
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-2388.2/01 2nd draft

ATTY/TYPIST: RJS:ads

BRIEF DESCRIPTION:

2 **ESSB 5500** - H COMM AMD
3 By Committee on Juvenile Justice

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 13.32A.030 and 2000 c 123 s 2 are each amended to
8 read as follows:

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

11 (1) "Abuse or neglect" means the injury, sexual abuse, sexual
12 exploitation, negligent treatment, or maltreatment of a child by any
13 person under circumstances which indicate that the child's health,
14 welfare, and safety is harmed, excluding conduct permitted under RCW
15 9A.16.100. An abused child is a child who has been subjected to child
16 abuse or neglect as defined in this section.

17 (2) "Administrator" means the individual who has the daily
18 administrative responsibility of a crisis residential center, or his or
19 her designee.

20 (3) "At-risk youth" means a juvenile:

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

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

26 (c) Who has a substance abuse problem for which there are no
27 pending criminal charges related to the substance abuse; or

28 (d) Who refuses or fails to comply with the compulsory school
29 attendance laws as provided under chapter 28A.225 RCW in addition to
30 either (a), (b), or (c) of this subsection.

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

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

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

1 (b) Who has been reported to law enforcement as absent without
2 consent for at least twenty-four consecutive hours on two or more
3 separate occasions from the home of either parent, a crisis residential
4 center, an out-of-home placement, or a court-ordered placement; and
5 (i) Has exhibited a serious substance abuse problem; or
6 (ii) Has exhibited behaviors that create a serious risk of harm to
7 the health, safety, or welfare of the child or any other person; or
8 (c)(i) Who is in need of: (A) Necessary services, including food,
9 shelter, health care, clothing, or education; or (B) services designed
10 to maintain or reunite the family;
11 (ii) Who lacks access to, or has declined to utilize, these
12 services; and
13 (iii) Whose parents have evidenced continuing but unsuccessful
14 efforts to maintain the family structure or are unable or unwilling to
15 continue efforts to maintain the family structure.
16 (6) "Child in need of services petition" means a petition filed in
17 juvenile court by a parent, child, or the department seeking
18 adjudication of placement of the child.
19 (7) "Crisis residential center" means a secure or semi-secure
20 facility established pursuant to chapter 74.13 RCW.
21 (8) "Custodian" means the person or entity who has the legal right
22 to the custody of the child.
23 (9) "Department" means the department of social and health
24 services.
25 (10) "Extended family member" means an adult who is a grandparent,
26 brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin
27 with whom the child has a relationship and is comfortable, and who is
28 willing and available to care for the child.
29 (11) "Guardian" means that person or agency that (a) has been
30 appointed as the guardian of a child in a legal proceeding other than
31 a proceeding under chapter 13.34 RCW, and (b) has the right to legal
32 custody of the child pursuant to such appointment. The term "guardian"
33 does not include a "dependency guardian" appointed pursuant to a
34 proceeding under chapter 13.34 RCW.
35 (12) "Multidisciplinary team" means a group formed to provide
36 assistance and support to a child who is an at-risk youth or a child in
37 need of services and his or her parent. The team shall include the
38 parent, a department case worker, a local government representative
39 when authorized by the local government, and when appropriate, members

1 from the mental health and substance abuse disciplines. The team may
2 also include, but is not limited to, the following persons: Educators,
3 law enforcement personnel, probation officers, employers, church
4 persons, tribal members, therapists, medical personnel, social service
5 providers, placement providers, and extended family members. The team
6 members shall be volunteers who do not receive compensation while
7 acting in a capacity as a team member, unless the member's employer
8 chooses to provide compensation or the member is a state employee.

9 (13) "Out-of-home placement" means a placement in a foster family
10 home or group care facility licensed pursuant to chapter 74.15 RCW or
11 placement in a home, other than that of the child's parent, guardian,
12 or legal custodian, not required to be licensed pursuant to chapter
13 74.15 RCW.

