
SENATE BILL 5578

State of Washington

55th Legislature

1997 Regular Session

By Senators Long, Hargrove and Winsley; by request of Department of Social and Health Services

Read first time 01/31/97. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to technical clarifying changes to the family
2 reconciliation act; and amending RCW 13.32A.030, 13.32A.050,
3 13.32A.060, 13.32A.130, 13.32A.140, 13.32A.160, 13.32A.179, 13.32A.192,
4 and 74.13.037.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (8) "Department" means the department of social and health
32 services.

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

37 (10) "Guardian" means that person or agency that (a) has been
38 appointed as the guardian of a child in a legal proceeding other than
39 a proceeding under chapter 13.34 RCW, and (b) has the right to legal

1 custody of the child pursuant to such appointment. The term "guardian"
2 does not include a "dependency guardian" appointed pursuant to a
3 proceeding under chapter 13.34 RCW.

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

17 (12) "Out-of-home placement" means a placement in a foster family
18 home or group care facility licensed pursuant to chapter 74.15 RCW or
19 placement in a home, other than that of the child's parent, guardian,
20 or legal custodian, not required to be licensed pursuant to chapter
21 74.15 RCW.

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

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

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

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

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

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

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

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

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

22 (d) If a law enforcement agency has been notified by the juvenile
23 court that the court finds probable cause exists to believe that the
24 child has violated a court placement order issued pursuant to chapter
25 13.32A or 13.34 RCW or that the court has issued an order for law
26 enforcement pick-up of the child under this chapter or chapter 13.34
27 RCW.

28 (2) Law enforcement custody shall not extend beyond the amount of
29 time reasonably necessary to transport the child to a destination
30 authorized by law and to place the child at that destination. Law
31 enforcement custody continues until the law enforcement officer
32 transfers custody to a person, agency, or other authorized entity under
33 this chapter, or releases the child because no placement is available.
34 Transfer of custody is not complete unless the person, agency, or
35 entity to whom the child is released agrees to accept custody.

36 (3) If a law enforcement officer takes a child into custody
37 pursuant to either subsection (1)(a) or (b) of this section and
38 transports the child to a crisis residential center, the officer shall,

1 within twenty-four hours of delivering the child to the center, provide
2 to the center a written report detailing the reasons the officer took
3 the child into custody. The center shall provide the department with
4 a copy of the officer's report.

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

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

13 (6) If a law enforcement officer receives a report that causes the
14 officer to have reasonable suspicion that a child is being harbored
15 under RCW 13.32A.080 or for other reasons has a reasonable suspicion
16 that a child is being harbored under RCW 13.32A.080, the officer shall
17 remove the child from the custody of the person harboring the child and
18 shall transport the child to one of the locations specified in RCW
19 13.32A.060.

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

22 **Sec. 3.** RCW 13.32A.060 and 1996 c 133 s 11 are each amended to
23 read as follows:

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

27 (a) Transport the child to his or her home or to a parent at his or
28 her place of employment, if no parent is at home. The parent may
29 request that the officer take the child to the home of an adult
30 extended family member, responsible adult, crisis residential center,
31 the department, or a licensed youth shelter. In responding to the
32 request of the parent, the officer shall take the child to a requested
33 place which, in the officer's belief, is within a reasonable distance
34 of the parent's home. The officer releasing a child into the custody
35 of a parent, an adult extended family member, responsible adult, or a
36 licensed youth shelter shall inform the person receiving the child of
37 the reason for taking the child into custody and inform all parties of

1 the nature and location of appropriate services available in the
2 community; or

