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HOUSE BILL 2372

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State of Washington

56th Legislature

2000 Regular Session

By Representatives Kagi, D. Sommers, Carrell, Cody, Edwards, Kenney, Wolfe, Lovick and Schual-Berke

Read first time 01/11/2000. Referred to Committee on Children & Family Services.

1 AN ACT Relating to detention of children in secure facilities; and  
2 amending RCW 13.32A.060, 13.32A.065, and 13.32A.130.

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

4 **Sec. 1.** RCW 13.32A.060 and 1997 c 146 s 3 are each amended to read  
5 as follows:

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

9 (a) Transport the child to his or her home or to a parent at his or  
10 her place of employment, if no parent is at home. The parent may  
11 request that the officer take the child to the home of an adult  
12 extended family member, responsible adult, crisis residential center,  
13 the department, or a licensed youth shelter. In responding to the  
14 request of the parent, the officer shall take the child to a requested  
15 place which, in the officer's belief, is within a reasonable distance  
16 of the parent's home. The officer releasing a child into the custody  
17 of a parent, an adult extended family member, responsible adult, or a  
18 licensed youth shelter shall inform the person receiving the child of  
19 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 request the department to accept custody of  
18 the child. If the department determines that an appropriate placement  
19 is currently available, the department shall accept custody and place  
20 the child in an out-of-home placement. Upon accepting custody of a  
21 child from the officer, the department may place the child in an out-  
22 of-home placement for up to seventy-two hours, excluding Saturdays,  
23 Sundays, and holidays, without filing a child in need of services  
24 petition under this chapter, obtaining parental consent, or obtaining  
25 an order for placement under chapter 13.34 RCW. Upon transferring a  
26 child to the department's custody, the officer shall provide written  
27 documentation of the reasons and the statutory basis for taking the  
28 child into custody. If the department declines to accept custody of  
29 the child, the officer may release the child after attempting to take  
30 the child to the following, in the order listed: The home of an adult  
31 extended family member; a responsible adult; a licensed youth shelter  
32 and shall immediately notify the department if no placement option is  
33 available and the child is released.

34 (2) An officer taking a child into custody under RCW 13.32A.050(1)  
35 (c) or (d) shall inform the child of the reason for custody. An  
36 officer taking a child into custody under RCW 13.32A.050(1)(c) may  
37 release the child to the supervising agency, or shall take the child to  
38 a designated crisis residential center's secure facility. If the  
39 secure facility is not available, not located within a reasonable

1 distance, or full, the officer shall take the child to a semi-secure  
2 crisis residential center. An officer taking a child into custody  
3 under RCW 13.32A.050(1)(d) may place the child in a juvenile detention  
4 facility as provided in RCW 13.32A.065 or a secure facility, except  
5 that the child shall be taken to detention or to a secure facility  
6 within a crisis residential center whenever the officer has been  
7 notified that a juvenile court has entered ((a-detention)) an order  
8 directing such placement under this chapter or chapter 13.34 RCW.

9 (3) Whenever an officer transfers custody of a child to a crisis  
10 residential center or the department, the child may reside in the  
11 crisis residential center or may be placed by the department in an out-  
12 of-home placement for an aggregate total period of time not to exceed  
13 seventy-two hours excluding Saturdays, Sundays, and holidays, except  
14 that a child placed in a secure facility within a crisis residential  
15 center under a court order entered under RCW 13.32A.250 must remain in  
16 the secure facility as provided in RCW 13.32A.065. Thereafter, the  
17 child may continue in out-of-home placement only if the parents have  
18 consented, a child in need of services petition has been filed under  
19 this chapter, or an order for placement has been entered under chapter  
20 13.34 RCW.

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

26 **Sec. 2.** RCW 13.32A.065 and 1996 c 133 s 12 are each amended to  
27 read as follows:

28 (1) A child may be placed in detention or a secure facility within  
29 a crisis residential center after being taken into custody pursuant to  
30 RCW 13.32A.050(1)(d). The court shall hold a ((detention)) review  
31 hearing within twenty-four hours, excluding Saturdays, Sundays, and  
32 holidays. The court shall release the child after twenty-four hours,  
33 excluding Saturdays, Sundays, and holidays, unless:

34 (a) A motion and order to show why the child should not be held in  
35 contempt has been filed and served on the child at or before the  
36 detention hearing; and

37 (b) The court believes that the child would not appear at a hearing  
38 on contempt.