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

16 (15) "Secure facility" means a crisis residential center, or
17 portion thereof, that has locking doors, locking windows, or a secured
18 perimeter, designed and operated to prevent a child from leaving
19 without permission of the facility staff.

20 (16) "Semi-secure facility" means any facility, including but not
21 limited to crisis residential centers or specialized foster family
22 homes, operated in a manner to reasonably assure that youth placed
23 there will not run away. Pursuant to rules established by the
24 department, the facility administrator shall establish reasonable hours
25 for residents to come and go from the facility such that no residents
26 are free to come and go at all hours of the day and night. To prevent
27 residents from taking unreasonable actions, the facility administrator,
28 where appropriate, may condition a resident's leaving the facility upon
29 the resident being accompanied by the administrator or the
30 administrator's designee and the resident may be required to notify the
31 administrator or the administrator's designee of any intent to leave,
32 his or her intended destination, and the probable time of his or her
33 return to the center.

34 (17) "Staff secure facility" means a structured group care facility
35 licensed under rules adopted by the department with a ratio of at least
36 one adult staff member to every two children.

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

1 **Sec. 2.** RCW 13.32A.160 and 2000 c 123 s 19 are each amended to
2 read as follows:

3 (1) When a proper child in need of services petition to approve an
4 out-of-home placement is filed under RCW 13.32A.120, 13.32A.140, or
5 13.32A.150 the juvenile court shall: (a)(i) Schedule a fact-finding
6 hearing to be held: (A) For a child who resides in a place other than
7 his or her parent's home and other than an out-of-home placement,
8 within five calendar days unless the last calendar day is a Saturday,
9 Sunday, or holiday, in which case the hearing shall be held on the
10 preceding judicial day; or (B) for a child living at home or in an out-
11 of-home placement, within ten days; and (ii) notify the parent, child,
12 and the department of such date; (b) notify the parent of the right to
13 be represented by counsel and, if indigent, to have counsel appointed
14 for him or her by the court; (c) appoint legal counsel for the child;
15 (d) inform the child and his or her parent of the legal consequences of
16 the court approving or disapproving a child in need of services
17 petition; (e) notify the parents of their rights under this chapter and
18 chapters 11.88, 13.34, 70.96A, and 71.34 RCW, including the right to
19 file a motion requesting that the court convert the petition to an at-
20 risk youth petition, the right to submit an application for admission
21 of their child to a treatment facility for alcohol, chemical
22 dependency, or mental health treatment, and the right to file a
23 guardianship petition; and (f) notify all parties, including the
24 department, of their right to present evidence at the fact-finding
25 hearing.

26 (2) Upon filing of a child in need of services petition, the child
27 may be placed, if not already placed, by the department in a crisis
28 residential center, foster family home, group home facility licensed
29 under chapter 74.15 RCW, or any other suitable residence other than a
30 HOPE center to be determined by the department. The court may place a
31 child in a crisis residential center for a temporary out-of-home
32 placement as long as the requirements of RCW 13.32A.125 are met.

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

1 **Sec. 3.** RCW 13.32A.170 and 2000 c 123 s 20 are each amended to
2 read as follows:

3 (1) The court shall hold a fact-finding hearing to consider a
4 proper child in need of services petition, giving due weight to the
5 intent of the legislature that families have the right to place
6 reasonable restrictions and rules upon their children, appropriate to
7 the individual child's developmental level. The court may appoint
8 legal counsel and/or a guardian ad litem to represent the child and
9 advise parents of their right to be represented by legal counsel. At
10 the commencement of the hearing, the court shall advise the parents of
11 their rights as set forth in RCW 13.32A.160(1). If the court approves
12 or denies a child in need of services petition, a written statement of
13 the reasons must be filed.

