
ENGROSSED SECOND SUBSTITUTE SENATE BILL 6445

State of Washington

55th Legislature

1998 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Long, Hargrove, Haugen, Zarelli, McAuliffe, Franklin and Winsley)

Read first time 02/10/98.

1 AN ACT Relating to the placement of children under the jurisdiction
2 of the department of social and health services; amending RCW
3 72.05.020, 74.15.020, and 28A.600.475; reenacting and amending RCW
4 13.50.010; adding new sections to chapter 72.05 RCW; adding a new
5 section to chapter 74.15 RCW; adding a new section to chapter 13.40
6 RCW; creating new sections; and providing an effective date.

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

8 NEW SECTION. **Sec. 1.** It is the intent of the legislature to:

9 (1) Enhance public safety and maximize the rehabilitative potential
10 of juvenile offenders through modifications to licensed community
11 residential placements for juveniles;

12 (2) Ensure community support for community facilities by enabling
13 community participation in decisions involving these facilities and
14 assuring the safety of communities in which community facilities for
15 juvenile offenders are located; and

16 (3) Improve public safety by strengthening the safeguards in
17 placement, oversight, and monitoring of the juvenile offenders placed
18 in the community, and by establishing minimum standards for operation
19 of licensed residential community facilities. The legislature finds

1 that community support and participation is vital to the success of
2 community programming.

3 **Sec. 2.** RCW 72.05.020 and 1979 c 141 s 178 are each amended to
4 read as follows:

5 As used in this chapter, unless the context requires otherwise:

6 (1) "Community facility" means a group care facility operated for
7 the care of juveniles committed to the department under RCW 13.40.185.

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

10 (3) "Juvenile" means a person under the age of twenty-one who has
11 been sentenced to a term of confinement under the supervision of the
12 department under RCW 13.40.185.

13 (4) "Service provider" means the entity that operates a community
14 facility.

15 **Sec. 3.** RCW 74.15.020 and 1997 c 245 s 7 are each amended to read
16 as follows:

17 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless
18 otherwise clearly indicated by the context thereof, the following terms
19 shall mean:

20 (1) "Department" means the state department of social and health
21 services;

22 (2) "Secretary" means the secretary of social and health services;

23 (3) "Agency" means any person, firm, partnership, association,
24 corporation, or facility which receives children, expectant mothers, or
25 persons with developmental disabilities for control, care, or
26 maintenance outside their own homes, or which places, arranges the
27 placement of, or assists in the placement of children, expectant
28 mothers, or persons with developmental disabilities for foster care or
29 placement of children for adoption, and shall include the following
30 irrespective of whether there is compensation to the agency or to the
31 children, expectant mothers or persons with developmental disabilities
32 for services rendered:

33 (a) "Group-care facility" means an agency, other than a foster-
34 family home, which is maintained and operated for the care of a group
35 of children on a twenty-four hour basis;

36 (b) "Child-placing agency" means an agency which places a child or
37 children for temporary care, continued care, or for adoption;

1 (c) "Maternity service" means an agency which provides or arranges
2 for care or services to expectant mothers, before or during
3 confinement, or which provides care as needed to mothers and their
4 infants after confinement;

5 (d) "Child day-care center" means an agency which regularly
6 provides care for a group of children for periods of less than twenty-
7 four hours;

8 (e) "Family day-care provider" means a child day-care provider who
9 regularly provides child day care for not more than twelve children in
10 the provider's home in the family living quarters;

11 (f) "Foster-family home" means an agency which regularly provides
12 care on a twenty-four hour basis to one or more children, expectant
13 mothers, or persons with developmental disabilities in the family abode
14 of the person or persons under whose direct care and supervision the
15 child, expectant mother, or person with a developmental disability is
16 placed;

17 (g) "Crisis residential center" means an agency which is a
18 temporary protective residential facility operated to perform the
19 duties specified in chapter 13.32A RCW, in the manner provided in RCW
20 74.13.032 through 74.13.036;

21 (h) "Community facility" means a group care facility operated for
22 the care of juveniles committed to the department under RCW 13.40.185;

23 (i) "Service provider" means the entity that operates a community
24 facility.

