible or board
5 certified in psychiatry.

6 (~~(20)~~) (22) "Psychologist" means a person licensed as a
7 psychologist under chapter 18.83 RCW.

8 (~~(21)~~) (23) "Responsible other" means the minor, the minor's
9 parent or estate, or any other person legally responsible for support
10 of the minor.

11 (~~(22)~~) (24) "Secretary" means the secretary of the department or
12 secretary's designee.

13 (~~(23)~~) (25) "Start of initial detention" means the time of
14 arrival of the minor at the first evaluation and treatment facility
15 offering inpatient treatment if the minor is being involuntarily
16 detained at the time. With regard to voluntary patients, "start of
17 initial detention" means the time at which the minor gives notice of
18 intent to leave under the provisions of this chapter.

19 **Sec. 14.** RCW 71.34.025 and 1995 c 312 s 56 are each amended to
20 read as follows:

21 (1) (~~The admission of any child under RCW 71.34.030 may be~~
22 ~~reviewed by the county-designated mental health professional between~~
23 ~~fifteen and thirty days following admission. The county-designated~~
24 ~~mental health professional may undertake the review on his or her own~~
25 ~~initiative and may seek reimbursement from the parents, their~~
26 ~~insurance, or medicaid for the expense of the review.~~

27 (2) The department shall (~~ensure~~) assure that, for any minor
28 admitted to inpatient treatment under section 23 of this act, a review
29 is conducted by a physician or other mental health professional who is
30 employed by the department, or an agency under contract with the
31 department, and who neither has a financial interest in continued
32 inpatient treatment of the minor nor is affiliated with the facility
33 providing the treatment. The physician or other mental health
34 professional shall conduct the review no sooner than five days and no
35 later than (~~sixty~~) seven days, excluding Saturdays, Sundays, and
36 holidays, following admission to determine whether it is medically
37 appropriate to continue the (~~child's~~) minor's treatment on an
38 inpatient basis. (~~The department may, subject to available funds,~~

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

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

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

22 (2) The department shall, at thirty-day intervals following the
23 review conducted under subsection (1) of this section, conduct three
24 reviews of the treatment status of each minor admitted to inpatient
25 treatment, under section 23 of this act, to determine whether it is
26 medically appropriate to continue the minor's treatment under inpatient
27 status. The reviews shall be conducted by a physician or other mental
28 health professional who is employed by the department, or an agency
29 under contract with the department, and who neither has a financial
30 interest in continued inpatient treatment of the minor nor is
31 affiliated with the facility providing the treatment.

32 (3) In making a determination under subsection (1) or (2) of this
33 section, the department shall consider the opinion of the treatment
34 provider, the safety of the minor, and the likelihood the minor's
35 mental health will deteriorate if released from inpatient treatment.
36 The department shall consult with the parent in advance of making its
37 determination.

38 (4) If, after any review conducted by the department under this
39 section, the department determines it is no longer medically

1 appropriate for a minor to receive inpatient treatment, the department
2 shall immediately notify the parents and the facility. The facility
3 shall release the minor to the parents within twenty-four hours of
4 receiving notice. If the professional person in charge and the parent
5 believe that it is medically appropriate for the minor to remain in
6 inpatient treatment, the minor shall be released to the parent on the
7 second judicial day following the department's determination in order
8 to allow the parent time to file an at-risk youth petition under
9 chapter 13.32A RCW. If the department determines it is medically
10 appropriate for the minor to receive outpatient treatment and the minor
11 declines to obtain such treatment, such refusal shall be grounds for
12 the parent to file an at-risk youth petition.

13 (5) If after the third department review under subsection (2) of
14 this section, the department determines that it is medically
15 appropriate to continue the minor's inpatient treatment, the
16 department, or the department's designee, shall file a petition under
17 RCW 71.34.070 within seven days of the department's determination. For
18 the purposes of this section, it is not necessary to file a petition
19 for initial detention.

20 (6) If the evaluation conducted under section 23 of this act is
21 done by the department, the reviews required by subsections (1) and (2)
22 of this section shall be done by contract with an independent agency.

23 (7) The department may, subject to available funds, contract with
24 other governmental agencies to conduct the reviews under this section.
25 The department may seek reimbursement from the parents, their
26 insurance, or medicaid for the expense of any review conducted by an
27 agency under contract.

28 NEW SECTION. Sec. 15. A new section is added to chapter 71.34 RCW
29 to read as follows:

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

1 applicable to inpatient treatment of minors established by the
2 department.