14 (2) The court may approve an order stating that the child shall be
15 placed in a residence other than the home of his or her parent only if
16 it is established by a preponderance of the evidence, including a
17 departmental recommendation for approval or dismissal of the petition,
18 that:

19 (a) The child is a child in need of services as defined in RCW
20 13.32A.030(5);

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

23 (c) Reasonable efforts have been made to prevent or eliminate the
24 need for removal of the child from the child's home and to make it
25 possible for the child to return home; and

26 (d) A suitable out-of-home placement resource is available.

27 The court may not grant a petition filed by the child or the
28 department if it is established that the petition is based only upon a
29 dislike of reasonable rules or reasonable discipline established by the
30 parent.

31 The court may not grant the petition if the child is the subject of
32 a proceeding under chapter 13.34 RCW.

33 (3) Following the fact-finding hearing the court shall: (a)
34 Approve a child in need of services petition and, if appropriate, enter
35 a temporary out-of-home placement for a period not to exceed fourteen
36 days pending approval of a disposition decision to be made under RCW
37 13.32A.179(2); (b) approve the parent's motion to convert the petition
38 to an at-risk youth petition (~~filed by the parents and dismiss the~~

1 ~~child in need of services petition))~~ and approve the at-risk youth
2 petition; or (c) dismiss the petition.

3 At any time the court may order the department to review the case
4 to determine whether the case is appropriate for a dependency petition
5 under chapter 13.34 RCW.

6 **Sec. 4.** RCW 13.32A.179 and 2000 c 123 s 21 are each amended to
7 read as follows:

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

12 (2) At the conclusion of the disposition hearing, the court may:
13 (a) Reunite the family and dismiss the petition; (b) approve the
14 parent's motion to convert the petition to an at-risk youth petition
15 ~~((filed by the parents and dismiss the child in need of services~~
16 ~~petition))~~ and approve the at-risk youth petition; (c) approve an out-
17 of-home placement requested in the child in need of services petition
18 by the parents; or (d) order an out-of-home placement at the request of
19 the child or the department not to exceed ninety days.

20 At any time the court may order the department to review the matter
21 for purposes of filing a dependency petition under chapter 13.34 RCW.
22 Whether or not the court approves or orders an out-of-home placement,
23 the court may also order any conditions of supervision as set forth in
24 RCW 13.32A.196(3).

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

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

3 (4) The court may order the department to submit a dispositional
4 plan if such a plan would assist the court in ordering a suitable
5 disposition in the case. The plan, if ordered, shall address the needs
6 of the child, and the perceived needs of the parents if the order was
7 entered under subsection (2)(d) of this section or if specifically
8 agreed to by the parents. If the parents do not agree or the order was
9 not entered under subsection (2)(d) of this section the plan may only
10 make recommendations regarding services in which the parents may
11 voluntarily participate. If the court orders the department to prepare
12 a plan, the department shall provide copies of the plan to the parent,
13 the child, and the court. If the parties or the court desire the
14 department to be involved in any future proceedings or case plan
15 development, the department shall be provided with timely notification
16 of all court hearings.

17 (5) At any time during the pendency of a child in need of services
18 petition or following approval of a child in need of services petition,
19 the court may order that a risk and needs assessment of the child be
20 conducted by juvenile court staff, a community agency identified by the
21 court, or the department if the department has sufficient resources and
22 agrees to perform the assessment.

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

27 ~~((+6))~~ (7) After the court approves or orders an out-of-home
28 placement, the parents or the department may request, and the court may
29 grant, dismissal of the child in need of services proceeding when it is
30 not feasible for the department to provide services due to one or more
31 of the following circumstances:

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

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

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

1 (~~(7)~~) (8) The court shall dismiss a placement made under
2 subsection (2)(c) of this section upon the request of the parents.

3 **Sec. 5.** RCW 13.32A.190 and 1996 c 133 s 25 are each amended to
4 read as follows:

5 (1) Upon making a dispositional order under RCW 13.32A.179, the
6 court shall schedule the matter on the calendar for review within three
7 months, advise the parties of the date thereof, appoint legal counsel
8 and/or a guardian ad litem to represent the child at the review
9 hearing, advise parents of their right to be represented by legal
10 counsel at the review hearing, and notify the parties of their rights
11 to present evidence at the hearing. Where resources are available, the
12 court shall encourage the parent and child to participate in programs
13 for reconciliation of their conflict.

