
SUBSTITUTE HOUSE BILL 2439

State of Washington

56th Legislature

2000 Regular Session

By House Committee on Children & Family Services (originally sponsored by Representatives Tokuda, Kagi, D. Sommers, Lovick, Kessler, Regala, Kenney, Cooper, Ogden, Eickmeyer, Murray, Schual-Berke, Stensen, Edmonds, Santos, Lantz, Wood and Benson)

Read first time 02/02/2000. Referred to Committee on .

1 AN ACT Relating to family reconciliation services; amending RCW
2 13.32A.030, 13.32A.040, 13.32A.042, 13.32A.044, 13.32A.120, 13.32A.130,
3 13.32A.140, 13.32A.150, 13.32A.152, 13.32A.160, 13.32A.170, 13.32A.179,
4 13.32A.190, 28A.225.035, and 28A.225.090; adding new sections to
5 chapter 13.32A RCW; repealing RCW 13.32A.191, 13.32A.192, 13.32A.194,
6 13.32A.196, 13.32A.197, 13.32A.198, 13.32A.205, and 13.32A.250; and
7 prescribing penalties.

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

9 **Sec. 1.** RCW 13.32A.030 and 1997 c 146 s 1 are each amended to read
10 as follows:

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

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

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

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

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

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

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

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

9 ~~(a) Who is beyond the control of his or her parent such that the~~
10 ~~child's behavior endangers the health, safety, or welfare of the child~~
11 ~~or other person;~~

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

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

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

19 ~~(c)(i) Who is in need of necessary services, including food,~~
20 ~~shelter, health care, clothing, educational, or services designed to~~
21 ~~maintain or reunite the family;~~

22 ~~(ii) Who lacks access, or has declined, to utilize these services;~~
23 ~~and~~

24 ~~(iii) Whose parents have evidenced continuing but unsuccessful~~
25 ~~efforts to maintain the family structure or are unable or unwilling to~~
26 ~~continue efforts to maintain the family structure.~~

27 ~~(5) "Child in need of services petition" means a petition filed in~~
28 ~~juvenile court by a parent, child, or the department seeking~~
29 ~~adjudication of placement of the child.~~

30 ~~(6)) (3) "Crisis residential center" means a secure or semi-secure~~
31 ~~facility established pursuant to chapter 74.13 RCW.~~

32 ~~((7)) (4) "Custodian" means the person or entity who has the~~
33 ~~legal right to the custody of the child.~~

34 ~~((8)) (5) "Department" means the department of social and health~~
35 ~~services.~~

36 ~~((9)) (6) "Extended family member" means an adult who is a~~
37 ~~grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or~~
38 ~~first cousin with whom the child has a relationship and is comfortable,~~
39 ~~and who is willing and available to care for the child.~~

1 (~~(10)~~) (7) "Guardian" means that person or agency that (a) has
2 been appointed as the guardian of a child in a legal proceeding other
3 than a proceeding under chapter 13.34 RCW, and (b) has the right to
4 legal custody of the child pursuant to such appointment. The term
5 "guardian" does not include a "dependency guardian" appointed pursuant
6 to a proceeding under chapter 13.34 RCW.

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

21 (~~(12)~~) (9) "Out-of-home placement" means a placement in a foster
22 family home or group care facility licensed pursuant to chapter 74.15
23 RCW or placement in a home, other than that of the child's parent,
24 guardian, or legal custodian, not required to be licensed pursuant to
25 chapter 74.15 RCW.

26 (~~(13)~~) (10) "Parent" means the parent or parents who have the
27 legal right to custody of the child. "Parent" includes custodian or
28 guardian.

29 (~~(14)~~) (11) "Secure facility" means a crisis residential center,
30 or portion thereof, that has locking doors, locking windows, or a
31 secured perimeter, designed and operated to prevent a child from
32 leaving without permission of the facility staff.

33 (~~(15)~~) (12) "Semi-secure facility" means any facility, including
34 but not limited to crisis residential centers or specialized foster
35 family homes, operated in a manner to reasonably assure that youth
36 placed there will not run away. Pursuant to rules established by the
37 department, the facility administrator shall establish reasonable hours
38 for residents to come and go from the facility such that no residents
39 are free to come and go at all hours of the day and night. To prevent

1 residents from taking unreasonable actions, the facility administrator,
2 where appropriate, may condition a resident's leaving the facility upon
3 the resident being accompanied by the administrator or the
4 administrator's designee and the resident may be required to notify the
5 administrator or the administrator's designee of any intent to leave,
6 his or her intended destination, and the probable time of his or her
7 return to the center.

8 ~~((16))~~ (13) "Staff secure facility" means a structured group care
9 facility licensed under rules adopted by the department with a ratio of
10 at least one adult staff member to every two children.

11 ~~((17))~~ (14) "Temporary out-of-home placement" means an out-of-
12 home placement of not more than fourteen days ordered by the court at
13 a fact-finding hearing on ~~((a child in need of services))~~ an at-risk
14 youth petition.

15 **Sec. 2.** RCW 13.32A.040 and 1995 c 312 s 5 are each amended to read
16 as follows:

17 Families who are in conflict or who ~~((are experiencing problems~~
18 ~~with at risk youth or a child who may be in need of))~~ receive services
19 under this chapter may request family reconciliation services from the
20 department. The department may involve a local multidisciplinary team
21 in its response in determining the services to be provided and in
22 providing those services. Such services shall be provided to alleviate
23 personal or family situations which present a serious and imminent
24 threat to the health or stability of the child or family and to
25 maintain families intact wherever possible. Family reconciliation
26 services shall be designed to develop skills and supports within
27 families to resolve problems related to ~~((at-risk youth,))~~ children
28 ~~((in need of services,))~~ or family conflicts and may include but are
29 not limited to referral to services for suicide prevention, psychiatric
30 or other medical care, or psychological, mental health, drug or alcohol
31 treatment, welfare, legal, educational, or other social services, as
32 appropriate to the needs of the child and the family. Family
33 reconciliation services may also include training in parenting,
34 conflict management, and dispute resolution skills.