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

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

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

10 ~~((2) When in the judgment of the professional person in charge of~~
11 ~~an evaluation and treatment facility there is reason to believe that a~~
12 ~~minor is in need of inpatient treatment because of a mental disorder,~~
13 ~~and the facility provides the type of evaluation and treatment needed~~
14 ~~by the minor, and it is not feasible to treat the minor in any less~~
15 ~~restrictive setting or the minor's home, the minor may be admitted to~~
16 ~~an evaluation and treatment facility in accordance with the following~~
17 ~~requirements:~~

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

21 ~~(b) A minor thirteen years or older may, with the concurrence of~~
22 ~~the professional person in charge of an evaluation and treatment~~
23 ~~facility, admit himself or herself without parental consent to the~~
24 ~~evaluation and treatment facility, provided that notice is given by the~~
25 ~~facility to the minor's parent in accordance with the following~~
26 ~~requirements:~~

27 ~~(i) Notice of the minor's admission shall be in the form most~~
28 ~~likely to reach the parent within twenty four hours of the minor's~~
29 ~~voluntary admission and shall advise the parent that the minor has been~~
30 ~~admitted to inpatient treatment; the location and telephone number of~~
31 ~~the facility providing such treatment; and the name of a professional~~
32 ~~person on the staff of the facility providing treatment who is~~
33 ~~designated to discuss the minor's need for inpatient treatment with the~~
34 ~~parent.~~

35 ~~(ii) The minor shall be released to the parent at the parent's~~
36 ~~request for release unless the facility files a petition with the~~
37 ~~superior court of the county in which treatment is being provided~~

1 setting forth the basis for the facility's belief that the minor is in
2 need of inpatient treatment and that release would constitute a threat
3 to the minor's health or safety.

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

6 (iv) The parent may apply to the court for separate counsel to
7 represent the parent if the parent cannot afford counsel.

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

10 (vi) The hearing shall be conducted by a judge, court commissioner,
11 or licensed attorney designated by the superior court as a hearing
12 officer for such hearing. The hearing may be held at the treatment
13 facility.

14 (vii) At such hearing, the facility must demonstrate by a
15 preponderance of the evidence presented at the hearing that the minor
16 is in need of inpatient treatment and that release would constitute a
17 threat to the minor's health or safety. The hearing shall not be
18 conducted using the rules of evidence, and the admission or exclusion
19 of evidence sought to be presented shall be within the exercise of
20 sound discretion by the judicial officer conducting the hearing.

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

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

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

26 (a) Any minor under the age of thirteen must be discharged
27 immediately upon written request of the parent.

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

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

36 (d) The professional person in charge of the evaluation and
37 treatment facility shall discharge the minor, thirteen years or older,
38 from the facility within twenty-four hours after receipt of the minor's
39 notice of intent to leave, unless the county-designated mental health

1 professional or a parent or legal guardian files a petition or an
2 application for initial detention within the time prescribed by this
3 chapter.

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

9 NEW SECTION. **Sec. 17.** For the purpose of gathering information
10 related to parental notification of outpatient mental health treatment
11 of minors, the department of health shall conduct a survey of providers
12 of outpatient treatment, as defined in chapter 71.34 RCW. The survey
13 shall gather information from a statistically valid sample of
14 providers. In accordance with confidentiality statutes and the
15 physician-patient privilege, the survey shall secure information from
16 the providers related to:

- 17 (1) The number of minors receiving outpatient treatment;
18 (2) The number of parents of minors in treatment notified of the
19 minor's treatment;
20 (3) The average number of outpatient visits prior to parental
21 notification;
22 (4) The average number of treatments with parental notification;
23 (5) The average number of treatments without parental notification;
24 (6) The percentage of minors in treatment who are prescribed
25 medication;
26 (7) The medication prescribed;
27 (8) The number of patients terminating treatment due to parental
28 notification; and
29 (9) Any other pertinent information.

30 The department shall submit the survey results to the governor and
31 the appropriate committees of the legislature by December 1, 1998.

32 This section expires June 1, 1999.

33 **PART II-C - VOLUNTARY MENTAL HEALTH INPATIENT TREATMENT**

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

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

6 (2) When, in the judgment of the professional person in charge of
7 an evaluation and treatment facility, there is reason to believe that
8 a minor is in need of inpatient treatment because of a mental disorder,
9 and the facility provides the type of evaluation and treatment needed
10 by the minor, and it is not feasible to treat the minor in any less
11 restrictive setting or the minor's home, the minor may be admitted to
12 an evaluation and treatment facility.