14 (2) At the review hearing, the court shall approve or disapprove
15 the continuation of the dispositional plan in accordance with this
16 chapter. The court shall determine whether reasonable efforts have
17 been made to reunify the family and make it possible for the child to
18 return home. The court shall discontinue the placement and order that
19 the child return home if the court has reasonable grounds to believe
20 that the parents have made reasonable efforts to resolve the conflict
21 and the court has reason to believe that the child's refusal to return
22 home is capricious. If out-of-home placement is continued, the court
23 may modify the dispositional plan.

24 (3) At its discretion, the court may hold a hearing to review a
25 child in need of services matter at any time throughout the duration of
26 the proceeding.

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

33 (~~(4)~~) (5) The parents and the department may request, and the
34 juvenile court may grant, dismissal of an out-of-home placement order
35 when it is not feasible for the department to provide services due to
36 one or more of the following circumstances:

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

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

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

6 ~~((+5))~~ (6) The court shall terminate a placement made under this
7 section upon the request of a parent unless the placement is made
8 pursuant to RCW 13.32A.179(3).

9 ~~((+6))~~ (7) The court may dismiss a child in need of services
10 petition filed by a parent at any time if the court finds good cause to
11 believe that continuation of out-of-home placement would serve no
12 useful purpose.

13 ~~((+7))~~ (8) The court shall dismiss a child in need of services
14 proceeding if the child is the subject of a proceeding under chapter
15 13.34 RCW.

16 **Sec. 6.** RCW 13.32A.196 and 2000 c 123 s 24 are each amended to
17 read as follows:

18 (1) A dispositional hearing shall be held no later than fourteen
19 days after the fact-finding hearing. Each party shall be notified of
20 the time and date of the hearing.

21 (2) At the dispositional hearing regarding an adjudicated at-risk
22 youth, the court shall consider the recommendations of the parties and
23 the recommendations of any dispositional plan submitted by the
24 department. The court may enter a dispositional order that will assist
25 the parent in maintaining the care, custody, and control of the child
26 and assist the family to resolve family conflicts or problems.

27 (3) The court may set conditions of supervision for the child that
28 include:

29 (a) Regular school attendance;

30 (b) Counseling;

31 (c) Participation in a substance abuse or mental health outpatient
32 treatment program;

33 (d) Reporting on a regular basis to the department or any other
34 designated person or agency; and

35 (e) Any other condition the court deems an appropriate condition of
36 supervision including but not limited to: Employment, participation in
37 an anger management program, and refraining from using alcohol or
38 drugs.

1 (4) No dispositional order or condition of supervision ordered by
2 a court pursuant to this section shall include involuntary commitment
3 of a child for substance abuse or mental health treatment.

4 (5) The court may order the parent to participate in counseling
5 services or any other services for the child requiring parental
6 participation. The parent shall cooperate with the court-ordered case
7 plan and shall take necessary steps to help implement the case plan.
8 The parent shall be financially responsible for costs related to the
9 court-ordered plan; however, this requirement shall not affect the
10 eligibility of the parent or child for public assistance or other
11 benefits to which the parent or child may otherwise be entitled.

12 (6) The parent may request dismissal of an at-risk youth proceeding
13 or out-of-home placement at any time. Upon such a request, the court
14 shall dismiss the matter and cease court supervision of the child
15 unless: (a) A contempt action is pending in the case; (b) a petition
16 has been filed under RCW 13.32A.150 and a hearing has not yet been held
17 under RCW 13.32A.179; or (c) an order has been entered under RCW
18 13.32A.179(3) and the court retains jurisdiction under that subsection.
19 The court may retain jurisdiction over the matter for the purpose of
20 concluding any pending contempt proceedings, including the full
21 satisfaction of any penalties imposed as a result of a contempt
22 finding.

