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HOUSE BILL 2439

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State of Washington

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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 01/13/2000. Referred to Committee on Children & Family Services.

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. The team shall  
10 include the parent, a department case worker, a local government  
11 representative when authorized by the local government, and when  
12 appropriate, members from the mental health and substance abuse  
13 disciplines. The team may also include, but is not limited to, the  
14 following persons: Educators, law enforcement personnel, probation  
15 officers, employers, church persons, tribal members, therapists,  
16 medical personnel, social service providers, placement providers, and  
17 extended family members. The team members shall be volunteers who do  
18 not receive compensation while acting in a capacity as a team member,  
19 unless the member's employer chooses to provide compensation or the  
20 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))~~ family  
14 reconciliation 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 with  
18 ~~((at risk youth or))~~ a child ~~((who may be in need of services))~~ may  
19 request family reconciliation services from the department. The  
20 department may involve a local multidisciplinary team in its response  
21 in determining the services to be provided and in providing those  
22 services. Such services shall be provided to alleviate personal or  
23 family situations which present a serious and imminent threat to the  
24 health or stability of the child or family and to maintain families  
25 intact wherever possible. Family reconciliation services shall be  
26 designed to develop skills and supports within families to resolve  
27 problems related to ~~((at risk youth,))~~ children ~~((in need of~~  
28 ~~services,))~~ or family conflicts and may include but are not limited to  
29 referral to services for suicide prevention, psychiatric or other  
30 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 and the parent is unavailable  
7 or unwilling to continue efforts to maintain the family structure, the  
8 administrator shall immediately convene a multidisciplinary team.

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

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

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

37 (4) The administrator shall also seek participation from  
38 representatives of mental health and drug and alcohol treatment  
39 providers as appropriate.

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

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

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

18 (b) Make a referral to the designated chemical dependency  
19 specialist or the county designated mental health professional, if  
20 appropriate;

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

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

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

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

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

35 (3) The coordinator of the multidisciplinary team may assist in  
36 filing a (~~child in need of services~~) family reconciliation petition  
37 when requested by the parent or child (~~or an at-risk youth petition~~

1 ~~when requested by the parent~~)). The multidisciplinary team shall have  
2 no standing as a party in any action under this title.

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

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

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

18 (2) If a child and his or her parent cannot agree to an out-of-home  
19 placement under RCW 13.32A.090(2)(e), either the child or parent may  
20 file with the juvenile court a ~~((child in need of services))~~ family  
21 reconciliation petition ~~((to approve an out of home placement or the~~  
22 ~~parent may file with the juvenile court a petition in the interest of~~  
23 ~~a child alleged to be an at risk youth under this chapter))~~.

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

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

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

1 time spent in all such centers or facilities may not exceed five  
2 consecutive days.

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

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

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

28 (c) A crisis residential center administrator is authorized to  
29 transfer a child to a crisis residential center in the area where the  
30 child's parents reside or where the child's lawfully prescribed  
31 residence is located.

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

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



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

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

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

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

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

6 Unless the department files a dependency petition, the department  
7 shall file a ~~((child in need of services))~~ family reconciliation  
8 petition ~~((to approve an out-of-home placement))~~ on behalf of a child  
9 under any of the following sets of circumstances:

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

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

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

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

18 (d) No ~~((child in need of services))~~ family reconciliation petition  
19 has been filed by either the child or parent; and

20 (e) ~~((The parent has not filed an at-risk youth petition; and~~  
21 ~~(f)))~~ The child has no suitable place to live other than the home  
22 of his or her parent.

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

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

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

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

30 (3) An agreement between parent and child made pursuant to RCW  
31 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer  
32 acceptable to parent or child, and:

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

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

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

1 (d) No ~~((child in need of services))~~ family reconciliation petition  
2 has been filed by either the child or the parent; and  
3 (e) ~~((The parent has not filed an at risk youth petition; and~~  
4 ~~(f))~~) The child has no suitable place to live other than the home  
5 of his or her parent.

6 Under the circumstances of subsection~~((s))~~ (1), (2), or (3) of this  
7 section, the child shall remain in an out-of-home placement until a  
8 ~~((child in need of services))~~ family reconciliation petition filed by  
9 the department on behalf of the child is reviewed by the juvenile court  
10 and is resolved by the court. The department may authorize emergency  
11 medical or dental care for a child admitted to a crisis residential  
12 center or placed in an out-of-home placement by the department. The  
13 state, when the department files a ~~((child in need of services))~~ family  
14 reconciliation petition under this section, shall be represented as  
15 provided for in RCW 13.04.093.