1 (2) If the court (~~orders the child to remain in detention~~) finds  
2 that the conditions in subsection (1)(a) and (b) of this section have  
3 been met, the court may order the child to remain confined either in  
4 detention or in a secure facility within a crisis residential center  
5 and shall set the matter for a hearing on contempt within seventy-two  
6 hours, excluding Saturdays, Sundays, and holidays.

7 **Sec. 3.** RCW 13.32A.130 and 1997 c 146 s 4 are each amended to read  
8 as follows:

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

16 (2)(a)(i) The facility administrator shall determine within twenty-  
17 four hours after a child's admission to a secure facility whether the  
18 child is likely to remain in a semi-secure facility and may transfer  
19 the child to a semi-secure facility or release the child to the  
20 department. The determination shall be based on: (A) The need for  
21 continued assessment, protection, and treatment of the child in a  
22 secure facility; and (B) the likelihood the child would remain at a  
23 semi-secure facility until his or her parents can take the child home  
24 or a petition can be filed under this title.

25 (ii) In making the determination the administrator shall consider  
26 the following information if known: (A) The child's age and maturity;  
27 (B) the child's condition upon arrival at the center; (C) the  
28 circumstances that led to the child's being taken to the center; (D)  
29 whether the child's behavior endangers the health, safety, or welfare  
30 of the child or any other person; (E) the child's history of running  
31 away which has endangered the health, safety, and welfare of the child;  
32 and (F) the child's willingness to cooperate in the assessment.

33 (b) If the administrator of a secure facility determines the child  
34 is unlikely to remain in a semi-secure facility, the administrator  
35 shall keep the child in the secure facility pursuant to this chapter  
36 and in order to provide for space for the child may transfer another  
37 child who has been in the facility for at least seventy-two hours to a  
38 semi-secure facility. The administrator shall only make a transfer of

1 a child after determining that the child who may be transferred is  
2 likely to remain at the semi-secure facility.

3 (c) A crisis residential center administrator is authorized to  
4 transfer a child to a crisis residential center in the area where the  
5 child's parents reside or where the child's lawfully prescribed  
6 residence is located.

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

12 (3) If no parent is available or willing to remove the child during  
13 the first seventy-two hours following admission, the department shall  
14 consider the filing of a petition under RCW 13.32A.140.

15 (4) Notwithstanding the provisions of subsection (1) of this  
16 section, the parents may remove the child at any time during the five-  
17 day period unless the staff of the crisis residential center has  
18 reasonable cause to believe that the child is absent from the home  
19 because he or she is abused or neglected or if allegations of abuse or  
20 neglect have been made against the parents. The department or any  
21 agency legally charged with the supervision of a child may remove a  
22 child from a crisis residential center at any time after the first  
23 twenty-four-hour period after admission has elapsed and only after full  
24 consideration by all parties of the factors in subsection (2)(a) of  
25 this section.

26 (5) Crisis residential center staff shall make reasonable efforts  
27 to protect the child and achieve a reconciliation of the family. If a  
28 reconciliation and voluntary return of the child has not been achieved  
29 within forty-eight hours from the time of intake, and if the  
30 administrator of the center does not consider it likely that  
31 reconciliation will be achieved within the five-day period, then the  
32 administrator shall inform the parent and child of: (a) The  
33 availability of counseling services; (b) the right to file a child in  
34 need of services petition for an out-of-home placement, the right of a  
35 parent to file an at-risk youth petition, and the right of the parent  
36 and child to obtain assistance in filing the petition; (c) the right to  
37 request the facility administrator or his or her designee to form a  
38 multidisciplinary team; (d) the right to request a review of any out-  
39 of-home placement; (e) the right to request a mental health or chemical

1 dependency evaluation by a county-designated professional or a private  
2 treatment facility; and (f) the right to request treatment in a program  
3 to address the child's at-risk behavior under RCW 13.32A.197.

4 (6) At no time shall information regarding a parent's or child's  
5 rights be withheld. The department shall develop and distribute to all  
6 law enforcement agencies and to each crisis residential center  
7 administrator a written statement delineating the services and rights.  
8 Every officer taking a child into custody shall provide the child and  
9 his or her parent(s) or responsible adult with whom the child is placed  
10 with a copy of the statement. In addition, the administrator of the  
11 facility or his or her designee shall provide every resident and parent  
12 with a copy of the statement.

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

16 (8) This section does not apply to children admitted to a secure  
17 facility within a crisis residential center by a court order issued  
18 under RCW 13.32A.250(3) or 28A.225.090(2).

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