23 (7) An at-risk youth proceeding converted from a truancy proceeding
24 under chapter 28A.225 RCW shall revert to being a truancy proceeding
25 under chapter 28A.225 RCW if, pursuant to subsection (6) of this
26 section, the at-risk youth petition is dismissed.

27 (8) The court may order the department to monitor compliance with
28 the dispositional order, assist in coordinating the provision of court-
29 ordered services, and submit reports at subsequent review hearings
30 regarding the status of the case.

31 (9) At any time during the pendency of an at-risk youth petition or
32 following approval of an at-risk youth petition, the court may order
33 that a risk and needs assessment of the child be conducted by juvenile
34 court staff, a community agency identified by the court, or the
35 department if the department has sufficient resources and agrees to
36 perform the assessment.

37 **Sec. 7.** RCW 13.32A.198 and 1990 c 276 s 15 are each amended to
38 read as follows:

1 (1) Upon making a disposition regarding an adjudicated at-risk
2 youth, the court shall schedule the matter on the calendar for review
3 within three months, advise the parties of the date thereof, appoint
4 legal counsel for the child, advise the parent of the right to be
5 represented by legal counsel at the review hearing at the parent's own
6 expense, and notify the parties of their rights to present evidence at
7 the hearing.

8 (2) At the review hearing, the court shall approve or disapprove
9 the continuation of court supervision in accordance with the goal of
10 assisting the parent to maintain the care, custody, and control of the
11 child. The court shall determine whether the parent and child are
12 complying with the dispositional plan. If court supervision is
13 continued, the court may modify the dispositional plan.

14 (3) At its discretion, the court may hold a hearing to review an
15 at-risk youth matter at any time throughout the duration of the
16 proceeding.

17 (4) Court supervision of the child may not be continued past one
18 hundred eighty days from the day the review hearing commenced unless
19 the court finds, and the parent agrees, that there are compelling
20 reasons for an extension of supervision. Any extension granted
21 pursuant to this subsection shall not exceed ninety days.

22 ~~((+4))~~ (5) The court may dismiss an at-risk youth proceeding at
23 any time if the court finds good cause to believe that continuation of
24 court supervision would serve no useful purpose or that the parent is
25 not cooperating with the court-ordered case plan. The court shall
26 dismiss an at-risk youth proceeding if the child is the subject of a
27 proceeding under chapter 13.34 RCW.

28 (6) An at-risk youth proceeding converted from a truancy proceeding
29 under chapter 28A.225 RCW shall revert to being a truancy proceeding
30 under chapter 28A.225 RCW if, pursuant to this section, the at-risk
31 youth petition is dismissed.

32 **Sec. 8.** RCW 28A.225.035 and 1999 c 319 s 3 are each amended to
33 read as follows:

34 (1) A petition for a civil action under RCW 28A.225.030 or
35 28A.225.015 shall consist of a written notification to the court
36 alleging that:

37 (a) The child has unexcused absences during the current school
38 year;

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

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

5 (2) The petition shall set forth the name, age, school, and
6 residence of the child and the names and residence of the child's
7 parents.

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

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

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

27 (6) The court shall approve the agreement by order or schedule a
28 hearing. The court may, if the school district and community truancy
29 board agree, permit the truancy board to provide continued supervision
30 over the student, or parent if the petition is based on RCW
31 28A.225.015, and report on compliance with the order.

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

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

38 (a) Separately notify the child, the parent of the child, and the
39 school district of the hearing;

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

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

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

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

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

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

25 (13) If the court assumes jurisdiction, the school district shall
26 regularly report to the court any additional unexcused absences by the
27 child.