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

18 (1) Except as otherwise provided in this chapter, the juvenile  
19 court shall not accept the filing of a ~~((child in need of services))~~  
20 family reconciliation petition by the child or the parents ~~((or the~~  
21 ~~filing of an at risk youth petition by the parent,))~~ unless  
22 verification is provided that a family assessment has been completed by  
23 the department. The family assessment provided by the department shall  
24 involve the multidisciplinary team as provided in RCW 13.32A.040, if  
25 one exists. The family assessment or plan of services developed by the  
26 multidisciplinary team shall be aimed at family reconciliation,  
27 reunification, and avoidance of the out-of-home placement of the child.  
28 If the department is unable to complete an assessment within two  
29 working days following a request for assessment the child or the  
30 parents may proceed under subsection (2) of this section ~~((or the~~  
31 ~~parent may proceed under RCW 13.32A.191))~~.

32 (2) A child or a child's parent may file with the juvenile court a  
33 ~~((child in need of services))~~ family reconciliation petition ~~((to~~  
34 ~~approve an out of home placement for the child))~~. The department  
35 shall, when requested, assist either a parent or child in the filing of  
36 the petition. The petition must be filed in the county where the  
37 parent resides. The petition shall allege that ~~((the child is a child~~

1 ~~in need of services and shall ask only that the placement of a child~~  
2 ~~outside the home of his or her parent be approved)):~~

3 (a) The child:

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

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

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

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

13 (v) Has been reported to law enforcement as absent without consent  
14 for at least twenty-four consecutive hours from the parent's home, a  
15 crisis residential center, an out-of-home placement, or a court-ordered  
16 placement on two or more separate occasions; and exhibited a serious  
17 substance abuse problem; or exhibited behaviors that create a serious  
18 risk of harm to the health, safety, or welfare of the child or any  
19 other person; or

20 (vi) Is in need of necessary services, including food, shelter,  
21 health care, clothing, or educational services, or services designed to  
22 maintain or reunite the family; who lack access, or has declined, to  
23 utilize these services; and whose parents have evidenced continuing but  
24 unsuccessful efforts to maintain the family structure or are unable or  
25 unwilling to continue efforts to maintain the family structure; or

26 (b) Court supervision and intervention are necessary to assist the  
27 parent to maintain the care, custody, and control of the child and  
28 alternatives to court intervention have been attempted or there is good  
29 cause why such alternatives have not been attempted.

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

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

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

1 No superior court may refuse to accept for filing a properly  
2 completed and presented family reconciliation petition. To be properly  
3 presented, the petitioner shall verify that the family assessment  
4 required under RCW 13.32A.150 has been completed. In the event of an  
5 improper refusal that is appealed and reversed, the petitioner shall be  
6 awarded actual damages, costs, and attorneys' fees.

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

9 (1) Whenever a (~~child in need of services~~) family reconciliation  
10 petition is filed by a youth pursuant to RCW 13.32A.150, or the  
11 department pursuant to RCW 13.32A.140, the filing party shall have a  
12 copy of the petition served on the parents of the youth. Service shall  
13 first be attempted in person and if unsuccessful, then by certified  
14 mail with return receipt.

15 (2) Whenever a (~~child in need of services~~) family reconciliation  
16 petition is filed by a youth or parent pursuant to RCW 13.32A.150, the  
17 court shall immediately notify the department that a petition has been  
18 filed.