35 **Sec. 3.** RCW 13.32A.042 and 1995 c 312 s 13 are each amended to
36 read as follows:

1 (1)(a) The administrator of a crisis residential center may convene
2 a multidisciplinary team, which is to be locally based and
3 administered, at the request of a child placed at the center or the
4 child's parent.

5 (b) If the administrator has reasonable cause to believe that a
6 child (~~((is a child in need of services))~~) meets one or more of the
7 criteria as identified in RCW 13.32A.150(2) and the parent is
8 unavailable or unwilling to continue efforts to maintain the family
9 structure, the administrator shall immediately convene a
10 multidisciplinary team.

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

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

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

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

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

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

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

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

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

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

28 **Sec. 4.** RCW 13.32A.044 and 1995 c 312 s 14 are each amended to
29 read as follows:

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

33 (2) At the first meeting of the multidisciplinary team, it shall
34 choose a member to coordinate the team's efforts. The parent member of
35 the multidisciplinary team must agree with the choice of coordinator.
36 The team shall meet or communicate as often as necessary to assist the
37 family.

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

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

11 (5) The department shall provide a court liaison to each juvenile
12 court. The court liaison shall facilitate the provision of information
13 and provide other support as needed to the juvenile court in its
14 proceedings related to an at-risk youth petition.

15 **Sec. 5.** RCW 13.32A.120 and 1996 c 133 s 18 are each amended to
16 read as follows:

17 (1) Where either a child or the child's parent or the person or
18 facility currently providing shelter to the child notifies the center
19 that such individual or individuals cannot agree to the continuation of
20 an out-of-home placement arrived at pursuant to RCW 13.32A.090(2)(e),
21 the administrator of the center shall immediately contact the remaining
22 party or parties to the agreement and shall attempt to bring about the
23 child's return home or to an alternative living arrangement agreeable
24 to the child and the parent as soon as practicable.

25 (2) If a child and his or her parent cannot agree to an out-of-home
26 placement under RCW 13.32A.090(2)(e), either the child or parent may
27 file with the juvenile court (~~((a child in need of services))~~) an at-risk
28 youth petition (~~((to approve an out of home placement or the parent may~~
29 ~~file with the juvenile court a petition in the interest of a child~~
30 ~~alleged to be an at risk youth under this chapter))~~).

31 (3) If a child and his or her parent cannot agree to the
32 continuation of an out-of-home placement arrived at under RCW
33 13.32A.090(2)(e), either the child or parent may file with the juvenile
34 court (~~((a child in need of services))~~) an at-risk youth petition (~~((to~~
35 ~~approve an out of home placement or the parent may file with the~~
36 ~~juvenile court a petition in the interest of a child alleged to be an~~
37 ~~at risk youth under this chapter))~~).

1 **Sec. 6.** RCW 13.32A.130 and 1997 c 146 s 4 are each amended to read
2 as follows:

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

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

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

27 (b) If the administrator of a secure facility determines the child
28 is unlikely to remain in a semi-secure facility, the administrator
29 shall keep the child in the secure facility pursuant to this chapter
30 and in order to provide for space for the child may transfer another
31 child who has been in the facility for at least seventy-two hours to a
32 semi-secure facility. The administrator shall only make a transfer of
33 a child after determining that the child who may be transferred is
34 likely to remain at the semi-secure facility.

35 (c) A crisis residential center administrator is authorized to
36 transfer a child to a crisis residential center in the area where the
37 child's parents reside or where the child's lawfully prescribed
38 residence is located.

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

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

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

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

38 (6) At no time shall information regarding a parent's or child's
39 rights be withheld. The department shall develop and distribute to all

1 law enforcement agencies and to each crisis residential center
2 administrator a written statement delineating the services and rights.
3 Every officer taking a child into custody shall provide the child and
4 his or her parent(s) or responsible adult with whom the child is placed
5 with a copy of the statement. In addition, the administrator of the
6 facility or his or her designee shall provide every resident and parent
7 with a copy of the statement.

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

11 **Sec. 7.** RCW 13.32A.140 and 1997 c 146 s 5 are each amended to read
12 as follows:

13 (1) Unless the department files a dependency petition, the
14 department shall file ~~((a child in need of services))~~ an at-risk youth
15 petition ~~((to approve an out-of-home placement))~~ on behalf of a child
16 under any of the following sets of circumstances:

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

20 ~~((a))~~ (i) The parent has been notified that the child was so
21 admitted or placed;

22 ~~((b))~~ (ii) The child cannot return home, and legal authorization
23 is needed for out-of-home placement beyond seventy-two hours;

24 ~~((c))~~ (iii) No agreement between the parent and the child as to
25 where the child shall live has been reached;

26 ~~((d))~~ (iv) No ~~((child in need of services))~~ at-risk youth
27 petition has been filed by either the child or parent;

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

29 ~~((f))~~ (v) The child has no suitable place to live other than the
30 home of his or her parent.

31 ~~((2))~~ (b) The child has been admitted to a crisis residential
32 center and:

33 ~~((a))~~ (i) Seventy-two hours, including Saturdays, Sundays, and
34 holidays, have passed since such placement;

35 ~~((b))~~ (ii) The staff, after searching with due diligence, have
36 been unable to contact the parent of such child; and

37 ~~((c))~~ (iii) The child has no suitable place to live other than
38 the home of his or her parent.