25 (4) "Agency" shall not include the following:

26 (a) Persons related to the child, expectant mother, or person with
27 developmental disability in the following ways:

28 (i) Any blood relative, including those of half-blood, and
29 including first cousins, nephews or nieces, and persons of preceding
30 generations as denoted by prefixes of grand, great, or great-great;

31 (ii) Stepfather, stepmother, stepbrother, and stepsister;

32 (iii) A person who legally adopts a child or the child's parent as
33 well as the natural and other legally adopted children of such persons,
34 and other relatives of the adoptive parents in accordance with state
35 law;

36 (iv) Spouses of any persons named in (i), (ii), or (iii) of this
37 subsection (4)(a), even after the marriage is terminated; or

38 (v) Extended family members, as defined by the law or custom of the
39 Indian child's tribe or, in the absence of such law or custom, a person

1 who has reached the age of eighteen and who is the Indian child's
2 grandparent, aunt or uncle, brother or sister, brother-in-law or
3 sister-in-law, niece or nephew, first or second cousin, or stepparent
4 who provides care in the family abode on a twenty-four-hour basis to an
5 Indian child as defined in 25 U.S.C. Sec. 1903(4);

6 (b) Persons who are legal guardians of the child, expectant mother,
7 or persons with developmental disabilities;

8 (c) Persons who care for a neighbor's or friend's child or
9 children, with or without compensation, where: (i) The person
10 providing care for periods of less than twenty-four hours does not
11 conduct such activity on an ongoing, regularly scheduled basis for the
12 purpose of engaging in business, which includes, but is not limited to,
13 advertising such care; or (ii) the parent and person providing care on
14 a twenty-four-hour basis have agreed to the placement in writing and
15 the state is not providing any payment for the care;

16 (d) Parents on a mutually cooperative basis exchange care of one
17 another's children;

18 (e) A person, partnership, corporation, or other entity that
19 provides placement or similar services to exchange students or
20 international student exchange visitors or persons who have the care of
21 an exchange student in their home;

22 (f) Nursery schools or kindergartens which are engaged primarily in
23 educational work with preschool children and in which no child is
24 enrolled on a regular basis for more than four hours per day;

25 (g) Schools, including boarding schools, which are engaged
26 primarily in education, operate on a definite school year schedule,
27 follow a stated academic curriculum, accept only school-age children
28 and do not accept custody of children;

29 (h) Seasonal camps of three months' or less duration engaged
30 primarily in recreational or educational activities;

31 (i) Hospitals licensed pursuant to chapter 70.41 RCW when
32 performing functions defined in chapter 70.41 RCW, nursing homes
33 licensed under chapter 18.51 RCW and boarding homes licensed under
34 chapter 18.20 RCW;

35 (j) Licensed physicians or lawyers;

36 (k) Facilities providing care to children for periods of less than
37 twenty-four hours whose parents remain on the premises to participate
38 in activities other than employment;

39 (l) Facilities approved and certified under chapter 71A.22 RCW;

1 (m) Any agency having been in operation in this state ten years
2 prior to June 8, 1967, and not seeking or accepting moneys or
3 assistance from any state or federal agency, and is supported in part
4 by an endowment or trust fund;

5 (n) Persons who have a child in their home for purposes of
6 adoption, if the child was placed in such home by a licensed child-
7 placing agency, an authorized public or tribal agency or court or if a
8 replacement report has been filed under chapter 26.33 RCW and the
9 placement has been approved by the court;

10 (o) An agency operated by any unit of local, state, or federal
11 government or an agency, located within the boundaries of a federally
12 recognized Indian reservation, licensed by the Indian tribe;

13 (p) An agency located on a federal military reservation, except
14 where the military authorities request that such agency be subject to
15 the licensing requirements of this chapter.

16 (5) "Requirement" means any rule, regulation, or standard of care
17 to be maintained by an agency.

18 (6) "Probationary license" means a license issued as a disciplinary
19 measure to an agency that has previously been issued a full license but
20 is out of compliance with licensing standards.

21 (7) "Juvenile" means a person under the age of twenty-one who has
22 been sentenced to a term of confinement under the supervision of the
23 department under RCW 13.40.185.

