
SECOND SUBSTITUTE HOUSE BILL 1958

State of Washington

57th Legislature

2001 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Delvin, Dickerson, Carrell and Darneille)

Read first time 03/07/2001. Referred to Committee on .

1 AN ACT Relating to children in need of services, at-risk youth, and
2 truancy petitions; amending RCW 13.32A.030, 13.32A.160, 13.32A.170,
3 13.32A.179, 13.32A.190, 13.32A.196, 13.32A.198, and 28A.225.035;
4 reenacting and amending RCW 28A.225.090 and 28A.225.090; creating a new
5 section; providing an effective date; and providing an expiration date.

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

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

1 (3) "At-risk youth" means a juvenile:
2 (a) Who is absent from home for at least seventy-two consecutive
3 hours without consent of his or her parent;
4 (b) Who 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; ((or))
7 (c) Who has a substance abuse problem for which there are no
8 pending criminal charges related to the substance abuse; or
9 (d) Who refuses or fails to comply with the compulsory school
10 attendance laws as provided under chapter 28A.225 RCW in addition to
11 either (a), (b), or (c) of this subsection.
12 (4) "Child," "juvenile," and "youth" mean any unemancipated
13 individual who is under the chronological age of eighteen years.
14 (5) "Child in need of services" means a juvenile:
15 (a) Who is beyond the control of his or her parent such that the
16 child's behavior endangers the health, safety, or welfare of the child
17 or other person;
18 (b) Who has been reported to law enforcement as absent without
19 consent for at least twenty-four consecutive hours on two or more
20 separate occasions from the home of either parent, a crisis residential
21 center, an out-of-home placement, or a court-ordered placement; and
22 (i) Has exhibited a serious substance abuse problem; or
23 (ii) Has exhibited behaviors that create a serious risk of harm to
24 the health, safety, or welfare of the child or any other person; or
25 (c)(i) Who is in need of: (A) Necessary services, including food,
26 shelter, health care, clothing, or education; or (B) services designed
27 to maintain or reunite the family;
28 (ii) Who lacks access to, or has declined to utilize, these
29 services; and
30 (iii) Whose parents have evidenced continuing but unsuccessful
31 efforts to maintain the family structure or are unable or unwilling to
32 continue efforts to maintain the family structure.
33 (6) "Child in need of services petition" means a petition filed in
34 juvenile court by a parent, child, or the department seeking
35 adjudication of placement of the child.
36 (7) "Crisis residential center" means a secure or semi-secure
37 facility established pursuant to chapter 74.13 RCW.
38 (8) "Custodian" means the person or entity who has the legal right
39 to the custody of the child.

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

3 (10) "Extended family member" means an adult who is a grandparent,
4 brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin
5 with whom the child has a relationship and is comfortable, and who is
6 willing and available to care for the child.

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

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

26 (13) "Out-of-home placement" means a placement in a foster family
27 home or group care facility licensed pursuant to chapter 74.15 RCW or
28 placement in a home, other than that of the child's parent, guardian,
29 or legal custodian, not required to be licensed pursuant to chapter
30 74.15 RCW.

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

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

37 (16) "Semi-secure facility" means any facility, including but not
38 limited to crisis residential centers or specialized foster family
39 homes, operated in a manner to reasonably assure that youth placed

1 there will not run away. Pursuant to rules established by the
2 department, the facility administrator shall establish reasonable hours
3 for residents to come and go from the facility such that no residents
4 are free to come and go at all hours of the day and night. To prevent
5 residents from taking unreasonable actions, the facility administrator,
6 where appropriate, may condition a resident's leaving the facility upon
7 the resident being accompanied by the administrator or the
8 administrator's designee and the resident may be required to notify the
9 administrator or the administrator's designee of any intent to leave,
10 his or her intended destination, and the probable time of his or her
11 return to the center.