28 (14) Community truancy boards and the courts shall coordinate, to
29 the extent possible, proceedings and actions pertaining to children who
30 are subject to truancy petitions and at-risk youth petitions in RCW
31 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

32 (15) If after a juvenile court assumes jurisdiction in one county
33 the child relocates to another county, the juvenile court in the
34 receiving county shall, upon the request of a school district or
35 parent, assume jurisdiction of the petition filed in the previous
36 county.

37 (16) At any time after the filing of a truancy petition on his or
38 her child, and subsequent to a family assessment as provided under RCW
39 13.32A.150(1), a parent may file with the court a motion requesting the

1 matter be converted to an at-risk youth proceeding under chapter 13.32A
2 RCW. The court shall approve the motion unless there is a pending
3 contempt action under this chapter or the court has reason to believe
4 the conversion would not be in the best interest of the child.

5 **Sec. 9.** RCW 28A.225.090 and 2000 c 162 s 6 and 2000 c 61 s 1 are
6 each reenacted and amended to read as follows:

7 (1) A court may order a child subject to a petition under RCW
8 28A.225.035 to do one or more of the following:

9 (a) Attend the child's current school, and set forth minimum
10 attendance requirements, including suspensions;

11 (b) If there is space available and the program can provide
12 educational services appropriate for the child, order the child to
13 attend another public school, an alternative education program, center,
14 a skill center, dropout prevention program, or another public
15 educational program;

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

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

34 (e) Submit to testing for the use of controlled substances or
35 alcohol based on a determination that such testing is appropriate to
36 the circumstances and behavior of the child and will facilitate the
37 child's compliance with the mandatory attendance law and, if any test
38 ordered under this subsection indicates the use of controlled

1 substances or alcohol, order the minor to abstain from the unlawful
2 consumption of controlled substances or alcohol and adhere to the
3 recommendations of the drug assessment at no expense to the school.

4 (2)(a) If the child fails to comply with the court order, the court
5 may order the child to be placed in confinement for contempt, either in
6 a juvenile detention facility operated by or under a contract with a
7 county or in a secure facility that is a separate, secure section of a
8 juvenile detention facility, or may impose alternatives to confinement
9 such as community service. Failure by a child to comply with an order
10 issued under this subsection shall not be subject to detention for a
11 period greater than that permitted pursuant to a civil contempt
12 proceeding against a child under chapter 13.32A RCW. In no case may a
13 child in contempt be confined in a secure facility that is freestanding
14 outside a juvenile detention facility.

15 (b) If the child fails to comply with the court order, the court
16 may order that a risk and needs assessment of the child be conducted by
17 juvenile court staff, a community agency identified by the court, or
18 the department if the department has sufficient resources and agrees to
19 perform the assessment. The court shall hold a review hearing within
20 fourteen days of the contempt finding and, pursuant to the results of
21 the assessment, may order conditions of supervision, including regular
22 school attendance, counseling, participation in a substance abuse or
23 mental health outpatient treatment program, and any other condition the
24 court deems an appropriate condition of supervision.

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

1 (4)(a) If a child continues to be truant after entering into a
2 court-approved order with the truancy board under RCW 28A.225.035, the
3 juvenile court shall find the child in contempt, and the court may
4 order the child to be subject to detention, as provided in RCW
5 7.21.030(2)(e), or may impose alternatives to detention such as
6 meaningful community service. Failure by a child to comply with an
7 order issued under this subsection may not subject a child to detention
8 for a period greater than that permitted under a civil contempt
9 proceeding against a child under chapter 13.32A RCW.

10 (b) If a child continues to be truant after entering into a court-
11 approved order with the truancy board under RCW 28A.225.035, the
12 juvenile court shall find the child in contempt, and the court may
13 order that a risk and needs assessment of the child be conducted by
14 juvenile court staff, a community agency identified by the court, or
15 the department if the department has sufficient resources and agrees to
16 perform the assessment. The court shall hold a review hearing within
17 fourteen days of the contempt finding and, pursuant to the results of
18 the assessment, may order conditions of supervision, including regular
19 school attendance, counseling, participation in a substance abuse or
20 mental health outpatient treatment program, and any other condition the
21 court deems an appropriate condition of supervision.