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

21 (1) When a proper (~~child in need of services~~) family  
22 reconciliation petition (~~to approve an out-of-home placement~~) is  
23 filed under RCW 13.32A.120, 13.32A.140, or 13.32A.150 the juvenile  
24 court shall: (a)(i) Schedule a fact-finding hearing to be held: (A)  
25 For a child who resides in a place other than his or her parent's home  
26 and other than an out-of-home placement, within five calendar days  
27 unless the last calendar day is a Saturday, Sunday, or holiday, in  
28 which case the hearing shall be held on the preceding judicial day; or  
29 (B) for a child living at home or in an out-of-home placement, within  
30 ten days; and (ii) notify the parent, child, and the department of such  
31 date; (b) notify the parent of the right to be represented by counsel  
32 and, if indigent and not the petitioner, to have counsel appointed for  
33 him or her by the court; (c) appoint legal counsel for the child; (d)  
34 inform the child and his or her parent of the legal consequences of the  
35 court approving or disapproving a (~~child in need of services~~) family  
36 reconciliation petition; (e) notify the parents of their rights under  
37 this chapter and chapters 11.88, 13.34, 70.96A, and 71.34 RCW,

1 including the right to (~~file an at-risk youth petition, the right to~~)  
2 submit an application for admission of their child to a treatment  
3 facility for alcohol, chemical dependency, or mental health treatment,  
4 and the right to file a guardianship petition; and (f) notify all  
5 parties, including the department, of their right to present evidence  
6 at the fact-finding hearing.

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

11 (3) Upon filing of a (~~child in need of services~~) family  
12 reconciliation petition, the child may be placed, if not already  
13 placed, in an out-of-home placement requested by the parent or child  
14 and approved by the parent; by the department in a crisis residential  
15 center, foster family home, group home facility licensed under chapter  
16 74.15 RCW(~~(7)~~); or any other suitable residence to be determined by the  
17 department. The court may place a child in a crisis residential center  
18 for a temporary out-of-home placement as long as the requirements of  
19 RCW 13.32A.125 are met.

20 ~~((+3))~~ (4) If the child has been placed in a foster family home or  
21 group care facility under chapter 74.15 RCW, the child shall remain  
22 there, or in any other suitable residence as determined by the  
23 department, pending resolution of the petition by the court. Any  
24 placement may be reviewed by the court within three judicial days upon  
25 the request of the juvenile or the juvenile's parent.

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

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

36 (1) The court shall hold a fact-finding hearing to consider a  
37 proper (~~child in need of services~~) family reconciliation petition,  
38 giving due weight to the intent of the legislature that families have

1 the right to place reasonable restrictions and rules upon their  
2 children, appropriate to the individual child's developmental level.  
3 The court may appoint legal counsel and/or a guardian ad litem to  
4 represent the child and advise parents of their right to be represented  
5 by legal counsel. At the commencement of the hearing, the court shall  
6 advise the parents of their rights as set forth in RCW 13.32A.160(1).  
7 ~~((If the court approves or denies a child in need of services petition,~~  
8 ~~a written statement of the reasons must be filed.))~~

9 (2) If the allegations have been proven by a preponderance of the  
10 evidence, the court shall approve a family reconciliation petition and,  
11 if appropriate, enter a temporary out-of-home placement for a period  
12 not to exceed fourteen days pending the disposition hearing. The court  
13 may not grant a petition filed by the child or the department if it is  
14 established that the petition is based only upon a dislike of  
15 reasonable rules or reasonable discipline established by the parent.  
16 The court may not grant the petition if the child is the subject of a  
17 proceeding under chapter 13.34 RCW. If the court grants or denies the  
18 petition, a statement of the written reasons shall be entered into the  
19 records. If the court denies the petition, the court shall verbally  
20 advise the parties that the child is required to remain within the  
21 care, custody, and control of his or her parent.

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

27 (a) ~~((The child is a child in need of services as defined in RCW~~  
28 ~~13.32A.030(4);~~

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

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

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

35 ~~((The court may not grant a petition filed by the child or the~~  
36 ~~department if it is established that the petition is based only upon a~~  
37 ~~dislike of reasonable rules or reasonable discipline established by the~~  
38 ~~parent. The court may not grant the petition if the child is the~~  
39 ~~subject of a proceeding under chapter 13.34 RCW.~~

1       ~~(3) Following the fact finding hearing the court shall: (a)~~  
2 ~~Approve a child in need of services petition and, if appropriate, enter~~  
3 ~~a temporary out of home placement for a period not to exceed fourteen~~  
4 ~~days pending approval of a disposition decision to be made under RCW~~  
5 ~~13.32A.179(2); (b) approve an at risk youth petition filed by the~~  
6 ~~parents and dismiss the child in need of services petition; (c) dismiss~~  
7 ~~the petition; or (d) order the department to review the case to~~  
8 ~~determine whether the case is appropriate for a dependency petition~~  
9 ~~under chapter 13.34 RCW.))~~

10       NEW SECTION.   **Sec. 13.**   A new section is added to chapter 13.32A  
11 RCW to read as follows:

12       (1) The court may order the department to submit a dispositional  
13 plan if such a plan would assist the court in ordering a suitable  
14 disposition in the case. If the court orders the department to prepare  
15 a plan, the department shall provide copies of the plan to the parent,  
16 the child, and the court. The plan shall address the needs of the  
17 child and the perceived needs of the parents and include  
18 recommendations with regard to placement of the child, counseling  
19 services and other services for the child, and counseling services or  
20 any other services for the child requiring parental participation.