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

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

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

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

15 (c) After attempting to notify the parent, if a crisis residential
16 center is full, not available, or not located within a reasonable
17 distance, the officer may release the child to an adult extended family
18 member, a responsible adult, or a licensed youth shelter. Whenever the
19 officer releases the child to the custody of an adult extended family
20 member, responsible adult, or a licensed youth shelter, the officer
21 must attempt to notify the parent. The officer may also request the
22 department to accept custody of the child. If the department
23 determines that an appropriate placement is currently available, the
24 department shall accept custody and place the child in an out-of-home
25 placement. Upon accepting custody of a child from the officer, the
26 department may place the child in an out-of-home placement for up to
27 seventy-two hours, excluding Saturdays, Sundays, and holidays, without
28 filing a child in need of services petition under this chapter,
29 obtaining parental consent, or obtaining an order for placement under
30 chapter 13.34 RCW. Upon transferring a child to the department's
31 custody, the officer shall provide written documentation of the reasons
32 and the statutory basis for taking the child into custody. If the
33 department declines to accept custody of the child, the officer may
34 release the child after attempting to take the child to the following,
35 in the order listed: The home of an adult extended family member; a
36 responsible adult; a licensed youth shelter and shall immediately
37 notify the department if no placement option is available and the child
38 is released.

1 (2) An officer taking a child into custody under RCW 13.32A.050(1)
2 (c) or (d) shall inform the child of the reason for custody. An
3 officer taking a child into custody under RCW 13.32A.050(1)(c) may
4 release the child to the supervising agency, or shall take the child to
5 a designated crisis residential center's secure facility. If the
6 secure facility is not available, not located within a reasonable
7 distance, or full, the officer shall take the child to a semi-secure
8 crisis residential center. An officer taking a child into custody
9 under RCW 13.32A.050(1)(d) may place the child in a juvenile detention
10 facility as provided in RCW 13.32A.065 or a secure facility, except
11 that the child shall be taken to detention whenever the officer has
12 been notified that a juvenile court has entered a detention order under
13 this chapter or chapter 13.34 RCW.

14 (3) Whenever an officer transfers custody of a child to a crisis
15 residential center or the department, the child may reside in the
16 crisis residential center or may be placed by the department in an out-
17 of-home placement for an aggregate total period of time not to exceed
18 seventy-two hours excluding Saturdays, Sundays, and holidays.
19 Thereafter, the child may continue in out-of-home placement only if the
20 parents have consented, a child in need of services petition has been
21 filed under this chapter, or an order for placement has been entered
22 under chapter 13.34 RCW.

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

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

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

37 (2)(a)(i) The facility administrator shall determine within twenty-
38 four hours after a child's admission to a secure facility whether the

1 child is likely to remain in a semi-secure facility and may transfer
2 the child to a semi-secure facility or release the child to the
3 department. The determination shall be based on: (A) The need for
4 continued assessment, protection, and treatment of the child in a
5 secure facility; and (B) the likelihood the child would remain at a
6 semi-secure facility until his or her parents can take the child home
7 or a petition can be filed under this title.

8 (ii) In making the determination the administrator shall consider
9 the following information if known: (A) The child's age and maturity;
10 (B) the child's condition upon arrival at the center; (C) the
11 circumstances that led to the child's being taken to the center; (D)
12 whether the child's behavior endangers the health, safety, or welfare
13 of the child or any other person; (E) the child's history of running
14 away which has endangered the health, safety, and welfare of the child;
15 and (F) the child's willingness to cooperate in the assessment.

16 (b) If the administrator of a secure facility determines the child
17 is unlikely to remain in a semi-secure facility, the administrator
18 shall keep the child in the secure facility pursuant to this chapter
19 and in order to provide for space for the child may transfer another
20 child who has been in the facility for at least seventy-two hours to a
21 semi-secure facility. The administrator shall only make a transfer of
22 a child after determining that the child who may be transferred is
23 likely to remain at the semi-secure facility.

24 (c) A crisis residential center administrator is authorized to
25 transfer a child to a crisis residential center in the area where the
26 child's parents reside or where the child's lawfully prescribed
27 residence is located.

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

33 (3) If no parent is available or willing to remove the child during
34 the ~~((five-day period))~~ first seventy-two hours following admission,
35 the department shall consider the filing of a petition under RCW
36 13.32A.140.

37 ~~((The requirements of this section shall not apply to a child
38 who is:—(a) Returned to the home of his or her parent; (b) placed in
39 a semi-secure facility within a crisis residential center pursuant to~~

1 a temporary out of home placement order authorized under RCW
2 13.32A.125; (c) placed in an out of home placement; or (d) the subject
3 of an at-risk youth petition.