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

25 **Sec. 10.** RCW 28A.225.090 and 2000 c 162 s 15 and 2000 c 61 s 1 are
26 each reenacted and amended to read as follows:

27 (1) A court may order a child subject to a petition under RCW
28 28A.225.035 to do one or more of the following:

29 (a) Attend the child's current school, and set forth minimum
30 attendance requirements, including suspensions;

31 (b) If there is space available and the program can provide
32 educational services appropriate for the child, order the child to
33 attend another public school, an alternative education program, center,
34 a skill center, dropout prevention program, or another public
35 educational program;

36 (c) Attend a private nonsectarian school or program including an
37 education center. Before ordering a child to attend an approved or
38 certified private nonsectarian school or program, the court shall: (i)

1 Consider the public and private programs available; (ii) find that
2 placement is in the best interest of the child; and (iii) find that the
3 private school or program is willing to accept the child and will not
4 charge any fees in addition to those established by contract with the
5 student's school district. If the court orders the child to enroll in
6 a private school or program, the child's school district shall contract
7 with the school or program to provide educational services for the
8 child. The school district shall not be required to contract for a
9 weekly rate that exceeds the state general apportionment dollars
10 calculated on a weekly basis generated by the child and received by the
11 district. A school district shall not be required to enter into a
12 contract that is longer than the remainder of the school year. A
13 school district shall not be required to enter into or continue a
14 contract if the child is no longer enrolled in the district;

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

16 (e) Submit to testing for the use of controlled substances or
17 alcohol based on a determination that such testing is appropriate to
18 the circumstances and behavior of the child and will facilitate the
19 child's compliance with the mandatory attendance law and, if any test
20 ordered under this subsection indicates the use of controlled
21 substances or alcohol, order the minor to abstain from the unlawful
22 consumption of controlled substances or alcohol and adhere to the
23 recommendations of the drug assessment at no expense to the school.

24 (2)(a) If the child fails to comply with the court order, the court
25 may order the child to be subject to detention, as provided in RCW
26 7.21.030(2)(e), or may impose alternatives to detention such as
27 community service. Failure by a child to comply with an order issued
28 under this subsection shall not be subject to detention for a period
29 greater than that permitted pursuant to a civil contempt proceeding
30 against a child under chapter 13.32A RCW.

31 (b) If the child fails to comply with the court order, the court
32 may order that a risk and needs assessment of the child be conducted by
33 juvenile court staff, a community agency identified by the court, or
34 the department if the department has sufficient resources and agrees to
35 perform the assessment. The court shall hold a review hearing within
36 fourteen days of the contempt finding and, pursuant to the results of
37 the assessment, may order conditions of supervision, including regular
38 school attendance, counseling, participation in a substance abuse or

1 mental health outpatient treatment program, and any other condition the
2 court deems an appropriate condition of supervision.

3 (3) Any parent violating any of the provisions of either RCW
4 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than
5 twenty-five dollars for each day of unexcused absence from school. It
6 shall be a defense for a parent charged with violating RCW 28A.225.010
7 to show that he or she exercised reasonable diligence in attempting to
8 cause a child in his or her custody to attend school or that the
9 child's school did not perform its duties as required in RCW
10 28A.225.020. The court may order the parent to provide community
11 service instead of imposing a fine. Any fine imposed pursuant to this
12 section may be suspended upon the condition that a parent charged with
13 violating RCW 28A.225.010 shall participate with the school and the
14 child in a supervised plan for the child's attendance at school or upon
15 condition that the parent attend a conference or conferences scheduled
16 by a school for the purpose of analyzing the causes of a child's
17 absence.