21       (2) Prior to disposition, or at any time thereafter, the court may  
22 order that a risk and needs assessment of the child be conducted.

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

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

29       (2) At the conclusion of the disposition hearing, the court may:  
30 (a) Reunite the family and dismiss the petition; (b) ~~((approve an at-~~  
31 ~~risk youth petition filed by the parents and dismiss the child in need~~  
32 ~~of services petition; (c) approve an out of home placement requested in~~  
33 ~~the child in need of services petition by the parents; (d)))~~ enter a  
34 dispositional order that will assist the parent in maintaining the  
35 care, custody, and control of the child and assist the family to  
36 resolve family conflicts or problems; (c) order conditions of  
37 supervision for the child which may include: (i) Regular school



1 attendance; (ii) counseling; (iii) participation in a substance abuse  
2 or mental health outpatient treatment program; (iv) reporting on a  
3 regular basis to the department or any other designated person or  
4 agency; and (v) any other condition the court deems an appropriate  
5 condition of supervision including but not limited to: Employment,  
6 participation in an anger management program, and refraining from using  
7 alcohol or drugs; (d) order the parent to participate in counseling  
8 services or any other services for the child requiring parental  
9 participation; (e) order that the child be placed in an out-of-home  
10 placement ((at the request of the child or the department not to exceed  
11 ninety days)); or ((+e)) (f) order the department to review the matter  
12 for purposes of filing a dependency petition under chapter 13.34 RCW.  
13 ((Whether or not the court approves or orders an out-of-home placement,  
14 the court may also order any conditions of supervision as set forth in  
15 RCW 13.32A.196(2).))

16 (3) Unless agreed to by the parent, the court may only enter an  
17 order under subsection (2)(d) of this section if it finds by clear and  
18 convincing evidence that: (a) The order is in the best interests of  
19 the family; (b) the parents have not agreed to counseling services or  
20 any other services for the child requiring parental participation; (c)  
21 the problems can not be resolved by delivery of counseling services or  
22 other services solely to the child; and (d) counseling services or  
23 other services for the child requiring parental participation are  
24 available.

25 (4) Unless agreed to by the parent the court may only enter an  
26 order under subsection (2)((+d)) (e) of this section if it finds by  
27 clear((,-eogent,)) and convincing evidence that: (a)(i) The order is  
28 in the best interest of the family; (ii) the parents have not requested  
29 an out-of-home placement; (iii) the parents have not exercised any  
30 other right listed in RCW 13.32A.160(1)(e); (iv) the child has made  
31 reasonable efforts to resolve the problems that led to the filing of  
32 the petition; (v) the problems cannot be resolved by delivery of  
33 services to the family during continued placement of the child in the  
34 parental home; (vi) reasonable efforts have been made to prevent or  
35 eliminate the need for removal of the child from the child's home and  
36 to make it possible for the child to return home; and (vii) a suitable  
37 out-of-home placement resource is available; (b)(i) the order is in the  
38 best interest of the child; and (ii) the parents are unavailable; or

1 (c) the parent's actions cause an imminent threat to the child's health  
2 or safety.

3 ~~((4))~~ (5) The parent shall cooperate with the court-ordered case  
4 plan and shall take necessary steps to help implement the case plan.  
5 The parent shall be financially responsible for costs related to the  
6 court-ordered plan. However, this requirement shall not affect the  
7 eligibility of the parent or child for public assistance or other  
8 benefits to which the parent or child may otherwise be entitled.