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

4 ~~((a))~~ (i) The party to whom the arrangement is no longer
5 acceptable has so notified the department;

6 ~~((b))~~ (ii) Seventy-two hours, including Saturdays, Sundays, and
7 holidays, have passed since such notification;

8 ~~((c))~~ (iii) No new agreement between parent and child as to where
9 the child shall live has been reached;

10 ~~((d))~~ (iv) No ~~((child in need of services))~~ at-risk youth
11 petition has been filed by either the child or the parent;

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

13 ~~((f))~~ (v) The child has no suitable place to live other than the
14 home of his or her parent.

15 (2) An at-risk youth petition filed by the department may only
16 include those allegations listed under RCW 13.32A.150(2)(b).

17 (3) Under the circumstances of subsection~~((s))~~ (1)(a), ~~((2))~~ (b),
18 or ~~((3))~~ (c) of this section, the child shall remain in an out-of-
19 home placement until ~~((a child in need of services))~~ an at-risk youth
20 petition filed by the department on behalf of the child is reviewed by
21 the juvenile court and is resolved by the court. The department may
22 authorize emergency medical or dental care for a child admitted to a
23 crisis residential center or placed in an out-of-home placement by the
24 department. The state, when the department files ~~((a child in need of~~
25 ~~services))~~ an at-risk youth petition under this section, shall be
26 represented as provided for in RCW 13.04.093.

27 **Sec. 8.** RCW 13.32A.150 and 1996 c 133 s 20 are each amended to
28 read as follows:

29 (1) Except as otherwise provided in this chapter, the juvenile
30 court shall not accept the filing of ~~((a child in need of services))~~ an
31 at-risk youth petition by the child or the parents ~~((or the filing of~~
32 ~~an at-risk youth petition by the parent,))~~ unless verification is
33 provided that a family assessment has been completed by the department.
34 The family assessment provided by the department shall involve the
35 multidisciplinary team as provided in RCW 13.32A.040, if one exists.
36 The family assessment or plan of services developed by the
37 multidisciplinary team shall be aimed at family reconciliation,
38 reunification, and avoidance of the out-of-home placement of the child.

1 If the department is unable to complete an assessment within two
2 working days following a request for assessment the child or the
3 parents may proceed under subsection (2) of this section (~~or the~~
4 ~~parent may proceed under RCW 13.32A.191~~)).

5 (2) A child or a child's parent may file with the juvenile court
6 (~~a child in need of services~~) an at-risk youth petition (~~to approve~~
7 ~~an out-of-home placement for the child~~). The department shall, when
8 requested, assist either a parent or child in the filing of the
9 petition. The petition must be filed in the county where the parent
10 resides. The petition shall allege that (~~the child is a child in need~~
11 ~~of services and shall ask only that the placement of a child outside~~
12 ~~the home of his or her parent be approved~~):

13 (a) Court supervision and intervention are necessary to assist the
14 parent to maintain the care, custody, and control of the child and
15 alternatives to court intervention have been attempted or there is good
16 cause why such alternatives have not been attempted and that the child:

17 (i) Is beyond the control of his or her parent such that the
18 child's behavior endangers the health, safety, or welfare of the child
19 or any other person;

20 (ii) Refuses or fails to comply with the compulsory school
21 attendance laws as provided under chapter 28A.225 RCW;

22 (iii) Is absent from home for at least seventy-two consecutive
23 hours without the consent of his or her parent; or

24 (iv) Has a substance abuse problem for which there are no pending
25 criminal charges related to the substance abuse; or

26 (b) The child:

27 (i) Is beyond the control of his or her parent such that the
28 child's behavior endangers the health, safety, or welfare of the child
29 or any other person;

30 (ii) Has been reported to law enforcement as absent without consent
31 for at least twenty-four consecutive hours from the parent's home, a
32 crisis residential center, an out-of-home placement, or a court-ordered
33 placement on two or more separate occasions; and exhibited a serious
34 substance abuse problem; or exhibited behaviors that create a serious
35 risk of harm to the health, safety, or welfare of the child or any
36 other person; or

37 (iii) Is in need of necessary services, including food, shelter,
38 health care, clothing, or educational services, or services designed to
39 maintain or reunite the family; who lack access to, or has declined to

1 utilize, these services; and whose parents have evidenced continuing
2 but unsuccessful efforts to maintain the family structure or are unable
3 or unwilling to continue efforts to maintain the family structure.

4 The filing of a petition to approve the placement is not dependent
5 upon the court's having obtained any prior jurisdiction over the child
6 or his or her parent, and confers upon the court a special jurisdiction
7 to approve or disapprove an out-of-home placement.

8 (3) A petition may not be filed if the child is the subject of a
9 proceeding under chapter 13.34 RCW.

10 NEW SECTION. Sec. 9. A new section is added to chapter 13.32A RCW
11 to read as follows:

12 No superior court may refuse to accept for filing a properly
13 completed and presented at-risk youth petition. To be properly
14 presented, the petitioner shall verify that the family assessment
15 required under RCW 13.32A.150 has been completed. If the department
16 has failed to complete the required family assessment within the
17 prescribed two working days after the request for the assessment, the
18 court shall not refuse to accept the petition because of the lack of
19 verification of the completed family assessment. In the event of an
20 improper refusal that is appealed and reversed, the petitioner shall be
21 awarded actual damages, costs, and attorneys' fees.