24 **Sec. 4.** RCW 13.50.010 and 1997 c 386 s 21 and 1997 c 338 s 39 are
25 each reenacted and amended to read as follows:

26 (1) For purposes of this chapter:

27 (a) "Juvenile justice or care agency" means any of the following:
28 Police, diversion units, court, prosecuting attorney, defense attorney,
29 detention center, attorney general, the legislative children's
30 oversight committee, the office of family and children's ombudsman, the
31 department of social and health services and its contracting agencies,
32 schools; ~~((and, in addition,))~~ persons or public or private agencies
33 having children committed to their custody; and any placement oversight
34 committee created under section 9 of this act;

35 (b) "Official juvenile court file" means the legal file of the
36 juvenile court containing the petition or information, motions,
37 memorandums, briefs, findings of the court, and court orders;

1 (c) "Social file" means the juvenile court file containing the
2 records and reports of the probation counselor;

3 (d) "Records" means the official juvenile court file, the social
4 file, and records of any other juvenile justice or care agency in the
5 case.

6 (2) Each petition or information filed with the court may include
7 only one juvenile and each petition or information shall be filed under
8 a separate docket number. The social file shall be filed separately
9 from the official juvenile court file.

10 (3) It is the duty of any juvenile justice or care agency to
11 maintain accurate records. To this end:

12 (a) The agency may never knowingly record inaccurate information.
13 Any information in records maintained by the department of social and
14 health services relating to a petition filed pursuant to chapter 13.34
15 RCW that is found by the court(~~(, upon proof presented,)~~) to be false
16 or inaccurate shall be corrected or expunged from such records by the
17 agency;

18 (b) An agency shall take reasonable steps to assure the security of
19 its records and prevent tampering with them; and

20 (c) An agency shall make reasonable efforts to insure the
21 completeness of its records, including action taken by other agencies
22 with respect to matters in its files.

23 (4) Each juvenile justice or care agency shall implement procedures
24 consistent with the provisions of this chapter to facilitate inquiries
25 concerning records.

26 (5) Any person who has reasonable cause to believe information
27 concerning that person is included in the records of a juvenile justice
28 or care agency and who has been denied access to those records by the
29 agency may make a motion to the court for an order authorizing that
30 person to inspect the juvenile justice or care agency record concerning
31 that person. The court shall grant the motion to examine records
32 unless it finds that in the interests of justice or in the best
33 interests of the juvenile the records or parts of them should remain
34 confidential.

35 (6) A juvenile, or his or her parents, or any person who has
36 reasonable cause to believe information concerning that person is
37 included in the records of a juvenile justice or care agency may make
38 a motion to the court challenging the accuracy of any information
39 concerning the moving party in the record or challenging the continued

1 possession of the record by the agency. If the court grants the
2 motion, it shall order the record or information to be corrected or
3 destroyed.

4 (7) The person making a motion under subsection (5) or (6) of this
5 section shall give reasonable notice of the motion to all parties to
6 the original action and to any agency whose records will be affected by
7 the motion.

8 (8) The court may permit inspection of records by, or release of
9 information to, any clinic, hospital, or agency which has the subject
10 person under care or treatment. The court may also permit inspection
11 by or release to individuals or agencies, including juvenile justice
12 advisory committees of county law and justice councils, engaged in
13 legitimate research for educational, scientific, or public purposes.
14 The court may also permit inspection of, or release of information
15 from, records which have been sealed pursuant to RCW 13.50.050(11).
16 The court shall release to the sentencing guidelines commission records
17 needed for its research and data-gathering functions under RCW
18 9.94A.040 and other statutes. Access to records or information for
19 research purposes shall be permitted only if the anonymity of all
20 persons mentioned in the records or information will be preserved.
21 Each person granted permission to inspect juvenile justice or care
22 agency records for research purposes shall present a notarized
23 statement to the court stating that the names of juveniles and parents
24 will remain confidential.

25 (9) Juvenile detention facilities shall release records to the
26 sentencing guidelines commission under RCW 9.94A.040 upon request. The
27 commission shall not disclose the names of any juveniles or parents
28 mentioned in the records without the named individual's written
29 permission.

30 (10) Requirements in this chapter relating to the court's authority
31 to compel disclosure shall not apply to the legislative children's
32 oversight committee or the office of the family and children's
33 ombudsman.

34 NEW SECTION. **Sec. 5.** A new section is added to chapter 72.05 RCW
35 to read as follows:

36 (1) Whenever the department operates, or the secretary enters a
37 contract to operate, a community facility, the community facility may

1 be operated only after the public notification and opportunities for
2 review and comment as required by this section.