4 (~~5~~)) Notwithstanding the provisions of subsection (1) of this
5 section, the parents may remove the child at any time during the five-
6 day period unless the staff of the crisis residential center has
7 reasonable cause to believe that the child is absent from the home
8 because he or she is abused or neglected or if allegations of abuse or
9 neglect have been made against the parents. The department or any
10 agency legally charged with the supervision of a child may remove a
11 child from a crisis residential center at any time after the first
12 twenty-four-hour period after admission has elapsed and only after full
13 consideration by all parties of the factors in subsection (2)(a) of
14 this section.

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

32 (~~(7)~~) (6) At no time shall information regarding a parent's or
33 child's rights be withheld. The department shall develop and
34 distribute to all law enforcement agencies and to each crisis
35 residential center administrator a written statement delineating the
36 services and rights. Every officer taking a child into custody shall
37 provide the child and his or her parent(s) or responsible adult with
38 whom the child is placed with a copy of the statement. In addition,

1 the administrator of the facility or his or her designee shall provide
2 every resident and parent with a copy of the statement.

3 ~~((+8+))~~ (7) A crisis residential center and its administrator or
4 his or her designee acting in good faith in carrying out the provisions
5 of this section are immune from criminal or civil liability for such
6 actions.

7 **Sec. 5.** RCW 13.32A.140 and 1996 c 133 s 19 are each amended to
8 read as follows:

9 Unless the department files a dependency petition, the department
10 shall file a child in need of services petition to approve an out-of-
11 home placement on behalf of a child under any of the following sets of
12 circumstances:

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

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

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

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

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

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

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

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

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

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

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

35 (3) An agreement between parent and child made pursuant to RCW
36 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer
37 acceptable to parent or child, and:

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

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

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

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

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

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

12 Under the circumstances of subsections (1), (2), or (3) of this
13 section, the child shall remain in an out-of-home placement until a
14 child in need of services petition filed by the department on behalf of
15 the child is reviewed by the juvenile court and is resolved by the
16 court. The department may authorize emergency medical or dental care
17 for a child admitted to a crisis residential center or placed in an
18 out-of-home placement by the department. The state, when the
19 department files a child in need of services petition under this
20 section, shall be represented as provided for in RCW 13.04.093.

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

23 (1) When a proper child in need of services petition to approve an
24 out-of-home placement is filed under RCW 13.32A.120, 13.32A.140, or
25 13.32A.150 the juvenile court shall: (a)(i) Schedule a fact-finding
26 hearing to be held: (A) For a child who ~~((is))~~ resides in a ~~((center~~
27 ~~or a child who is not residing at home, nor in an out-of-home~~
28 ~~placement))~~ place other than his or her parent's home and other than an
29 out-of-home placement, within five calendar days unless the last
30 calendar day is a Saturday, Sunday, or holiday, in which case the
31 hearing shall be held on the preceding judicial day; or (B) for ~~((any~~
32 ~~other))~~ a child living at home or in an out-of-home placement, within
33 ten days; and (ii) notify the parent, child, and the department of such
34 date; (b) notify the parent of the right to be represented by counsel
35 and, if indigent, to have counsel appointed for him or her by the
36 court; (c) appoint legal counsel for the child; (d) inform the child
37 and his or her parent of the legal consequences of the court approving
38 or disapproving a child in need of services petition; (e) notify the

1 parents of their rights under this chapter and chapters 11.88, 13.34,
2 70.96A, and 71.34 RCW, including the right to file an at-risk youth
3 petition, the right to submit an application for admission of their
4 child to a treatment facility for alcohol, chemical dependency, or
5 mental health treatment, and the right to file a guardianship petition;
6 and (f) notify all parties, including the department, of their right to
7 present evidence at the fact-finding hearing.