22 **Sec. 10.** RCW 13.32A.152 and 1996 c 133 s 21 are each amended to
23 read as follows:

24 (1) Whenever ((~~a child in need of services~~)) an at-risk youth
25 petition is filed by a youth pursuant to RCW 13.32A.150, or the
26 department pursuant to RCW 13.32A.140, the filing party shall have a
27 copy of the petition served on the parents of the youth. Service shall
28 first be attempted in person and if unsuccessful, then by certified
29 mail with return receipt.

30 (2) Whenever ((~~a child in need of services~~)) an at-risk youth
31 petition is filed by a youth or parent pursuant to RCW 13.32A.150, the
32 court shall immediately notify the department that a petition has been
33 filed.

34 **Sec. 11.** RCW 13.32A.160 and 1997 c 146 s 6 are each amended to
35 read as follows:

1 (1) When a proper (~~(child in need of services)~~) at-risk youth
2 petition (~~(to approve an out-of-home placement)~~) is filed under RCW
3 13.32A.120, 13.32A.140, or 13.32A.150 the juvenile court shall: (a)(i)
4 Schedule a fact-finding hearing to be held: (A) For a child who
5 resides in a place other than his or her parent's home and other than
6 an out-of-home placement, within five calendar days unless the last
7 calendar day is a Saturday, Sunday, or holiday, in which case the
8 hearing shall be held on the preceding judicial day; or (B) for a child
9 living at home or in an out-of-home placement, within ten days; and
10 (ii) notify the parent, child, and the department of such date; (b)
11 notify the parent of the right to be represented by counsel and, if
12 indigent and not the petitioner, to have counsel appointed for him or
13 her by the court; (c) appoint legal counsel for the child; (d) inform
14 the child and his or her parent of the legal consequences of the court
15 approving or disapproving (~~(a child in need of services)~~) an at-risk
16 youth petition; (e) notify the parents of their rights under this
17 chapter and chapters 11.88, 13.34, 70.96A, and 71.34 RCW, including the
18 right to (~~(file an at-risk youth petition, the right to)~~) submit an
19 application for admission of their child to a treatment facility for
20 alcohol, chemical dependency, or mental health treatment, and the right
21 to file a guardianship petition; and (f) notify all parties, including
22 the department, of their right to present evidence at the fact-finding
23 hearing.

24 (2) Unless an out-of-home placement of the child is provided for
25 pursuant to subsection (3) or (4) of this section, or otherwise
26 authorized or required by law, the child shall reside in the home of
27 his or her parent.

28 (3) Upon filing of (~~(a child in need of services)~~) an at-risk youth
29 petition, the child may be placed, if not already placed, in an out-of-
30 home placement requested by the parent or child and approved by the
31 parent; by the department in a crisis residential center, foster family
32 home, group home facility licensed under chapter 74.15 RCW(~~(7)~~); or any
33 other suitable residence to be determined by the department. The court
34 may place a child in a crisis residential center for a temporary out-
35 of-home placement as long as the requirements of RCW 13.32A.125 are
36 met.

37 (~~((3))~~) (4) If the child has been placed in a foster family home or
38 group care facility under chapter 74.15 RCW, the child shall remain
39 there, or in any other suitable residence as determined by the

1 department, pending resolution of the petition by the court. Any
2 placement may be reviewed by the court within three judicial days upon
3 the request of the juvenile or the juvenile's parent.

4 (5) If upon sworn written or oral declaration of the parent or the
5 department, the court has reason to believe that a child has willfully
6 and knowingly violated a court order issued pursuant to subsection (3)
7 or (4) of this section, the court may issue an order directing law
8 enforcement to take the child into custody and place the child in a
9 juvenile detention facility or in a secure facility within a crisis
10 residential center. If the child is placed in detention, a review
11 shall be held as provided in RCW 13.32A.065.

12 **Sec. 12.** RCW 13.32A.170 and 1996 c 133 s 23 are each amended to
13 read as follows:

14 (1) The court shall hold a fact-finding hearing to consider a
15 proper ~~((child in need of services))~~ at-risk youth petition, giving due
16 weight to the intent of the legislature that families have the right to
17 place reasonable restrictions and rules upon their children,
18 appropriate to the individual child's developmental level. The court
19 may appoint legal counsel and/or a guardian ad litem to represent the
20 child and advise parents of their right to be represented by legal
21 counsel. At the commencement of the hearing, the court shall advise
22 the parents of their rights as set forth in RCW 13.32A.160(1). ~~((If~~
23 ~~the court approves or denies a child in need of services petition, a~~
24 ~~written statement of the reasons must be filed.))~~

25 (2) If the allegations have been proven by a preponderance of the
26 evidence, the court shall approve an at-risk youth petition and, if
27 appropriate, enter a temporary out-of-home placement for a period not
28 to exceed fourteen days pending the disposition hearing. The court may
29 not grant a petition filed by the child or the department if it is
30 established that the petition is based only upon a dislike of
31 reasonable rules or reasonable discipline established by the parent.
32 The court may not grant the petition if the child is the subject of a
33 proceeding under chapter 13.34 RCW. If the court grants or denies the
34 petition, a statement of the written reasons shall be entered into the
35 records. If the court denies the petition, the court shall verbally
36 advise the parties that the child is required to remain within the
37 care, custody, and control of his or her parent.

1 ~~(3) The court may approve ((an order stating that the child shall~~
2 ~~be placed in a residence other than the home of his or her parent)) a~~
3 temporary out-of-home placement only if it is established by a
4 preponderance of the evidence, including a departmental recommendation
5 for approval or dismissal of the petition, that:

6 ~~(a) ((The child is a child in need of services as defined in RCW~~
7 ~~13.32A.030(4));~~

8 ~~(b))~~ If the petitioner is a child, he or she has made a reasonable
9 effort to resolve the conflict;

10 ~~((c))~~ (b) Reasonable efforts have been made to prevent or
11 eliminate the need for removal of the child from the child's home and
12 to make it possible for the child to return home; and

13 ~~((d))~~ (c) A suitable out-of-home placement resource is available.