3 (2) The secretary shall establish a process for early and
4 continuous public participation in establishing or relocating community
5 facilities. The process shall include, at a minimum, public meetings
6 in the local communities affected, as well as opportunities for written
7 and oral comments, in the following manner:

8 (a) If there are more than three sites initially selected as
9 potential locations and the selection process by the secretary or a
10 service provider reduces the number of possible sites for a community
11 facility to no fewer than three, the secretary or the chief operating
12 officer of the service provider shall notify the public of the possible
13 siting and hold at least two public hearings in each community where a
14 community facility may be sited.

15 (b) When the secretary or service provider has determined the
16 community facility's location, the secretary or the chief operating
17 officer of the service provider shall hold at least one additional
18 public hearing in the community where the community facility will be
19 sited.

20 (c) When the secretary has entered negotiations with a service
21 provider and only one site is under consideration, then at least two
22 public hearings shall be held.

23 (d) To provide adequate notice of, and opportunity for interested
24 persons to comment on, a proposed location, the secretary or the chief
25 operating officer of the service provider shall provide at least
26 fourteen days advance notice of the meeting to all newspapers of
27 general circulation in the community, all radio and television stations
28 generally available to persons in the community, any school district in
29 which the community facility would be sited or whose boundary is within
30 two miles of a proposed community facility, any library district in
31 which the community facility would be sited, local business or
32 fraternal organizations that request notification from the secretary or
33 agency, and any person or property owner within a one-half mile radius
34 of the proposed community facility. Before initiating this process,
35 the department shall contact local government planning agencies in the
36 communities containing the proposed community facility. The department
37 shall coordinate with local government agencies to ensure that
38 opportunities are provided for effective citizen input and to reduce
39 the duplication of notice and meetings.

1 (3) The secretary shall not issue a license to any service provider
2 until the service provider submits proof that the requirements of this
3 section have been met.

4 (4) This section shall apply only to community facilities sited
5 after the effective date of this act.

6 NEW SECTION. **Sec. 6.** A new section is added to chapter 72.05 RCW
7 to read as follows:

8 The department shall adopt an infraction policy for juveniles
9 placed in community facilities. The policy shall require written
10 documentation by the department and service providers of all
11 infractions and violations by juveniles of conditions set by the
12 department. Any juvenile who commits a serious infraction or a serious
13 violation of conditions set by the department shall be returned to an
14 institution. The secretary shall not return a juvenile to a community
15 facility until a new risk assessment has been completed and the
16 secretary reasonably believes that the juvenile can adhere to the
17 conditions set by the department. The department shall define the
18 terms "serious infraction" and "serious violation" in rule and shall
19 include but not necessarily limited to the commission of any criminal
20 offense, any unlawful use or possession of a controlled substance, and
21 any use or possession of an alcoholic beverage.

22 NEW SECTION. **Sec. 7.** A new section is added to chapter 74.15 RCW
23 to read as follows:

24 Whenever the secretary contracts with a service provider to operate
25 a community facility, the contract shall include a requirement that
26 each service provider must report to the department any known
27 infraction or violation of conditions committed by any juvenile under
28 its supervision. The report must be made immediately upon learning of
29 serious infractions or violations and within twenty-four hours for
30 other infractions or violations.

31 The secretary shall adopt rules to implement and enforce the
32 provisions of this section. The rules shall contain a schedule of
33 monetary penalties not to exceed the total compensation set forth in
34 the contract, and include provisions that allow the secretary to
35 terminate all contracts with a service provider that has violations of
36 this section and the rules adopted under this section.

1 The secretary shall document in writing all violations of this
2 section and the rules adopted under this section, penalties, actions by
3 the department to remove juveniles from a community facility, and
4 contract terminations. The department shall give great weight to a
5 service provider's record of violations, penalties, actions by the
6 department to remove juveniles from a community facility, and contract
7 terminations in determining to execute, renew, or renegotiate a
8 contract with a service provider.

9 NEW SECTION. **Sec. 8.** A new section is added to chapter 72.05 RCW
10 to read as follows:

11 (1) The department shall publish and operate a staffed, toll-free
12 twenty-four-hour hotline for the purpose of receiving reports of
13 violation of conditions set for juveniles who are placed in community
14 facilities.

15 (2) The department shall include the phone number on all documents
16 distributed to the juvenile and the juvenile's employer, school,
17 parents, and treatment providers.