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

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

19 The administrator of the treatment facility shall provide notice to
20 the parents of a minor when the minor is voluntarily admitted to
21 inpatient treatment under section 18 of this act. The notice shall be
22 in the form most likely to reach the parent within twenty-four hours of
23 the minor's voluntary admission and shall advise the parent: (1) That
24 the minor has been admitted to inpatient treatment; (2) of the location
25 and telephone number of the facility providing such treatment; (3) of
26 the name of a professional person on the staff of the facility
27 providing treatment who is designated to discuss the minor's need for
28 inpatient treatment with the parent; and (4) of the medical necessity
29 for admission.

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

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

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

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

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

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

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

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

18 NEW SECTION. Sec. 21. A new section is added to chapter 71.34 RCW
19 to read as follows:

20 (1) Any minor thirteen years or older voluntarily admitted to an
21 evaluation and treatment facility under section 18 of this act may give
22 notice of intent to leave at any time. The notice need not follow any
23 specific form so long as it is written and the intent of the minor can
24 be discerned.

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

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

34 NEW SECTION. Sec. 22. A new section is added to chapter 71.34 RCW
35 to read as follows:

1 Any minor admitted to inpatient treatment under section 18 or 23 of
2 this act shall be discharged immediately from inpatient treatment upon
3 written request of the parent.

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

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

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

11 (2) The consent of the minor is not required for admission,
12 evaluation, and treatment if the parent brings the minor to the
13 facility.

14 (3) An appropriately trained professional person may evaluate
15 whether the minor has a mental disorder. The evaluation shall be
16 completed within twenty-four hours of the time the minor was brought to
17 the facility, unless the professional person determines that the
18 condition of the minor necessitates additional time for evaluation. In
19 no event shall a minor be held longer than seventy-two hours for
20 evaluation without being admitted or released. If, in the judgment of
21 the professional person, it is determined it is a medical necessity for
22 the minor to receive inpatient treatment, the minor may be admitted.
23 Prior to admission, the facility shall limit treatment to that which
24 the professional person determines is medically necessary to stabilize
25 the minor's condition. Within twenty-four hours of the admission, the
26 professional person shall notify the department of the admission.

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

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

32 (6) For the purposes of this section "professional person" does not
33 include a social worker, unless the social worker is certified under
34 RCW 18.19.110 and appropriately trained and qualified by education and
35 experience, as defined by the department, in psychiatric social work.

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

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

8 (6) "Department" means the department of social and health
9 services.

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

15 (8) "Director" means the person administering the chemical
16 dependency program within the department.

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

19 (10) "Drug addiction" means a disease characterized by a dependency
20 on psychoactive chemicals, loss of control over the amount and
21 circumstances of use, symptoms of tolerance, physiological or
22 psychological withdrawal, or both, if use is reduced or discontinued,
23 and impairment of health or disruption of social or economic
24 functioning.

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

27 (12) "Gravely disabled by alcohol or other drugs" means that a
28 person, as a result of the use of alcohol or other drugs: (a) Is in
29 danger of serious physical harm resulting from a failure to provide for
30 his or her essential human needs of health or safety; or (b) manifests
31 severe deterioration in routine functioning evidenced by a repeated and
32 escalating loss of cognition or volitional control over his or her
33 actions and is not receiving care as essential for his or her health or
34 safety.

35 (13) "Incapacitated by alcohol or other psychoactive chemicals"
36 means that a person, as a result of the use of alcohol or other
37 psychoactive chemicals, has his or her judgment so impaired that he or
38 she is incapable of realizing and making a rational decision with
39 respect to his or her need for treatment and presents a likelihood of

1 serious harm to himself or herself, to any other person, or to
2 property.

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

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

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

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

21 (18) "Medical necessity" for inpatient care of a minor means a
22 requested certified inpatient service that is reasonably calculated to:
23 (a) Diagnose, arrest, or alleviate a chemical dependency; or (b)
24 prevent the worsening of chemical dependency conditions that endanger
25 life or cause suffering and pain, or result in illness or infirmity or
26 threaten to cause or aggravate a handicap, or cause physical deformity
27 or malfunction, and there is no adequate less restrictive alternative
28 available.

29 (19) "Medically appropriate" means a minor admitted by his or her
30 parents to inpatient treatment under section 31 of this act has not
31 sufficiently improved his or her condition to be released to a less
32 restrictive setting.