9 (6) The court may order the department to ~~((submit a dispositional~~  
10 ~~plan if such a plan would assist the court in ordering a suitable~~  
11 ~~disposition in the case. The plan, if ordered, shall address the needs~~  
12 ~~of the child, and the perceived needs of the parents if the order was~~  
13 ~~entered under subsection (2)(d) of this section or if specifically~~  
14 ~~agreed to by the parents. If the parents do not agree or the order was~~  
15 ~~not entered under subsection (2)(d) of this section the plan may only~~  
16 ~~make recommendations regarding services in which the parents may~~  
17 ~~voluntarily participate. If the court orders the department to prepare~~  
18 ~~a plan, the department shall provide copies of the plan to the parent,~~  
19 ~~the child, and the court))~~ monitor compliance with the dispositional  
20 order, assist in coordinating the provisions of court-ordered services,  
21 and submit reports to subsequent review hearings regarding the status  
22 of the case. If ~~((the parties or))~~ the court ~~((desire))~~ orders the  
23 department to be involved in ~~((any future proceedings or case plan~~  
24 ~~development))~~ the case, the department shall be provided with timely  
25 notification of all court hearings.

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

30 ~~(6) After the court approves or orders an out-of-home placement))~~  
31 (7) In all family reconciliation proceedings, the court shall verbally  
32 notify the parents and the child of the possibility of a finding of  
33 contempt for failure to comply with the terms of a court order entered  
34 pursuant to this chapter.

35 (8) Subsequent to the disposition hearing, the parents or the  
36 department may request, and the court may grant, dismissal of the  
37 ~~((child in need of services))~~ family reconciliation proceeding when it  
38 is not feasible for the department to provide services due to one or  
39 more of the following circumstances:

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

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

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

8 ~~((+7))~~ (9) Upon the request of the parents, the court shall  
9 dismiss a ((placement made under subsection (2)(c) of this section upon  
10 the request of the parents)) family reconciliation proceeding unless:

11 (a) A contempt action is pending in the case; (b) the parent is not the  
12 petitioner and the request for dismissal is for other than as provided  
13 in subsection (8) of this section; or (c) the disposition order is  
14 pursuant to a clear and convincing finding as provided in subsection  
15 (4) of this section.

16 (10) A request for dismissal of a proceeding under this chapter,  
17 which pursuant to a parent's motion was converted from a proceeding  
18 filed under chapter 28A.225 RCW, will result in the matter reverting to  
19 being a proceeding under chapter 28A.225 RCW.

20 (11) No dispositional order or condition of supervision ordered by  
21 a court pursuant to this section shall include involuntary commitment  
22 of a child for substance abuse or mental health treatment.

23 NEW SECTION. Sec. 15. A new section is added to chapter 13.32A  
24 RCW to read as follows:

25 (1) In the disposition hearing, the court may adopt the additional  
26 orders authorized under this section if it finds that the child  
27 involved in the proceedings is not eligible for inpatient treatment for  
28 a mental health or substance abuse condition and requires specialized  
29 treatment. The court may order that a child be placed in a staff  
30 secure facility, other than a crisis residential center, that will  
31 provide for the child's participation in a program designed to remedy  
32 his or her behavioral difficulties or needs. The court may not enter  
33 this order unless, at the disposition hearing, it finds that the  
34 placement is clearly necessary to protect the child and that a less  
35 restrictive order would be inadequate to protect the child, given the  
36 child's age, maturity, propensity to run away from home, past exposure  
37 to serious risk when the child ran away from home, and possible future  
38 exposure to serious risk should the child run away from home again.

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

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

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

15 (1) Upon making a dispositional order under RCW 13.32A.179, the  
16 court shall schedule the matter on the calendar for review within three  
17 months, advise the parties of the date thereof, appoint legal counsel  
18 and/or a guardian ad litem to represent the child at the review  
19 hearing, advise parents of their right to be represented by legal  
20 counsel at the review hearing, and notify the parties of their rights  
21 to present evidence at the hearing. Where resources are available, the  
22 court shall encourage the parent and child to participate in programs  
23 for reconciliation of their conflict.

24 (2) At the review hearing, the court shall approve or disapprove  
25 the continuation of the dispositional plan in accordance with this  
26 chapter. If the order provides for an out-of-home placement, the court  
27 shall determine whether reasonable efforts have been made to reunify  
28 the family and make it possible for the child to return home. The  
29 court shall discontinue the placement and order that the child return  
30 home if the court has reasonable grounds to believe that the parents  
31 have made reasonable efforts to resolve the conflict and the court has  
32 reason to believe that the child's refusal to return home is  
33 capricious. If out-of-home placement is continued, the court may  
34 modify the dispositional plan.