14 ~~((The court may not grant a petition filed by the child or the~~
15 ~~department if it is established that the petition is based only upon a~~
16 ~~dislike of reasonable rules or reasonable discipline established by the~~
17 ~~parent. The court may not grant the petition if the child is the~~
18 ~~subject of a proceeding under chapter 13.34 RCW.~~

19 ~~(3) Following the fact finding hearing the court shall: (a)~~
20 ~~Approve a child in need of services petition and, if appropriate, enter~~
21 ~~a temporary out of home placement for a period not to exceed fourteen~~
22 ~~days pending approval of a disposition decision to be made under RCW~~
23 ~~13.32A.179(2); (b) approve an at risk youth petition filed by the~~
24 ~~parents and dismiss the child in need of services petition; (c) dismiss~~
25 ~~the petition; or (d) order the department to review the case to~~
26 ~~determine whether the case is appropriate for a dependency petition~~
27 ~~under chapter 13.34 RCW.))~~

28 NEW SECTION. Sec. 13. A new section is added to chapter 13.32A
29 RCW to read as follows:

30 (1) The court may order the department to submit a dispositional
31 plan if such a plan would assist the court in ordering a suitable
32 disposition in the case. If the court orders the department to prepare
33 a plan, the department shall provide copies of the plan to the parent,
34 the child, and the court. The plan shall address the needs of the
35 child and the perceived needs of the parents and include
36 recommendations with regard to placement of the child, counseling
37 services and other services for the child, and counseling services or
38 any other services for the child requiring parental participation.

1 (2) Prior to disposition, or at any time thereafter, subject to
2 available resources, the court may order that a risk and needs
3 assessment of the child be conducted.

4 **Sec. 14.** RCW 13.32A.179 and 1997 c 146 s 7 are each amended to
5 read as follows:

6 (1) A disposition hearing shall be held no later than fourteen days
7 after the approval of the ~~((temporary out of home placement))~~ at-risk
8 youth petition. The parents, child, and department shall be notified
9 by the court of the time and place of the hearing.

10 (2) At the conclusion of the disposition hearing, the court may:
11 (a) Reunite the family and dismiss the petition; (b) ~~((approve an at-~~
12 ~~risk youth petition filed by the parents and dismiss the child in need~~
13 ~~of services petition; (c) approve an out of home placement requested in~~
14 ~~the child in need of services petition by the parents; (d))~~ enter a
15 dispositional order that will assist the parent in maintaining the
16 care, custody, and control of the child and assist the family to
17 resolve family conflicts or problems; (c) order conditions of
18 supervision for the child which may include: (i) Regular school
19 attendance; (ii) counseling; (iii) participation in a substance abuse
20 or mental health outpatient treatment program; (iv) reporting on a
21 regular basis to the department or any other designated person or
22 agency; and (v) any other condition the court deems an appropriate
23 condition of supervision; (d) order the parent to participate in
24 counseling services or any other services for the child requiring
25 parental participation; (e) order that the child be placed in an out-
26 of-home placement ((at the request of the child or the department not
27 to exceed ninety days)); or ((+e)) (f) order the department to review
28 the matter for purposes of filing a dependency petition under chapter
29 13.34 RCW. ((Whether or not the court approves or orders an out-of-
30 home placement, the court may also order any conditions of supervision
31 as set forth in RCW 13.32A.196(2).))

32 (3) If a proceeding under this chapter is pursuant to a conversion
33 of a truancy proceeding under RCW 28A.225.035(16), the disposition
34 order shall include regular school attendance.

35 (4) Unless agreed to by the parent, the court may only enter an
36 order under subsection (2)(d) of this section if it finds by clear and
37 convincing evidence that: (a) The order is in the best interests of
38 the family; (b) the parents have not agreed to counseling services or

1 any other services for the child requiring parental participation; (c)
2 the problems can not be resolved by delivery of counseling services or
3 other services solely to the child; and (d) counseling services or
4 other services for the child requiring parental participation are
5 available.

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

22 ((~~4~~)) (6) The parent shall be financially responsible for costs
23 related to the court-ordered plan. However, this requirement shall not
24 affect the eligibility of the parent or child for public assistance or
25 other benefits to which the parent or child may otherwise be entitled.

26 (7) The court may order the department to ((submit a dispositional
27 plan if such a plan would assist the court in ordering a suitable
28 disposition in the case. The plan, if ordered, shall address the needs
29 of the child, and the perceived needs of the parents if the order was
30 entered under subsection (2)(d) of this section or if specifically
31 agreed to by the parents. If the parents do not agree or the order was
32 not entered under subsection (2)(d) of this section the plan may only
33 make recommendations regarding services in which the parents may
34 voluntarily participate. If the court orders the department to prepare
35 a plan, the department shall provide copies of the plan to the parent,
36 the child, and the court)) monitor compliance with the dispositional
37 order, assist in coordinating the provisions of court-ordered services,
38 and submit reports to subsequent review hearings regarding the status
39 of the case. If ((the parties or)) the court ((desire)) orders the

1 department to be involved in (~~any future proceedings or case plan~~
2 ~~development~~) the case, the department shall be provided with timely
3 notification of all court hearings.

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

8 (~~(6) After the court approves or orders an out-of-home placement~~)

9 (8) In all at-risk youth proceedings, the court shall verbally
10 notify the parents and the child of the possibility of a finding of
11 contempt for failure to comply with the terms of a court order entered
12 pursuant to this chapter.