33 (20) "Minor" means a person less than eighteen years of age.

34 (~~(19)~~) (21) "Parent" means the parent or parents who have the
35 legal right to custody of the child. Parent includes custodian or
36 guardian.

37 (~~(20)~~) (22) "Peace officer" means a law enforcement official of
38 a public agency or governmental unit, and includes persons specifically

1 given peace officer powers by any state law, local ordinance, or
2 judicial order of appointment.

3 ~~((21))~~ (23) "Person" means an individual, including a minor.

4 ~~((22))~~ (24) "Professional person in charge" or "professional
5 person" means a physician or chemical dependency counselor as defined
6 in rule by the department, who is empowered by a certified treatment
7 program with authority to make assessment, admission, continuing care,
8 and discharge decisions on behalf of the certified program.

9 (25) "Secretary" means the secretary of the department of social
10 and health services.

11 ~~((23))~~ (26) "Treatment" means the broad range of emergency,
12 detoxification, residential, and outpatient services and care,
13 including diagnostic evaluation, chemical dependency education and
14 counseling, medical, psychiatric, psychological, and social service
15 care, vocational rehabilitation and career counseling, which may be
16 extended to alcoholics and other drug addicts and their families,
17 persons incapacitated by alcohol or other psychoactive chemicals, and
18 intoxicated persons.

19 ~~((24))~~ (27) "Treatment program" means an organization,
20 institution, or corporation, public or private, engaged in the care,
21 treatment, or rehabilitation of alcoholics or other drug addicts.

22 PART II-F - VOLUNTARY CHEMICAL DEPENDENCY OUTPATIENT TREATMENT

23 **Sec. 27.** RCW 70.96A.095 and 1996 c 133 s 34 are each amended to
24 read as follows:

25 ~~((1))~~ Any person thirteen years of age or older may give consent
26 for himself or herself to the furnishing of outpatient treatment by a
27 chemical dependency treatment program certified by the department.
28 ~~((Consent of the parent of a person less than eighteen years of age for~~
29 ~~inpatient treatment is necessary to authorize the care unless the child~~
30 ~~meets the definition of a child in need of services in RCW~~
31 ~~13.32A.030(4)(c), as determined by the department.))~~ Parental
32 authorization is required for any treatment of a minor under the age of
33 thirteen. ~~((The parent of a minor is not liable for payment of care~~
34 ~~for such persons pursuant to this chapter, unless they have joined in~~
35 ~~the consent to the treatment.~~

36 ~~(2) The parent of any minor child may apply to a certified~~
37 ~~treatment program for the admission of his or her minor child for~~

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

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

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

23 Any provider of outpatient treatment who provides outpatient
24 treatment to a minor thirteen years of age or older shall provide
25 notice of the minor's request for treatment to the minor's parents if:
26 (1) The minor signs a written consent authorizing the disclosure; or
27 (2) the treatment program director determines that the minor lacks
28 capacity to make a rational choice regarding consenting to disclosure.
29 The notice shall be made within seven days of the request for
30 treatment, excluding Saturdays, Sundays, and holidays, and shall
31 contain the name, location, and telephone number of the facility
32 providing treatment, and the name of a professional person on the staff
33 of the facility providing treatment who is designated to discuss the
34 minor's need for treatment with the parent.

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

1 NEW SECTION. **Sec. 29.** A new section is added to chapter 70.96A
2 RCW to read as follows:

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

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

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

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

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

19 **PART II-H - PARENT-INITIATED CHEMICAL DEPENDENCY TREATMENT**

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

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

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

30 (3) An appropriately trained professional person may evaluate
31 whether the minor is chemically dependent. The evaluation shall be
32 completed within twenty-four hours of the time the minor was brought to
33 the program, unless the professional person determines that the
34 condition of the minor necessitates additional time for evaluation. In
35 no event shall a minor be held longer than seventy-two hours for
36 evaluation without being admitted or released. If, in the judgment of

1 the professional person, it is determined it is a medical necessity for
2 the minor to receive inpatient treatment, the minor may be admitted.
3 Prior to admission, the facility shall limit treatment to that which
4 the professional person determines is medically necessary to stabilize
5 the minor's condition. Within twenty-four hours of the admission the
6 professional person shall notify the department of the admission.

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

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

12 (6) Any minor admitted to inpatient treatment under this section
13 shall be discharged immediately from inpatient treatment upon written
14 request of the parent.