18 (3) The department shall include the phone number in every contract
19 it executes with any service provider after the effective date of this
20 act.

21 NEW SECTION. **Sec. 9.** A new section is added to chapter 72.05 RCW
22 to read as follows:

23 (1) Whenever the department operates, or the secretary enters a
24 contract to operate, a community facility, the community facility must
25 be operated in accordance with the requirements of this section.

26 (2) The secretary, or the chief operating officer of a service
27 provider, shall hold a public hearing to inform each community of the
28 opportunity to establish a community placement oversight committee.
29 The secretary shall attend the hearing and shall assist any community
30 that decides to establish such a committee.

31 (3) If created, the committee shall include, at a minimum, four
32 persons residing within a one-mile radius of the community facility,
33 representatives of local law enforcement, and representatives of the
34 school district in which the offenders residing at the community
35 facility are likely to be enrolled.

36 (4) The committee may review and make recommendations regarding the
37 placement of any juvenile who the secretary proposes to place in the

1 community facility. If the secretary places any juvenile against the
2 recommendation of a community placement oversight committee, the
3 secretary must annually report such placements and the reasons for not
4 following the committee's recommendation to the appropriate legislative
5 committees.

6 (5) The secretary shall provide the committee with the name and all
7 relevant records of any juvenile offender who the secretary proposes
8 for placement in the community facility. The records shall include
9 previous placements in a community facility and all infractions and
10 violations of the conditions set by the department. The information
11 shall be in writing and provided at least ten days in advance of the
12 date of the intended placement.

13 (6) Members of the committee shall sign and adhere to a
14 confidentiality agreement that protects the juveniles from disclosure
15 of information deemed confidential by law.

16 (7) The committee, if one exists, shall review and act on the
17 proposed placement no later than five business days after receiving the
18 information required by subsection (5) of this section. If the
19 committee recommends against a proposed placement it shall notify the
20 secretary immediately, in the most expedient manner possible, and shall
21 provide the secretary written notice of its decision within two
22 business days of its decision.

23 (8) The committee shall consider whether a juvenile who is proposed
24 for residence in a community facility is likely to adhere to conditions
25 of placement, commit offenses while in placement, continue in
26 appropriate treatment, or present a serious threat to other community
27 facility residents or staff, and may consider other relevant conditions
28 which bear on the likelihood the juvenile will succeed in making a
29 transition to nonoffender status.

30 (9) The committee, its members, and any agency represented by a
31 member, shall not be liable in any cause of action as a result of its
32 decision in regard to a proposed placement of a juvenile unless the
33 committee acts with gross negligence or bad faith in making a placement
34 decision.

35 (10) Members of the committee shall be reimbursed for travel
36 expenses as provided in RCW 43.03.050 and 43.03.060.

37 (11) Except as provided in RCW 13.40.215, at least seventy-two
38 hours prior to placing a juvenile in a community facility the secretary
39 shall provide to the chief law enforcement officer of the jurisdiction

1 in which the community facility is sited: (a) The name of the
2 juvenile; (b) the juvenile's criminal history; and (c) such other
3 relevant and disclosable information the law enforcement officer may
4 request.

5 NEW SECTION. **Sec. 10.** A new section is added to chapter 72.05 RCW
6 to read as follows:

7 (1) The department shall not initially place an offender in a
8 community facility unless:

9 (a) The department has conducted a risk assessment, including a
10 determination of drug and alcohol abuse, and the results indicate the
11 juvenile will pose not more than a minimum risk to public safety; and

12 (b) The offender has spent at least ten percent of his or her
13 sentence, but in no event less than thirty days, in a secure
14 institution operated by, or under contract with, the department.

15 The risk assessment must include consideration of all prior
16 convictions and all available nonconviction data released upon request
17 under RCW 10.97.050, and any serious infractions or serious violations
18 while under the jurisdiction of the secretary or the courts.

19 (2) No juvenile offender may be placed in a community facility
20 until the juvenile's student records and information have been received
21 and the department has reviewed them in conjunction with all other
22 information used for risk assessment, security classification, and
23 placement of the juvenile.

24 (3) A juvenile offender shall not be placed in a community facility
25 until the department's risk assessment and security classification is
26 complete, local law enforcement has been properly notified, and the
27 community placement oversight committee, if one exists, has reviewed
28 and acted on the placement.