35 (3) Court supervision of the child may not be continued past one  
36 hundred eighty days from the day the review hearing commenced unless  
37 the court finds, and the parent agrees, that there are compelling

1 reasons for an extension of supervision. Any extension granted  
2 pursuant to this subsection shall not exceed ninety days.

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

9 ~~((4))~~ (5) The parents and the department may request, and the  
10 juvenile court may grant, dismissal of ~~((an out-of-home placement~~  
11 ~~order))~~ the family reconciliation proceeding when it is not feasible  
12 for the department to provide services due to one or more of the  
13 following circumstances:

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

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

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

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

24 (6) The court may dismiss a ~~((child in need of services))~~ family  
25 reconciliation petition filed by a parent at any time if the court  
26 finds good cause to believe that continuation of ~~((out-of-home~~  
27 ~~placement))~~ the proceeding would serve no useful purpose.

28 (7) The court shall dismiss a ~~((child in need of services))~~ family  
29 reconciliation proceeding if the child is the subject of a proceeding  
30 under chapter 13.34 RCW.

31 (8) At its discretion, the court may hold a hearing to review a  
32 family reconciliation matter at any time throughout the duration of the  
33 proceeding.

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

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

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

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

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

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

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

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

24 (1) A petition for a civil action under RCW 28A.225.030 or  
25 28A.225.015 shall consist of a written notification to the court  
26 alleging that:

27 (a) The child has unexcused absences during the current school  
28 year;

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

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

33 (2) The petition shall set forth the name, age, school, and  
34 residence of the child and the names and residence of the child's  
35 parents.

36 (3) The petition shall set forth facts that support the allegations  
37 in this section and shall generally request relief available under this

1 chapter and provide information about what the court might order under  
2 RCW 28A.225.090.

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

9 (5) If a referral is made to a community truancy board, the truancy  
10 board must meet with the child, a parent, and the school district  
11 representative and enter into an agreement with the petitioner and  
12 respondent regarding expectations and any actions necessary to address  
13 the child's truancy within thirty days of the referral. If the  
14 petition is based on RCW 28A.225.015, the child shall not be required  
15 to attend and the agreement under this subsection shall be between the  
16 truancy board, the school district, and the child's parent. The  
17 agreement shall be presented to the juvenile court for its approval.

18 (6) The court shall approve the agreement by order or schedule a  
19 hearing. The court may, if the school district and community truancy  
20 board agree, permit the truancy board to provide continued supervision  
21 over the student, or parent if the petition is based on RCW  
22 28A.225.015, and report on compliance with the order.

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

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

29 (a) Separately notify the child, the parent of the child, and the  
30 school district of the hearing;

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

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

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

1 (10) A school district is responsible for determining who shall  
2 represent the school district at hearings on a petition filed under RCW  
3 28A.225.030 or 28A.225.015.

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

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

18 (13) If the court assumes jurisdiction, the school district shall  
19 regularly report to the court any additional unexcused absences by the  
20 child.

21 (14) Community truancy boards and the courts shall coordinate, to  
22 the extent possible, proceedings and actions pertaining to children who  
23 are subject to truancy petitions (~~((and at-risk youth petitions in RCW~~  
24 ~~13.32A.191))~~) or (~~((child in need of services))~~) family reconciliation  
25 petitions in RCW 13.32A.140.

26 (15) If after a juvenile court assumes jurisdiction in one county  
27 the child relocates to another county, the juvenile court in the  
28 receiving county shall, upon the request of a school district or  
29 parent, assume jurisdiction of the petition filed in the previous  
30 county.

31 (16) At any time after the filing of a truancy petition on his or  
32 her child, and subsequent to a family assessment as provided under RCW  
33 13.32A.150(1), a parent may file with the court a motion requesting the  
34 matter be converted to a proceeding under chapter 13.32A RCW. The  
35 court shall approve the motion unless there is a pending contempt  
36 action under this chapter or the court has reason to believe the  
37 conversion would not be in the best interest of the child.