15 **Sec. 32.** RCW 70.96A.097 and 1995 c 312 s 48 are each amended to
16 read as follows:

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

23 ~~(2))~~ The department shall ensure that, for any minor admitted to
24 inpatient treatment under section 31 of this act, a review is conducted
25 by a physician or chemical dependency counselor, as defined in rule by
26 the department, who is employed by the department or an agency under
27 contract with the department and who neither has a financial interest
28 in continued inpatient treatment of the minor nor is affiliated with
29 the program providing the treatment. The physician or chemical
30 dependency counselor shall conduct the review no sooner than five days
31 and no later than ((sixty)) seven days, excluding Saturdays, Sundays,
32 and holidays, following admission to determine whether it is medically
33 appropriate to continue the ((child's)) minor's treatment on an
34 inpatient basis. ((The department may, subject to available funds,
35 contract with a county for the conduct of the review conducted under
36 this subsection and 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 If the county-designated chemical dependency specialist determines
2 that continued inpatient treatment of the child is no longer medically
3 appropriate, the specialist shall notify the facility, the child, the
4 child's parents, and the department of the finding within twenty-four
5 hours of the determination.

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

18 (2) The department shall, at thirty-day intervals following the
19 review conducted under subsection (1) of this section, conduct reviews
20 of the treatment status of each minor admitted to inpatient treatment,
21 under section 31 of this act, to determine whether it is medically
22 appropriate to continue the minor's treatment under inpatient status.
23 The reviews shall be conducted by a physician or chemical dependency
24 counselor, as defined in rule by the department, who is employed by the
25 department, or an agency under contract with the department, and who
26 neither has a financial interest in continued inpatient treatment of
27 the minor nor is affiliated with the program providing the treatment.

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, after any review conducted by the department under this
35 section, the department determines it is no longer medically
36 appropriate for a minor to receive inpatient treatment, the department
37 shall immediately notify the parents and the professional person in
38 charge. The professional person in charge shall release the minor to
39 the parents within twenty-four hours of receiving notice. If the

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

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

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

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

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

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

27 NEW SECTION. Sec. 34. A new section is added to chapter 70.96A
28 RCW to read as follows:

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

1 applicable to inpatient treatment of minors established by the
2 department.

3 NEW SECTION. **Sec. 35.** It is the purpose of sections 31 and 33 of
4 this act to assure the ability of parents to exercise reasonable,
5 compassionate care and control of their minor children when there is a
6 medical necessity for treatment and without the requirement of filing
7 a petition under chapter 70.96A RCW.

8 NEW SECTION. **Sec. 36.** The department of social and health
9 services shall adopt rules defining "appropriately trained professional
10 person" for the purposes of conducting mental health and chemical
11 dependency evaluations under sections 23(3), 24(1), 31(3), and 33(1) of
12 this act.

13 **PART III - MISCELLANEOUS**

14 NEW SECTION. **Sec. 37.** The legislature finds that an essential
15 component of the children in need of services, dependency, and truancy
16 laws is the use of juvenile detention. As chapter 7.21 RCW is
17 currently written, courts may not order detention time without a
18 criminal charge being filed. It is the intent of the legislature to
19 avoid the bringing of criminal charges against youth who need the
20 guidance of the court rather than its punishment. The legislature
21 further finds that ordering a child placed in detention is a remedial
22 action, not a punitive one. Since the legislature finds that the state
23 is required to provide instruction to children in detention, use of the
24 courts' contempt powers is an effective means for furthering the
25 education and protection of these children. Thus, it is the intent of
26 the legislature to authorize a limited sanction of time in juvenile
27 detention independent of chapter 7.21 RCW for failure to comply with
28 court orders in truancy, child in need of services, at-risk youth, and
29 dependency cases for the sole purpose of providing the courts with the
30 tools necessary to enforce orders in these limited types of cases
31 because other statutory contempt remedies are inadequate.

32 **Sec. 38.** RCW 7.21.030 and 1989 c 373 s 3 are each amended to read
33 as follows:

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

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

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

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

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

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

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

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

31 **Sec. 39.** RCW 13.32A.250 and 1996 c 133 s 28 are each amended to
32 read as follows:

33 (1) In all child in need of services proceedings and at-risk youth
34 proceedings, the court shall verbally notify the parents and the child
35 of the possibility of a finding of contempt for failure to comply with
36 the terms of a court order entered pursuant to this chapter. Except as
37 otherwise provided in this section, the court shall treat the parents

1 and the child equally for the purposes of applying contempt of court
2 processes and penalties under this section.