29 **Sec. 11.** RCW 28A.600.475 and 1992 c 205 s 120 are each amended to
30 read as follows:

31 School districts may participate in the exchange of information
32 with law enforcement and juvenile court officials to the extent
33 permitted by the family educational and privacy rights act of 1974, 20
34 U.S.C. Sec. 1232g. When directed by court order or pursuant to any
35 lawfully issued subpoena, a school district shall make student records
36 and information available to law enforcement officials, probation
37 officers, court personnel, and others legally entitled to the

1 information. Except as provided in section 12 of this act, parents and
2 students shall be notified by the school district of all such orders or
3 subpoenas in advance of compliance with them.

4 NEW SECTION. Sec. 12. A new section is added to chapter 13.40 RCW
5 to read as follows:

6 Pursuant to RCW 28A.600.475, and to the extent permitted by the
7 family educational and privacy rights act of 1974, 20 U.S.C. Sec.
8 1232g(b), and in order to serve the juvenile while in detention and to
9 prepare any postconviction services, schools shall make all student
10 records and information necessary for risk assessment, security
11 classification, and placement available to court personnel and the
12 department within three working days of a request under this section.

13 When a juvenile has one or more prior convictions, a request for
14 records shall be made by the county prosecuting attorney, or probation
15 department if available, to the school not more than ten days following
16 the juvenile's arrest or detention, whichever occurs later, and prior
17 to trial. The request may be made by subpoena.

18 Where a juvenile has no prior conviction, a request to release
19 records shall be made by subpoena upon the juvenile's conviction. When
20 the request for a juvenile's student records and information is made by
21 subpoena following conviction, the court or other issuing agency shall
22 order the school on which the subpoena is served not to disclose to any
23 person the existence or contents of the subpoena or any information
24 furnished in response to the subpoena. When the court or issuing
25 agency so orders, the school shall not provide notice to the juvenile
26 or his or her parents.

27 NEW SECTION. Sec. 13. A new section is added to chapter 72.05 RCW
28 to read as follows:

29 (1) The department shall establish by rule, in consultation with
30 the office of the superintendent of public instruction, those student
31 records and information necessary to conduct a risk assessment, make a
32 security classification, and ensure proper placement. Those records
33 shall include at least:

34 (a) Any history of placement in special education programs;

35 (b) Any past, current, or pending disciplinary action;

36 (c) Any history of violent, aggressive, or disruptive behavior, or
37 gang membership, or behavior listed in RCW 13.04.155;

1 (d) Any use of weapons that is illegal or in violation of school
2 policy;

3 (e) Any history of truancy;

4 (f) Any drug or alcohol abuse;

5 (g) Any health conditions affecting the juvenile's placement needs;
6 and

7 (h) Any other relevant information.

8 (2) For purposes of this section "gang" has the meaning defined in
9 RCW 28A.225.225.

10 NEW SECTION. Sec. 14. A new section is added to chapter 72.05 RCW
11 to read as follows:

12 (1) Whenever the department operates, or the secretary enters a
13 contract to operate, a community facility, the placement and
14 supervision of juveniles must be accomplished in accordance with this
15 section.

16 (2) The secretary shall require that any juvenile placed in a
17 community facility and who is employed or assigned as a volunteer be
18 subject to monitoring for compliance with requirements for attendance
19 at his or her job or assignment. The monitoring requirements shall be
20 included in a written agreement between the employer or supervisor, the
21 secretary or chief operating officer of the contracting agency, and the
22 juvenile. The requirements shall include, at a minimum, the following:

23 (a) Acknowledgment of the juvenile's offender status;

24 (b) The name, address, and telephone number of the community
25 facility at which the juvenile resides;

26 (c) The twenty-four-hour telephone number required under section 8
27 of this act;

28 (d) The name and work telephone number of all persons responsible
29 for the supervision of the juvenile;

30 (e) A prohibition on the juvenile's departure from the work or
31 volunteer site without prior approval of the person in charge of the
32 community facility;

33 (f) A prohibition on personal telephone calls except to the
34 community facility;

35 (g) A prohibition on receiving compensation in any form other than
36 a negotiable instrument;

37 (h) A requirement that rest breaks during work hours be taken only
38 in those areas at the location which are designated for such breaks;

1 (i) A prohibition on visits from persons not approved in advance by
2 the person in charge of the community facility;

3 (j) A requirement that any unexcused absence, tardiness, or
4 departure by the juvenile be reported immediately upon discovery to the
5 person in charge of the community facility;

6 (k) A requirement that any notice from the juvenile that he or she
7 will not report to the work or volunteer site be verified as legitimate
8 by contacting the person in charge of the community facility; and

9 (l) An agreement that the community facility will conduct and
10 document random visits to determine compliance by the juvenile with the
11 terms of this section.