13 (9) Subsequent to the disposition hearing, the parents or the
14 department may request, and the court may grant, dismissal of the
15 (child in need of services) at-risk youth proceeding when it is not
16 feasible for the department to provide services due to one or more of
17 the following circumstances:

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

20 (b) The parents or the child, or all of them, refuse to cooperate
21 in available, appropriate intervention aimed at reunifying the family
22 or aimed at eliminating the conditions resulting in the filing of the
23 petition; or

24 (c) The department has exhausted all available and appropriate
25 resources that would result in reunification or eliminate the
26 conditions resulting in the filing of the petition.

27 (~~(7)~~) (10) Upon the request of the parents, the court shall
28 dismiss (a placement made under subsection (2)(c) of this section upon
29 the request of the parents) an at-risk youth proceeding unless: (a)
30 A contempt action is pending in the case; or (b) the disposition order
31 is pursuant to a clear and convincing finding as provided in subsection
32 (4) of this section.

33 (11) A request for dismissal of a proceeding under this chapter,
34 which pursuant to a parent's motion was converted from a proceeding
35 filed under chapter 28A.225 RCW, will result in the matter reverting to
36 being a proceeding under chapter 28A.225 RCW.

37 (12) No dispositional order or condition of supervision ordered by
38 a court pursuant to this section shall include involuntary commitment
39 of a child for substance abuse or mental health treatment.

1 NEW SECTION. **Sec. 15.** A new section is added to chapter 13.32A
2 RCW to read as follows:

3 (1) In the disposition hearing, the court may adopt the additional
4 orders authorized under this section if it finds that the child
5 involved in the proceedings is not eligible for inpatient treatment for
6 a mental health or substance abuse condition and requires specialized
7 treatment. The court may order that a child be placed in a staff
8 secure facility, other than a crisis residential center, that will
9 provide for the child's participation in a program designed to remedy
10 his or her behavioral difficulties or needs. The court may not enter
11 this order unless, at the disposition hearing, it finds that the
12 placement is clearly necessary to protect the child and that a less
13 restrictive order would be inadequate to protect the child, given the
14 child's age, maturity, propensity to run away from home, past exposure
15 to serious risk when the child ran away from home, and possible future
16 exposure to serious risk should the child run away from home again.

17 (2) The order shall require periodic court review of the placement,
18 with the first review hearing conducted not more than thirty days after
19 the date of the placement. At each review hearing the court shall
20 advise the parents of their rights under RCW 13.32A.160(1), review the
21 progress of the child, and determine whether the orders are still
22 necessary for the protection of the child or a less restrictive
23 placement would be adequate. The court shall modify its orders as it
24 finds necessary to protect the child. Reviews of orders adopted under
25 this section are subject to the review provisions under RCW 13.32A.190.

26 (3) State funds may only be used to pay for placements under this
27 section if, and to the extent that, such funds are appropriated to
28 expressly pay for them.

29 **Sec. 16.** RCW 13.32A.190 and 1996 c 133 s 25 are each amended to
30 read as follows:

31 (1) Upon making a dispositional order under RCW 13.32A.179, the
32 court shall schedule the matter on the calendar for review within three
33 months, advise the parties of the date thereof, appoint legal counsel
34 and/or a guardian ad litem to represent the child at the review
35 hearing, advise parents of their right to be represented by legal
36 counsel at the review hearing, and notify the parties of their rights
37 to present evidence at the hearing. Where resources are available, the

1 court shall encourage the parent and child to participate in programs
2 for reconciliation of their conflict.

3 (2) At the review hearing, the court shall approve or disapprove
4 the continuation of the dispositional plan in accordance with this
5 chapter. If the order provides for an out-of-home placement, the court
6 shall determine whether reasonable efforts have been made to reunify
7 the family and make it possible for the child to return home. The
8 court shall discontinue the placement and order that the child return
9 home if the court has reasonable grounds to believe that the parents
10 have made reasonable efforts to resolve the conflict and the court has
11 reason to believe that the child's refusal to return home is
12 capricious. If out-of-home placement is continued, the court may
13 modify the dispositional plan.

14 (3) Court supervision of the child may not be continued past one
15 hundred eighty days from the day the review hearing commenced unless
16 the court finds, and the parent agrees, that there are compelling
17 reasons for an extension of supervision.

18 (4) Out-of-home placement may not be continued past one hundred
19 eighty days from the day the review hearing commenced. The court shall
20 order the child to return to the home of the parent at the expiration
21 of the placement. If an out-of-home placement is disapproved prior to
22 one hundred eighty days, the court shall enter an order requiring the
23 child to return to the home of the child's parent.

24 ~~((4))~~ (5) The parents and the department may request, and the
25 juvenile court may grant, dismissal of ~~((an out-of-home placement~~
26 ~~order))~~ the at-risk youth proceeding when it is not feasible for the
27 department to provide services due to one or more of the following
28 circumstances:

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

31 (b) The parents or the child, or all of them, refuse to cooperate
32 in available, appropriate intervention ~~((aimed at reunifying the~~
33 ~~family));~~ or

34 (c) The department has exhausted all available and appropriate
35 resources ~~((that would result in reunification)).~~

36 ~~((5) The court shall terminate a placement made under this section~~
37 ~~upon the request of a parent unless the placement is made pursuant to~~
38 ~~RCW 13.32A.179(3).))~~

1 (6) The court may dismiss (~~(a child in need of services)~~) an at-
2 risk youth petition filed by a parent at any time if the court finds
3 good cause to believe that continuation of (~~(out-of-home placement)~~)
4 the proceeding would serve no useful purpose.