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

15 (3) If the child has been placed in a foster family home or group
16 care facility under chapter 74.15 RCW, the child shall remain there, or
17 in any other suitable residence as determined by the department,
18 pending resolution of the petition by the court. Any placement may be
19 reviewed by the court within three judicial days upon the request of
20 the juvenile or the juvenile's parent.

21 **Sec. 7.** RCW 13.32A.179 and 1996 c 133 s 24 are each amended to
22 read as follows:

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

27 (2) At the conclusion of the disposition hearing, the court may:
28 (a) Reunite the family and dismiss the petition; (b) approve an at-risk
29 youth petition filed by the parents and dismiss the child in need of
30 services petition; (c) approve an out-of-home placement requested in
31 the child in need of services petition by the parents; (d) order an
32 out-of-home placement at the request of the child or the department not
33 to exceed ninety days; or (e) order the department to review the matter
34 for purposes of filing a dependency petition under chapter 13.34 RCW.
35 Whether or not the court approves or orders an out-of-home placement,
36 the court may also order any conditions of supervision as set forth in
37 RCW 13.32A.196(2).

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

16 (4) The court may order the department to submit a dispositional
17 plan if such a plan would assist the court in ordering a suitable
18 disposition in the case. The plan, if ordered, shall address (~~only~~
19 ~~the needs of the child and shall not address the perceived needs of the~~
20 ~~parents, unless the order was entered under subsection (2)(d) of this~~
21 ~~section or specifically agreed to by the parents~~) the needs of the
22 family with emphasis on the needs of the child. If the court orders
23 the department to prepare a plan, the department shall provide copies
24 of the plan to the parent, the child, and the court. If the parties or
25 the court desire the department to be involved in any future
26 proceedings or case plan development, the department shall be provided
27 with timely notification of all court hearings.

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

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

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

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

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

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

8 **Sec. 8.** RCW 13.32A.192 and 1996 c 133 s 26 are each amended to
9 read as follows:

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

12 (a)(i) Schedule a fact-finding hearing to be held: (A) For a child
13 who ~~((is))~~ resides in a ~~((center or a child who is not residing at~~
14 ~~home, nor in an out-of-home placement))~~ place other than his or her
15 parent's home and other than an out-of-home placement, within five
16 calendar days unless the last calendar day is a Saturday, Sunday, or
17 holiday, in which case the hearing shall be held on the preceding
18 judicial day; or (B) for ~~((any other))~~ a child living at home or in an
19 out-of-home placement, within ten days; and (ii) notify the parent and
20 the child of such date;

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

23 (c) Appoint legal counsel for the child;

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

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

28 (2) Unless out-of-home placement of the child is otherwise
29 authorized or required by law, the child shall reside in the home of
30 his or her parent or in an out-of-home placement requested by the
31 parent or child and approved by the parent.

32 (3) If upon sworn written or oral declaration of the petitioning
33 parent, the court has reason to believe that a child has willfully and
34 knowingly violated a court order issued pursuant to subsection (2) of
35 this section, the court may issue an order directing law enforcement to
36 take the child into custody and place the child in a juvenile detention
37 facility or in a secure facility within a crisis residential center.

1 If the child is placed in detention, a review shall be held as provided
2 in RCW 13.32A.065.

3 (4) If both a child in need of services petition and an at-risk
4 youth petition have been filed with regard to the same child, the
5 petitions and proceedings shall be consolidated as an at-risk youth
6 petition. Pending a fact-finding hearing regarding the petition, the
7 child may be placed in the parent's home or in an out-of-home placement
8 if not already placed in a temporary out-of-home placement pursuant to
9 a child in need of services petition. The child or the parent may
10 request a review of the child's placement including a review of any
11 court order requiring the child to reside in the parent's home.

12 **Sec. 9.** RCW 74.13.037 and 1996 c 133 s 39 are each amended to read
13 as follows:

14 Within available funds appropriated for this purpose, the
15 department shall establish, by contracts with private vendors,
16 transitional living programs for ((dependent)) youth who are being
17 assisted by the department in being emancipated as part of their
18 permanency plan under chapter 13.34 RCW. These programs shall be
19 licensed under rules adopted by the department.

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