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

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

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

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

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

25 **Sec. 40.** RCW 13.34.165 and 1996 c 133 s 29 are each amended to
26 read as follows:

27 (1) Failure by a party to comply with an order entered under this
28 chapter is civil contempt of court as provided in (~~chapter 7.21~~) RCW
29 7.21.030(2)(e).

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

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

36 (4) A motion for contempt may be made by a parent, juvenile court
37 personnel, or by any public agency, organization, or person having

1 custody of the child under a court order entered pursuant to this
2 chapter.

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

11 **Sec. 41.** RCW 28A.225.090 and 1997 c 68 s 2 are each amended to
12 read as follows:

13 (1) A court may order a child subject to a petition under RCW
14 28A.225.035 to:

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

16 (b) If there is space available and the program can provide
17 educational services appropriate for the child, order the child to
18 attend another public school, an alternative education program, center,
19 a skill center, dropout prevention program, or another public
20 educational program;

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

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

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

5 (2) If the child fails to comply with the court order, the court
6 may order the child to be punished by detention, as provided in RCW
7 7.21.030(2)(e), or may impose alternatives to detention such as
8 community service. Failure by a child to comply with an order issued
9 under this subsection shall not be punishable by detention for a period
10 greater than that permitted pursuant to a civil contempt proceeding
11 against a child under chapter 13.32A RCW.

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

26 NEW SECTION. **Sec. 42.** The legislature finds that predatory
27 individuals, such as drug dealers, sexual marauders, and panderers,
28 provide shelter to at-risk youth as a means of preying upon them. The
29 legislature further finds that at-risk youth are vulnerable to the
30 influence of these individuals. Thus, the legislature finds that it is
31 important to the safety of Washington's youth that they be prevented
32 from coming in contact with these predatory individuals. The
33 legislature further finds that locating runaway children is the first
34 step to preventing individuals from preying on these youth and to
35 achieving family reconciliation. Therefore, the legislature intends to
36 use punitive measures to create a clear disincentive for predatory
37 individuals intending to take advantage of at-risk youth. The
38 legislature further intends that all persons be required to report the

1 location of a runaway minor, but that those individuals who fail to
2 make such a report because they wish to have the minor remain unlocated
3 as a means of preying upon them be punished for their failure to report
4 the child's location.

5 **Sec. 43.** RCW 13.32A.080 and 1994 sp.s. c 7 s 507 are each amended
6 to read as follows:

7 (1)(a) A person commits the crime of unlawful harboring of a minor
8 if the person provides shelter to a minor without the consent of a
9 parent of the minor and after the person knows that the minor is away
10 from the home of the parent, without the parent's permission, and if
11 the person intentionally:

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

14 (ii) Fails to disclose the location of the minor to a law
15 enforcement officer after being requested to do so by the officer, if
16 the person knows the location of the minor and had either taken the
17 minor to that location or had assisted the minor in reaching that
18 location; or

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

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

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

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

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

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

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

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

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

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

1 (c) Complicity of the adult in the crime of a minor, under RCW
2 9A.08.020.

3 **Sec. 44.** RCW 13.32A.082 and 1996 c 133 s 14 are each amended to
4 read as follows:

5 (1) Any person who, without legal authorization, provides shelter
6 to a minor and who knows at the time of providing the shelter that the
7 minor is away from the parent's home, or other lawfully prescribed
8 residence, without the permission of the parent, shall promptly report
9 the location of the child to the parent, the law enforcement agency of
10 the jurisdiction in which the person lives, or the department. The
11 report may be made by telephone or any other reasonable means.

12 (2) Unless the context clearly requires otherwise, the definitions
13 in this subsection apply throughout this section.

14 (a) "Shelter" means the person's home or any structure over which
15 the person has any control.

16 (b) "Promptly report" means to report within eight hours after the
17 person has knowledge that the minor is away from home without parental
18 permission.

19 (3) When the department receives a report under subsection (1) of
20 this section, it shall make a good faith attempt to notify the parent
21 that a report has been received and offer services designed to resolve
22 the conflict and accomplish a reunification of the family.

23 (4) A person who violates subsection (1) of this section with the
24 intent to contribute to the delinquency of a minor or the involvement
25 of a minor in a sex offense as defined in RCW 9.94A.030 is guilty of a
26 misdemeanor.

27 NEW SECTION. **Sec. 45.** Part headings used in this act do not
28 constitute any part of the law.

29 NEW SECTION. **Sec. 46.** This act may be known and cited as "the
30 Becca act of 1998."

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