18 (4)(a) If a child continues to be truant after entering into a
19 court-approved order with the truancy board under RCW 28A.225.035, the
20 juvenile court shall find the child in contempt, and the court may
21 order the child to be subject to detention, as provided in RCW
22 7.21.030(2)(e), or may impose alternatives to detention such as
23 meaningful community service. Failure by a child to comply with an
24 order issued under this subsection may not subject a child to detention
25 for a period greater than that permitted under a civil contempt
26 proceeding against a child under chapter 13.32A RCW.

27 (b) If a child continues to be truant after entering into a court-
28 approved order with the truancy board under RCW 28A.225.035, the
29 juvenile court shall find the child in contempt, and the court may
30 order that a risk and needs assessment of the child be conducted by
31 juvenile court staff, a community agency identified by the court, or
32 the department if the department has sufficient resources and agrees to
33 perform the assessment. The court shall hold a review hearing within
34 fourteen days of the contempt finding and, pursuant to the results of
35 the assessment, may order conditions of supervision, including regular
36 school attendance, counseling, participation in a substance abuse or
37 mental health outpatient treatment program, and any other condition the
38 court deems an appropriate condition of supervision.

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

4 NEW SECTION. **Sec. 11.** A new section is added to chapter 74.15 RCW
5 to read as follows:

6 Any person acting reasonably, in good faith, and in compliance with
7 the requirements of the HOPE act (chapter 267, Laws of 1999) shall be
8 immune from civil or criminal liability for receiving or sheltering the
9 child. Immunity does not apply to acts of intentional misconduct or
10 gross negligence.

11 **Sec. 12.** RCW 13.32A.070 and 1996 c 133 s 13 are each amended to
12 read as follows:

13 (1) A law enforcement officer acting in good faith pursuant to this
14 chapter is immune from civil or criminal liability for such action.

15 (2) A person with whom a child is placed pursuant to this chapter
16 and who acts reasonably and in good faith is immune from civil or
17 criminal liability (~~for the act of receiving the child~~). The
18 immunity does not release the person from liability under any other
19 law.

20 **Sec. 13.** RCW 13.32A.125 and 1995 c 312 s 44 are each amended to
21 read as follows:

22 In approving a petition under this chapter, a child may be placed
23 in a semi-secure crisis residential center as a temporary out-of-home
24 placement under the following conditions: (1) No other suitable out-
25 of-home placement is available; (2) space is available in the semi-
26 secure crisis residential center; and (3) no child will be denied
27 access for a five-day placement due to this placement.

28 Any child referred to a semi-secure crisis residential center by a
29 law enforcement officer, the department, or himself or herself shall
30 have priority over a temporary out-of-home placement in the facility.
31 Any out-of-home placement order shall be subject to this priority, and
32 the administrator of the semi-secure crisis residential center shall
33 transfer the temporary out-of-home placement youth to a new out-of-home
34 placement as necessary to ensure access for youth needing the semi-
35 secure crisis residential center.

1 A crisis residential center and any person employed at the center
2 acting reasonably and in good faith in carrying out the provisions of
3 this section are immune from criminal or civil liability for such
4 actions.

5 **Sec. 14.** 1999 c 267 s 24 (uncodified) is amended to read as
6 follows:

7 The Washington state institute for public policy shall review the
8 effectiveness of the HOPE centers and the responsible living skills
9 programs. The study shall include the characteristics of the youth
10 being served, the services offered to participating youth, the success
11 of permanent placement of youth, the number of youth participating in
12 each program, the number of youth who successfully complete the
13 responsible living skills program, educational achievement of
14 participants, employment history of participants, the outcomes for
15 youth who have progressed through the programs, and other measures that
16 the institute deems helpful in determining the measurable outcomes of
17 sections 10 through 26 of this act.

18 The review shall be submitted to the legislature and the governor
19 not later than December 1, ((2001)) 2002.

20 NEW SECTION. **Sec. 15.** Section 9 of this act expires July 1, 2002.

21 NEW SECTION. **Sec. 16.** Section 10 of this act takes effect July 1,
22 2002."

23 Correct the title.

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