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

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

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

20 (1) When a proper child in need of services petition to approve an
21 out-of-home placement is filed under RCW 13.32A.120, 13.32A.140, or
22 13.32A.150 the juvenile court shall: (a)(i) Schedule a fact-finding
23 hearing to be held: (A) For a child who resides in a place other than
24 his or her parent's home and other than an out-of-home placement,
25 within five calendar days unless the last calendar day is a Saturday,
26 Sunday, or holiday, in which case the hearing shall be held on the
27 preceding judicial day; or (B) for a child living at home or in an out-
28 of-home placement, within ten days; and (ii) notify the parent, child,
29 and the department of such date; (b) notify the parent of the right to
30 be represented by counsel and, if indigent, to have counsel appointed
31 for him or her by the court; (c) appoint legal counsel for the child;
32 (d) inform the child and his or her parent of the legal consequences of
33 the court approving or disapproving a child in need of services
34 petition; (e) notify the parents of their rights under this chapter and
35 chapters 11.88, 13.34, 70.96A, and 71.34 RCW, including the right to
36 file a motion requesting that the court convert the petition to an at-
37 risk youth petition, the right to submit an application for admission
38 of their child to a treatment facility for alcohol, chemical

1 dependency, or mental health treatment, and the right to file a
2 guardianship petition; and (f) notify all parties, including the
3 department, of their right to present evidence at the fact-finding
4 hearing.

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

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

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

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

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

36 (a) The child is a child in need of services as defined in RCW
37 13.32A.030(5);

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

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

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

7 The court may not grant a petition filed by the child or the
8 department if it is established that the petition is based only upon a
9 dislike of reasonable rules or reasonable discipline established by the
10 parent.

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

13 (3) Following the fact-finding hearing the court shall: (a)
14 Approve a child in need of services petition and, if appropriate, enter
15 a temporary out-of-home placement for a period not to exceed fourteen
16 days pending approval of a disposition decision to be made under RCW
17 13.32A.179(2); (b) approve ~~((an at-risk youth petition filed by the~~
18 ~~parents and dismiss the child in need of services petition))~~ the
19 parent's motion to convert the petition to an at-risk youth petition
20 and approve the at-risk youth petition; or (c) dismiss the petition.

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

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

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

30 (2) At the conclusion of the disposition hearing, the court may:
31 (a) Reunite the family and dismiss the petition; (b) approve ~~((an at-~~
32 ~~risk youth petition filed by the parents and dismiss the child in need~~
33 ~~of services petition))~~ the parent's motion to convert the petition to
34 an at-risk youth petition and approve the at-risk youth petition; (c)
35 approve an out-of-home placement requested in the child in need of
36 services petition by the parents; or (d) order an out-of-home placement
37 at the request of the child or the department not to exceed ninety
38 days.

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

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

21 (4) The court may order the department to submit a dispositional
22 plan if such a plan would assist the court in ordering a suitable
23 disposition in the case. The plan, if ordered, shall address the needs
24 of the child, and the perceived needs of the parents if the order was
25 entered under subsection (2)(d) of this section or if specifically
26 agreed to by the parents. If the parents do not agree or the order was
27 not entered under subsection (2)(d) of this section the plan may only
28 make recommendations regarding services in which the parents may
29 voluntarily participate. If the court orders the department to prepare
30 a plan, the department shall provide copies of the plan to the parent,
31 the child, and the court. If the parties or the court desire the
32 department to be involved in any future proceedings or case plan
33 development, the department shall be provided with timely notification
34 of all court hearings.

35 (5) At any time during the pendency of a child in need of services
36 petition or following approval of a child in need of services petition,
37 the court may, subject to available resources, order that a risk and
38 needs assessment of the child be conducted.

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

5 ~~((+6+))~~ (7) After the court approves or orders an out-of-home
6 placement, the parents or the department may request, and the court may
7 grant, dismissal of the child in need of services proceeding when it is
8 not feasible for the department to provide services due to one or more
9 of the following circumstances:

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

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

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

17 ~~((+7+))~~ (8) The court shall dismiss a placement made under
18 subsection (2)(c) of this section upon the request of the parents.

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

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

30 (2) At the review hearing, the court shall approve or disapprove
31 the continuation of the dispositional plan in accordance with this
32 chapter. The court shall determine whether reasonable efforts have
33 been made to reunify the family and make it possible for the child to
34 return home. The court shall discontinue the placement and order that
35 the child return home if the court has reasonable grounds to believe
36 that the parents have made reasonable efforts to resolve the conflict
37 and the court has reason to believe that the child's refusal to return

1 home is capricious. If out-of-home placement is continued, the court
2 may modify the dispositional plan.