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

3       (1) A court may order a child subject to a petition under RCW  
4 28A.225.035 to:

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

6       (b) If there is space available and the program can provide  
7 educational services appropriate for the child, order the child to  
8 attend another public school, an alternative education program, center,  
9 a skill center, dropout prevention program, or another public  
10 educational program;

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

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

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

33       (2)(a) If the child fails to comply with the court order, the court  
34 may order: (i) The child to be subject to detention, as provided in  
35 RCW 7.21.030(2)(e)(~~, or may impose~~); (ii) alternatives to detention  
36 such as community service; and/or (iii) that, subject to available  
37 resources, a risk and needs assessment be conducted on the child, and  
38 the matter scheduled for a follow-up hearing to take place within  
39 fourteen days. Pursuant to the outcome of the risk and needs

1 assessment, the court may order conditions as provided under chapter  
2 13.32A RCW, including regular school attendance; counseling;  
3 participation in a substance abuse or mental health outpatient  
4 treatment program; reporting on a regular basis to the department or  
5 any other designated person or agency; and any other condition the  
6 court deems an appropriate condition of supervision including but not  
7 limited to: Employment, participation in an anger management program,  
8 and refraining from using alcohol and drugs.

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

13 (3) Any parent violating any of the provisions of either RCW  
14 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than  
15 twenty-five dollars for each day of unexcused absence from school. It  
16 shall be a defense for a parent charged with violating RCW 28A.225.010  
17 to show that he or she exercised reasonable diligence in attempting to  
18 cause a child in his or her custody to attend school or that the  
19 child's school did not perform its duties as required in RCW  
20 28A.225.020. The court may order the parent to provide community  
21 service instead of imposing a fine. Any fine imposed pursuant to this  
22 section may be suspended upon the condition that a parent charged with  
23 violating RCW 28A.225.010 shall participate with the school and the  
24 child in a supervised plan for the child's attendance at school or upon  
25 condition that the parent attend a conference or conferences scheduled  
26 by a school for the purpose of analyzing the causes of a child's  
27 absence.

28 (4)(a) If a child continues to be truant after entering into a  
29 court-approved order with the truancy board under RCW 28A.225.035, the  
30 juvenile court shall find the child in contempt, and the court may  
31 order: (i) The child to be subject to detention, as provided in RCW  
32 7.21.030(2)(e)(~~(, or may impose)~~); (ii) alternatives to detention such  
33 as meaningful community service; and/or (iii) that, subject to  
34 available resources, a risk and needs assessment be conducted on the  
35 child, and the matter scheduled for a follow-up hearing to take place  
36 within fourteen days. Pursuant to the outcome of the risk and needs  
37 assessment, the court may order conditions as provided under chapter  
38 13.32A RCW, including regular school attendance; counseling;  
39 participation in a substance abuse or mental health outpatient

1 treatment program; reporting on a regular basis to the department or  
2 any other designated person or agency; and any other condition the  
3 court deems an appropriate condition of supervision including but not  
4 limited to: Employment, participation in an anger management program,  
5 and refraining from using alcohol and drugs.

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

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

13 NEW SECTION. **Sec. 20.** The following acts or parts of acts are  
14 each repealed:

15 (1) RCW 13.32A.191 (At-risk youth--Petition by parent) and 1995 c  
16 312 s 25;

17 (2) RCW 13.32A.192 (At-risk youth petition--Prehearing procedures)  
18 and 1997 c 146 s 8, 1996 c 133 s 26, 1995 c 312 s 26, & 1990 c 276 s  
19 12;

20 (3) RCW 13.32A.194 (At-risk youth petition--Court procedures) and  
21 1996 c 133 s 27, 1995 c 312 s 27, & 1990 c 276 s 13;

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

24 (5) RCW 13.32A.197 (Disposition hearing--Additional orders for  
25 specialized treatment--Review hearings--Limitation--Use of state funds)  
26 and 1996 c 133 s 3;

27 (6) RCW 13.32A.198 (At-risk youth--Review by court) and 1990 c 276  
28 s 15;

29 (7) RCW 13.32A.205 (Acceptance of petitions by court--Damages) and  
30 1995 c 312 s 32; and

31 (8) RCW 13.32A.250 (Failure to comply with order as civil  
32 contempt--Motion--Penalties) and 1998 c 296 s 37, 1996 c 133 s 28, 1995  
33 c 312 s 29, & 1990 c 276 s 16.

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