12 (3) The secretary shall require that any juvenile placed in a
13 community facility and who is enrolled in a public or private school be
14 subject to monitoring for compliance with requirements for attendance
15 at his or her school. The monitoring requirements shall be included in
16 a written agreement between the school district or appropriate
17 administrative officer, the secretary or chief operating officer of the
18 contracting agency, and the juvenile. The requirements shall include,
19 at a minimum, the following:

20 (a) Acknowledgment of the juvenile's offender status;

21 (b) The name, address, and telephone number of the community
22 facility at which the juvenile resides;

23 (c) The twenty-four-hour telephone number required under section 8
24 of this act;

25 (d) The name and work telephone number of at least two persons at
26 the school to contact if issues arise concerning the juvenile's
27 compliance with the terms of his or her attendance at school;

28 (e) A prohibition on the juvenile's departure from the school
29 without prior approval of the appropriate person at the school;

30 (f) A prohibition on personal telephone calls except to the
31 community facility;

32 (g) A requirement that the juvenile remain on school grounds except
33 for authorized and supervised school activities;

34 (h) A prohibition on visits from persons not approved in advance by
35 the person in charge of the community facility;

36 (i) A requirement that any unexcused absence or departure by the
37 juvenile be reported immediately upon discovery to the person in charge
38 of the community facility;

1 (j) A requirement that any notice from the juvenile that he or she
2 will not attend school be verified as legitimate by contacting the
3 person in charge of the community facility; and

4 (k) An agreement that the community facility will conduct and
5 document random visits to determine compliance by the juvenile with the
6 terms of this section.

7 (4) The secretary shall require that when any juvenile placed in a
8 community facility is employed, assigned as a volunteer, or enrolled in
9 a public or private school:

10 (a) Program staff members shall make and document periodic and
11 random accountability checks while the juvenile is at the school or
12 work facility;

13 (b) A program counselor assigned to the juvenile shall contact the
14 juvenile's employer, teacher, or school counselor regularly to discuss
15 school or job performance-related issues.

16 (5) The department shall maintain a copy of all agreements executed
17 under this section. The department shall also provide each affected
18 juvenile with a copy of every agreement to which he or she is a party.
19 The service provider shall maintain a copy of every agreement it
20 executes under this section.

21 NEW SECTION. **Sec. 15.** A new section is added to chapter 72.05 RCW
22 to read as follows:

23 (1) The department shall establish by rule a policy for the common
24 use of residential group homes for juvenile offenders under the
25 jurisdiction of the juvenile rehabilitation administration and the
26 children's administration.

27 (2) A juvenile under the jurisdiction of the juvenile
28 rehabilitation administration who is convicted of a class A felony is
29 not eligible for placement in a community facility operated by
30 children's administration that houses juveniles who are not under the
31 jurisdiction of juvenile rehabilitation administration.

32 NEW SECTION. **Sec. 16.** A new section is added to chapter 72.05 RCW
33 to read as follows:

34 (1) A person shall not be eligible for an employed or volunteer
35 position within the juvenile rehabilitation administration or any
36 agency with which it contracts in which the person may have regular
37 access to juveniles under the jurisdiction of the department of social

1 and health services or the department of corrections if the person has
2 been convicted of one or more of the following:

3 (a) Any felony sex offense;

4 (b) Any violent offense, as defined in RCW 9.94A.030.

5 (2) Subsection (1) of this section applies only to persons hired by
6 the department or any of its contracting agencies after the effective
7 date of this act.

8 (3) Any person employed by the juvenile rehabilitation
9 administration, or by any contracting agency, who may have regular
10 access to juveniles under the jurisdiction of the department or the
11 department of corrections and who is convicted of an offense set forth
12 in this section after the effective date of this act, shall report the
13 conviction to his or her supervisor. The report must be made within
14 seven days of conviction. Failure to report within seven days of
15 conviction constitutes misconduct under Title 50 RCW.