5 (7) The court shall dismiss (~~(a child in need of services)~~) an at-
6 risk youth proceeding if the child is the subject of a proceeding under
7 chapter 13.34 RCW.

8 (8) At its discretion, the court may hold a hearing to review an
9 at-risk youth matter at any time throughout the duration of the
10 proceeding.

11 NEW SECTION. Sec. 17. A new section is added to chapter 13.32A
12 RCW to read as follows:

13 Except as otherwise provided in this section, the court shall treat
14 the parents and the child equally for the purposes of applying contempt
15 of court processes and penalties under this section.

16 (1) Failure by a party to comply with an order entered under this
17 chapter is a civil contempt of court as provided in RCW 7.21.030(2)(e),
18 subject to the limitations of subsection (3) of this section.

19 (2) The court may impose remedial sanctions including a fine of up
20 to one hundred dollars and confinement for up to seven days, or both
21 for contempt of court under this section.

22 (3) A child placed in confinement for contempt under this section
23 shall be placed in confinement only in a secure juvenile detention
24 facility operated by or pursuant to a contract with a county.

25 (4) A motion for contempt may be made by a parent, a child,
26 juvenile court personnel, or by any public agency, organization, or
27 person having custody of the child under a court order adopted pursuant
28 to this chapter.

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

1 **Sec. 18.** RCW 28A.225.035 and 1999 c 319 s 3 are each amended to
2 read as follows:

3 (1) A petition for a civil action under RCW 28A.225.030 or
4 28A.225.015 shall consist of a written notification to the court
5 alleging that:

6 (a) The child has unexcused absences during the current school
7 year;

8 (b) Actions taken by the school district have not been successful
9 in substantially reducing the child's absences from school; and

10 (c) Court intervention and supervision are necessary to assist the
11 school district or parent to reduce the child's absences from school.

12 (2) The petition shall set forth the name, age, school, and
13 residence of the child and the names and residence of the child's
14 parents.

15 (3) The petition shall set forth facts that support the allegations
16 in this section and shall generally request relief available under this
17 chapter and provide information about what the court might order under
18 RCW 28A.225.090.

19 (4) When a petition is filed under RCW 28A.225.030 or 28A.225.015,
20 the juvenile court shall schedule a hearing at which the court shall
21 consider the petition, or if the court determines that a referral to an
22 available community truancy board would substantially reduce the
23 child's unexcused absences, the court may refer the case to a community
24 truancy board under the jurisdiction of the juvenile court.

25 (5) If a referral is made to a community truancy board, the truancy
26 board must meet with the child, a parent, and the school district
27 representative and enter into an agreement with the petitioner and
28 respondent regarding expectations and any actions necessary to address
29 the child's truancy within thirty days of the referral. If the
30 petition is based on RCW 28A.225.015, the child shall not be required
31 to attend and the agreement under this subsection shall be between the
32 truancy board, the school district, and the child's parent. The
33 agreement shall be presented to the juvenile court for its approval.

34 (6) The court shall approve the agreement by order or schedule a
35 hearing. The court may, if the school district and community truancy
36 board agree, permit the truancy board to provide continued supervision
37 over the student, or parent if the petition is based on RCW
38 28A.225.015, and report on compliance with the order.

1 (7) If the truancy board fails to reach an agreement, the truancy
2 board shall return the case to the juvenile court for a hearing.

3 (8) Notwithstanding the provisions in subsection (4) of this
4 section, a hearing shall not be required if other actions by the court
5 would substantially reduce the child's unexcused absences. When a
6 juvenile court hearing is held, the court shall:

7 (a) Separately notify the child, the parent of the child, and the
8 school district of the hearing;

9 (b) Notify the parent and the child of their rights to present
10 evidence at the hearing; and

11 (c) Notify the parent and the child of the options and rights
12 available under chapter 13.32A RCW.

13 (9) The court may require the attendance of the child if eight
14 years old or older, the parents, and the school district at any hearing
15 on a petition filed under RCW 28A.225.030.

16 (10) A school district is responsible for determining who shall
17 represent the school district at hearings on a petition filed under RCW
18 28A.225.030 or 28A.225.015.

19 (11) The court may permit the first hearing to be held without
20 requiring that either party be represented by legal counsel, and to be
21 held without a guardian ad litem for the child under RCW 4.08.050. At
22 the request of the school district, the court shall permit a school
23 district representative who is not an attorney to represent the school
24 district at any future hearings.

25 (12) If the allegations in the petition are established by a
26 preponderance of the evidence, the court shall grant the petition and
27 enter an order assuming jurisdiction to intervene for the period of
28 time determined by the court, after considering the facts alleged in
29 the petition and the circumstances of the juvenile, to most likely
30 cause the juvenile to return to and remain in school while the juvenile
31 is subject to this chapter. In no case may the order expire before the
32 end of the school year in which it is entered.

33 (13) If the court assumes jurisdiction, the school district shall
34 regularly report to the court any additional unexcused absences by the
35 child.

36 (14) Community truancy boards and the courts shall coordinate, to
37 the extent possible, proceedings and actions pertaining to children who
38 are subject to truancy petitions and at-risk youth petitions (~~in RCW~~
39 ~~13.32A.191 or child in need of services petitions~~) in RCW 13.32A.140.

1 (15) If after a juvenile court assumes jurisdiction in one county
2 the child relocates to another county, the juvenile court in the
3 receiving county shall, upon the request of a school district or
4 parent, assume jurisdiction of the petition filed in the previous
5 county.

6 (16) At any time after the filing of a truancy petition on his or
7 her child, and subsequent to a family assessment as provided under RCW
8 13.32A.150(1), a parent may file with the court a motion requesting the
9 matter be converted to a proceeding under chapter 13.32A RCW. The
10 court shall approve the motion unless there is a pending contempt
11 action under this chapter or the court has reason to believe the
12 conversion would not be in the best interest of the child.