3 (3) The court may hold a hearing to review a child in need of
4 services matter at any time during the pendency of the petition or
5 following approval of the petition.

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

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

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

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

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

24 ~~((5))~~ (6) The court shall terminate a placement made under this
25 section upon the request of a parent unless the placement is made
26 pursuant to RCW 13.32A.179(3).

27 ~~((6))~~ (7) The court may dismiss a child in need of services
28 petition filed by a parent at any time if the court finds good cause to
29 believe that continuation of out-of-home placement would serve no
30 useful purpose.

31 ~~((7))~~ (8) The court shall dismiss a child in need of services
32 proceeding if the child is the subject of a proceeding under chapter
33 13.34 RCW.

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

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

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

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

9 (a) Regular school attendance;

10 (b) Counseling;

11 (c) Participation in a substance abuse or mental health outpatient
12 treatment program;

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

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

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

22 (5) The court may order the parent to participate in counseling
23 services or any other services for the child requiring parental
24 participation. The parent shall cooperate with the court-ordered case
25 plan and shall take necessary steps to help implement the case plan.
26 The parent shall be financially responsible for costs related to the
27 court-ordered plan; however, this requirement shall not affect the
28 eligibility of the parent or child for public assistance or other
29 benefits to which the parent or child may otherwise be entitled.

30 (6) The parent may request dismissal of an at-risk youth proceeding
31 or out-of-home placement at any time. Upon such a request, the court
32 shall dismiss the matter and cease court supervision of the child
33 unless: (a) A contempt action is pending in the case; (b) a petition
34 has been filed under RCW 13.32A.150 and a hearing has not yet been held
35 under RCW 13.32A.179; or (c) an order has been entered under RCW
36 13.32A.179(3) and the court retains jurisdiction under that subsection.
37 The court may retain jurisdiction over the matter for the purpose of
38 concluding any pending contempt proceedings, including the full

1 satisfaction of any penalties imposed as a result of a contempt
2 finding.

3 (7) An at-risk youth proceeding converted from a truancy proceeding
4 under RCW 28A.225.035(16) shall revert to being a truancy proceeding if
5 the at-risk youth petition is dismissed pursuant to this section.

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

10 (9) At any time during the pendency of an at-risk youth petition or
11 following approval of an at-risk youth petition, the court may, subject
12 to available resources, order that a risk and needs assessment of the
13 child be conducted.

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

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

23 (2) At the review hearing, the court shall approve or disapprove
24 the continuation of court supervision in accordance with the goal of
25 assisting the parent to maintain the care, custody, and control of the
26 child. The court shall determine whether the parent and child are
27 complying with the dispositional plan. If court supervision is
28 continued, the court may modify the dispositional plan.

29 (3) The court may hold a hearing to review an at-risk youth matter
30 at any time during the pendency of the petition or following approval
31 of the petition.

32 (4) Court supervision of the child may not be continued ((~~past one~~
33 hundred eighty days from the day the review hearing commenced)) beyond
34 nine months from entry of the dispositional order unless the court
35 finds, and the parent agrees, that there are compelling reasons for an
36 extension of supervision. Any extension granted pursuant to this
37 subsection shall not exceed ninety days.

1 (~~(4)~~) (5) The court may dismiss an at-risk youth proceeding at
2 any time if the court finds good cause to believe that continuation of
3 court supervision would serve no useful purpose or that the parent is
4 not cooperating with the court-ordered case plan. The court shall
5 dismiss an at-risk youth proceeding if the child is the subject of a
6 proceeding under chapter 13.34 RCW.

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

9 (1) A petition for a civil action under RCW 28A.225.030 or
10 28A.225.015 shall consist of a written notification to the court
11 alleging that:

12 (a) The child has unexcused absences during the current school
13 year;

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

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

18 (2) The petition shall set forth the name, age, school, and
19 residence of the child and the names and residence of the child's
20 parents.