16 (4) For purposes of this section "may have regular access to
17 juveniles" means access for more than a nominal amount of time.

18 (5) The department shall adopt rules to implement this section.

19 NEW SECTION. **Sec. 17.** (1) The Washington state institute for
20 public policy shall conduct a special study of the contracts,
21 operations, and monitoring of community residential facilities that
22 house juvenile offenders who are under the jurisdiction of the
23 department's juvenile rehabilitation administration.

24 (2) The institute must consult with nearby residents, local
25 sheriffs and police chiefs, courts, probation departments, schools, and
26 employers in the community in which the community residential facility
27 is located.

28 (3) The institute shall investigate and report on at least the
29 following issues:

30 (a) Community residential security, staffing, and operation:

31 (i) Are the facilities physically secured with door locks, alarms,
32 video monitors, and other security features so that staff are
33 immediately aware of any unauthorized exits or unauthorized visitors?
34 Which homes are not?

35 (ii) What legal barriers exist, if any, that prevent equipping
36 community residential facilities with locks, alarms, video monitors,
37 and other equipment that would make the facilities more physically
38 secure?

1 (iii) How much would it cost to equip community residential
2 facilities with security equipment?

3 (iv) For each facility describe:

4 (A) The staffing level by shift;

5 (B) The times, if any, in which offenders are either locked inside
6 secure rooms or locked inside the facility;

7 (C) What constitutes an escape;

8 (D) How much time must elapse before an unauthorized absence
9 becomes an escape;

10 (E) The escape reporting procedure;

11 (F) Who may visit the offender and at what hours;

12 (G) What is the screening process used to authorize visitors;

13 (H) What controls exist to monitor and regulate persons who visit
14 the facilities; and

15 (I) Whether offenders share bedrooms.

16 (v) Describe the monitoring level by the juvenile rehabilitation
17 administration and specifically address the following:

18 (A) How often does the juvenile rehabilitation staff visit the
19 community residential facilities?

20 (B) How many of these visits are random, unannounced, or conducted
21 at night and on weekends and holidays?

22 (C) What does the juvenile rehabilitation staff person investigate
23 when conducting these visits?

24 (D) How often does the juvenile rehabilitation staff contact
25 neighbors, schools, employers, and law enforcement to determine whether
26 juvenile offenders in the community residential facilities are
27 disruptive or that staff is responsive to community concerns?

28 (b) Offender intake and assessment procedures:

29 (i) Identify procedural and financial barriers to sharing
30 information about juvenile offenders in community residential
31 facilities between the juvenile rehabilitation administration, schools,
32 courts, law enforcement, other department of social and health
33 services' programs including the division of children and family
34 services and the division of alcohol and substance abuse, and the
35 public.

36 (ii) What authority does the state have to remove the barriers?

37 (iii) Identify what entity is responsible for collecting risk
38 assessment data. Describe the process and if it varies in different
39 counties.

1 (iv) What types and sources of data are being collected
2 inconsistently?

3 (v) What types and sources of data are being used inconsistently in
4 performing risk assessments?

5 (vi) What safeguards exist to ensure that assessments are being
6 made with complete information?

7 (c) Violations or infractions committed by juvenile offenders in
8 community residential facilities:

9 (i) How many violations, by type and seriousness level, have
10 occurred or have been reported about juvenile offenders residing in
11 community residential facilities during fiscal year 1997?

12 (ii) What appeals process, if any, exists that governs an
13 offender's appeal from a finding that the offender committed an
14 infraction?

15 (4) The institute shall recommend changes to existing laws,
16 procedures, and practices governing community residential facilities to
17 increase public safety, community residential facility security,
18 protection of juvenile offenders housed in community residential
19 facilities, and community comment and participation in siting
20 facilities and placement of offenders. The institute shall also
21 identify costs associated with implementing recommended changes.

22 (5) An initial status report of the progress of the study shall be
23 presented to the senate human services and corrections committee and
24 the house criminal justice and corrections committee no later than
25 September 1, 1998. The institute shall present a final report to those
26 committees no later than December 1, 1998.

27 NEW SECTION. **Sec. 18.** The code reviser shall alphabetize the
28 definitions in RCW 13.50.010 and 74.15.020 and correct any references.

29 NEW SECTION. **Sec. 19.** This act takes effect September 1, 1998.

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