13 **Sec. 19.** RCW 28A.225.090 and 1999 c 319 s 4 are each amended to
14 read as follows:

15 (1) A court may order a child subject to a petition under RCW
16 28A.225.035 to:

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

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

23 (c) Attend a private nonsectarian school or program including an
24 education center. Before ordering a child to attend an approved or
25 certified private nonsectarian school or program, the court shall: (i)
26 Consider the public and private programs available; (ii) find that
27 placement is in the best interest of the child; and (iii) find that the
28 private school or program is willing to accept the child and will not
29 charge any fees in addition to those established by contract with the
30 student's school district. If the court orders the child to enroll in
31 a private school or program, the child's school district shall contract
32 with the school or program to provide educational services for the
33 child. The school district shall not be required to contract for a
34 weekly rate that exceeds the state general apportionment dollars
35 calculated on a weekly basis generated by the child and received by the
36 district. A school district shall not be required to enter into a
37 contract that is longer than the remainder of the school year. A

1 school district shall not be required to enter into or continue a
2 contract if the child is no longer enrolled in the district;

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

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

8 (2)(a) If the child fails to comply with the court order, the court
9 may order the child to be subject to detention, as provided in RCW
10 7.21.030(2)(e), or may impose alternatives to detention such as
11 community service. Subject to available resources, the court may also
12 order that a risk and needs assessment be conducted on the child, and
13 the matter scheduled for a follow-up hearing to take place within
14 fourteen days. Pursuant to the outcome of the risk and needs
15 assessment, the court may order conditions as provided under chapter
16 13.32A RCW, including regular school attendance; counseling;
17 participation in a substance abuse or mental health outpatient
18 treatment program; reporting on a regular basis to the department of
19 social and health services or any other designated person or agency;
20 and any other condition the court deems an appropriate condition of
21 supervision.

22 (b) Failure by a child to comply with an order issued under this
23 subsection shall not be subject to detention for a period greater than
24 that permitted pursuant to a civil contempt proceeding against a child
25 under chapter 13.32A RCW.

26 (3) Any parent violating any of the provisions of either RCW
27 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than
28 twenty-five dollars for each day of unexcused absence from school. It
29 shall be a defense for a parent charged with violating RCW 28A.225.010
30 to show that he or she exercised reasonable diligence in attempting to
31 cause a child in his or her custody to attend school or that the
32 child's school did not perform its duties as required in RCW
33 28A.225.020. The court may order the parent to provide community
34 service instead of imposing a fine. Any fine imposed pursuant to this
35 section may be suspended upon the condition that a parent charged with
36 violating RCW 28A.225.010 shall participate with the school and the
37 child in a supervised plan for the child's attendance at school or upon
38 condition that the parent attend a conference or conferences scheduled

1 by a school for the purpose of analyzing the causes of a child's
2 absence.

3 (4)(a) If a child continues to be truant after entering into a
4 court-approved order with the truancy board under RCW 28A.225.035, the
5 juvenile court shall find the child in contempt, and the court may
6 order the child to be subject to detention, as provided in RCW
7 7.21.030(2)(e), or may impose alternatives to detention such as
8 meaningful community service. Subject to available resources, the
9 court may also order that a risk and needs assessment be conducted on
10 the child, and the matter scheduled for a follow-up hearing to take
11 place within fourteen days. Pursuant to the outcome of the risk and
12 needs assessment, the court may order conditions as provided under
13 chapter 13.32A RCW, including regular school attendance; counseling;
14 participation in a substance abuse or mental health outpatient
15 treatment program; reporting on a regular basis to the department of
16 social and health services or any other designated person or agency;
17 and any other condition the court deems an appropriate condition of
18 supervision.

19 (b) Failure by a child to comply with an order issued under this
20 subsection may not subject a child to detention for a period greater
21 than that permitted under a civil contempt proceeding against a child
22 under chapter 13.32A RCW.

23 (5) Subsections (1), (2), and (4) of this section shall not apply
24 to a six or seven year-old child required to attend public school under
25 RCW 28A.225.015.

26 NEW SECTION. Sec. 20. The following acts or parts of acts are
27 each repealed:

28 (1) RCW 13.32A.191 (At-risk youth--Petition by parent) and 1995 c
29 312 s 25;

30 (2) RCW 13.32A.192 (At-risk youth petition--Prehearing procedures)
31 and 1997 c 146 s 8, 1996 c 133 s 26, 1995 c 312 s 26, & 1990 c 276 s
32 12;

33 (3) RCW 13.32A.194 (At-risk youth petition--Court procedures) and
34 1996 c 133 s 27, 1995 c 312 s 27, & 1990 c 276 s 13;

35 (4) RCW 13.32A.196 (At-risk youth petition--Dispositional hearing)
36 and 1995 c 312 s 28, 1991 c 364 s 14, & 1990 c 276 s 14;

1 (5) RCW 13.32A.197 (Disposition hearing--Additional orders for
2 specialized treatment--Review hearings--Limitation--Use of state funds)
3 and 1996 c 133 s 3;
4 (6) RCW 13.32A.198 (At-risk youth--Review by court) and 1990 c 276
5 s 15;
6 (7) RCW 13.32A.205 (Acceptance of petitions by court--Damages) and
7 1995 c 312 s 32; and
8 (8) RCW 13.32A.250 (Failure to comply with order as civil
9 contempt--Motion--Penalties) and 1998 c 296 s 37, 1996 c 133 s 28, 1995
10 c 312 s 29, & 1990 c 276 s 16.

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