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

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

31 (5) If a referral is made to a community truancy board, the truancy
32 board must meet with the child, a parent, and the school district
33 representative and enter into an agreement with the petitioner and
34 respondent regarding expectations and any actions necessary to address
35 the child's truancy within thirty days of the referral. If the
36 petition is based on RCW 28A.225.015, the child shall not be required
37 to attend and the agreement under this subsection shall be between the

1 truancy board, the school district, and the child's parent. The
2 agreement shall be presented to the juvenile court for its approval.

3 (6) The court shall approve the agreement by order or schedule a
4 hearing. The court may, if the school district and community truancy
5 board agree, permit the truancy board to provide continued supervision
6 over the student, or parent if the petition is based on RCW
7 28A.225.015, and report on compliance with the order.

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

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

14 (a) Separately notify the child, the parent of the child, and the
15 school district of the hearing;

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

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

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

23 (10) A school district is responsible for determining who shall
24 represent the school district at hearings on a petition filed under RCW
25 28A.225.030 or 28A.225.015.

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

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

1 (13) If the court assumes jurisdiction, the school district shall
2 regularly report to the court any additional unexcused absences by the
3 child.

4 (14) Community truancy boards and the courts shall coordinate, to
5 the extent possible, proceedings and actions pertaining to children who
6 are subject to truancy petitions and at-risk youth petitions in RCW
7 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

8 (15) If after a juvenile court assumes jurisdiction in one county
9 the child relocates to another county, the juvenile court in the
10 receiving county shall, upon the request of a school district or
11 parent, assume jurisdiction of the petition filed in the previous
12 county.

13 (16) At any time following the filing of a truancy petition and
14 subsequent to a family assessment as provided in RCW 13.32A.150(1), a
15 parent may file with the court a motion to convert the truancy petition
16 to an at-risk youth petition under RCW 13.32A.191. The court shall
17 approve the motion unless there is a pending contempt action under this
18 chapter or the court has reason to believe the conversion would not be
19 in the best interest of the child.

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

22 (1) A court may order a child subject to a petition under RCW
23 28A.225.035 to do one or more of the following:

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

26 (b) If there is space available and the program can provide
27 educational services appropriate for the child, order the child to
28 attend another public school, an alternative education program, center,
29 a skill center, dropout prevention program, or another public
30 educational program;

31 (c) Attend a private nonsectarian school or program including an
32 education center. Before ordering a child to attend an approved or
33 certified private nonsectarian school or program, the court shall: (i)
34 Consider the public and private programs available; (ii) find that
35 placement is in the best interest of the child; and (iii) find that the
36 private school or program is willing to accept the child and will not
37 charge any fees in addition to those established by contract with the
38 student's school district. If the court orders the child to enroll in

1 a private school or program, the child's school district shall contract
2 with the school or program to provide educational services for the
3 child. The school district shall not be required to contract for a
4 weekly rate that exceeds the state general apportionment dollars
5 calculated on a weekly basis generated by the child and received by the
6 district. A school district shall not be required to enter into a
7 contract that is longer than the remainder of the school year. A
8 school district shall not be required to enter into or continue a
9 contract if the child is no longer enrolled in the district;

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

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

19 (2) If the child fails to comply with the court order, the court
20 may order the child to be placed in confinement for contempt, either in
21 a juvenile detention facility operated by or under a contract with a
22 county or in a secure facility that is a separate, secure section of a
23 juvenile detention facility, or may impose alternatives to confinement
24 such as community service. Subject to available resources, the court
25 may order that a risk and needs assessment of the child be conducted,
26 and that the matter be scheduled for a review hearing within fourteen
27 days. Pursuant to the results of the risk and needs assessment, the
28 court may order conditions of supervision, including regular school
29 attendance, counseling, participation in a substance abuse or mental
30 health outpatient treatment program, and any other condition the court
31 deems an appropriate condition of supervision. Failure by a child to
32 comply with an order issued under this subsection shall not be subject
33 to detention for a period greater than that permitted pursuant to a
34 civil contempt proceeding against a child under chapter 13.32A RCW. In
35 no case may a child in contempt be confined in a secure facility that
36 is freestanding outside a juvenile detention facility.

37 (3) Any parent violating any of the provisions of either RCW
38 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than
39 twenty-five dollars for each day of unexcused absence from school. It

1 shall be a defense for a parent charged with violating RCW 28A.225.010
2 to show that he or she exercised reasonable diligence in attempting to
3 cause a child in his or her custody to attend school or that the
4 child's school did not perform its duties as required in RCW
5 28A.225.020. The court may order the parent to provide community
6 service instead of imposing a fine. Any fine imposed pursuant to this
7 section may be suspended upon the condition that a parent charged with
8 violating RCW 28A.225.010 shall participate with the school and the
9 child in a supervised plan for the child's attendance at school or upon
10 condition that the parent attend a conference or conferences scheduled
11 by a school for the purpose of analyzing the causes of a child's
12 absence.

13 (4) If a child continues to be truant after entering into a court-
14 approved order with the truancy board under RCW 28A.225.035, the
15 juvenile court shall find the child in contempt, and the court may
16 order the child to be subject to detention, as provided in RCW
17 7.21.030(2)(e), or may impose alternatives to detention such as
18 meaningful community service. Subject to available resources, the
19 court may order that a risk and needs assessment of the child be
20 conducted, and that the matter be scheduled for a review hearing within
21 fourteen days. Pursuant to the results of the risk and needs
22 assessment, the court may order conditions of supervision, including
23 regular school attendance, counseling, participation in a substance
24 abuse or mental health outpatient treatment program, and any other
25 condition the court deems an appropriate condition of supervision.
26 Failure by a child to comply with an order issued under this subsection
27 may not subject a child to detention for a period greater than that
28 permitted under a civil contempt proceeding against a child under
29 chapter 13.32A RCW.

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

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

35 (1) A court may order a child subject to a petition under RCW
36 28A.225.035 to do one or more of the following:

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

1 (b) If there is space available and the program can provide
2 educational services appropriate for the child, order the child to
3 attend another public school, an alternative education program, center,
4 a skill center, dropout prevention program, or another public
5 educational program;

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

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

24 (e) Submit to testing for the use of controlled substances or
25 alcohol based on a determination that such testing is appropriate to
26 the circumstances and behavior of the child and will facilitate the
27 child's compliance with the mandatory attendance law and, if any test
28 ordered under this subsection indicates the use of controlled
29 substances or alcohol, order the minor to abstain from the unlawful
30 consumption of controlled substances or alcohol and adhere to the
31 recommendations of the drug assessment at no expense to the school.

32 (2) If the child fails to comply with the court order, the court
33 may order the child to be subject to detention, as provided in RCW
34 7.21.030(2)(e), or may impose alternatives to detention such as
35 community service. Subject to available resources, the court may order
36 that a risk and needs assessment of the child be conducted, and that
37 the matter be scheduled for a review hearing within fourteen days.
38 Pursuant to the results of the risk and needs assessment, the court may
39 order conditions of supervision, including regular school attendance,

1 counseling, participation in a substance abuse or mental health
2 outpatient treatment program, and any other condition the court deems
3 an appropriate condition of supervision. Failure by a child to comply
4 with an order issued under this subsection shall not be subject to
5 detention for a period greater than that permitted pursuant to a civil
6 contempt proceeding against a child under chapter 13.32A RCW.

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

22 (4) If a child continues to be truant after entering into a court-
23 approved order with the truancy board under RCW 28A.225.035, the
24 juvenile court shall find the child in contempt, and the court may
25 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 meaningful community service. Subject to available resources, the
28 court may order that a risk and needs assessment of the child be
29 conducted, and that the matter be scheduled for a review hearing within
30 fourteen days. Pursuant to the results of the risk and needs
31 assessment, the court may order conditions of supervision, including
32 regular school attendance, counseling, participation in a substance
33 abuse or mental health outpatient treatment program, and any other
34 condition the court deems an appropriate condition of supervision.
35 Failure by a child to comply with an order issued under this subsection
36 may not subject a child to detention for a period greater than that
37 permitted under a civil contempt proceeding against a child under
38 chapter 13.32A RCW.

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.** If specific funding for the purposes of
5 this act, referencing this act by bill or chapter number, is not
6 provided by June 30, 2001, in the omnibus appropriations act, this act
7 is null and void.

8 NEW SECTION. **Sec. 12.** Section 9 of this act expires July 1, 2002.

9 NEW SECTION. **Sec. 13.** Section 10 of this act takes effect July 1,
10 2002.

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