
HOUSE BILL 2459

State of Washington 57th Legislature 2002 Regular Session

By Representative Sommers; by request of Office of Financial Management

Read first time 01/17/2002. Referred to Committee on Appropriations.

1 AN ACT Relating to changes in children's programs and services as
2 a result of budget reductions; amending RCW 13.40.510, 43.70.555,
3 74.14A.060, 74.14C.005, 13.32A.040, 13.32A.100, 13.32A.140, 13.32A.150,
4 13.32A.160, 13.32A.191, 13.32A.194, 13.32A.196, 13.32A.010, 13.32A.030,
5 13.32A.192, 74.13.032, 74.13.033, 74.13.034, 74.15.220, 74.15.240,
6 74.20A.030, 13.34.270, 74.13.350, 74.14D.020, 74.14D.030, 28A.225.015,
7 28A.225.020, 28A.225.025, and 28A.225.030; reenacting and amending RCW
8 69.50.520, 13.32A.060, 13.32A.065, and 13.32A.130; creating a new
9 section; repealing RCW 74.14C.050, 70.190.005, 70.190.010, 70.190.020,
10 70.190.030, 70.190.040, 70.190.050, 70.190.060, 70.190.065, 70.190.070,
11 70.190.075, 70.190.080, 70.190.085, 70.190.090, 70.190.100, 70.190.110,
12 70.190.120, 70.190.130, 70.190.150, 70.190.160, 70.190.170, 70.190.180,
13 70.190.190, 70.190.910, 70.190.920, 74.13.0321, 74.14D.040, and
14 28A.225.151; and providing an effective date.

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

16 **I. Family Policy Council and**
17 **Community Public Health and Safety Networks**

1 **Sec. 1.** RCW 13.40.510 and 1997 c 338 s 61 are each amended to read
2 as follows:

3 (1) In order to receive funds under RCW 13.40.500 through
4 13.40.540, local governments may, through their respective agencies
5 that administer funding for consolidated juvenile services, submit
6 proposals that establish community juvenile accountability programs
7 within their communities. These proposals must be submitted to the
8 juvenile rehabilitation administration of the department of social and
9 health services for certification.

10 (2) The proposals must:

11 (a) Demonstrate that the proposals were developed with (~~the input~~
12 ~~of the community public health and safety networks established under~~
13 ~~RCW 70.190.060, and~~) the local law and justice councils established
14 under RCW 72.09.300;

15 (b) Describe how local community groups or members are involved in
16 the implementation of the programs funded under RCW 13.40.500 through
17 13.40.540;

18 (c) Include a description of how the grant funds will contribute to
19 the expected outcomes of the program and the reduction of youth
20 violence and juvenile crime in their community. (~~Data approaches are~~
21 ~~not required to be replicated if the networks have information that~~
22 ~~addresses risks in the community for juvenile offenders.~~)

23 (3) A local government receiving a grant under this section shall
24 agree that any funds received must be used efficiently to encourage the
25 use of community-based programs that reduce the reliance on secure
26 confinement as the sole means of holding juvenile offenders accountable
27 for their crimes. The local government shall also agree to account for
28 the expenditure of all funds received under the grant and to submit to
29 audits for compliance with the grant criteria developed under RCW
30 13.40.520.

31 (4) The juvenile rehabilitation administration, in consultation
32 with the Washington association of juvenile court administrators(~~(7)~~)
33 and the state law and justice advisory council, (~~and the family policy~~
34 ~~council~~~~(7)~~) shall establish guidelines for programs that may be funded
35 under RCW 13.40.500 through 13.40.540. The guidelines must:

36 (a) Target diverted and adjudicated juvenile offenders;

37 (b) Include assessment methods to determine services, programs, and
38 intervention strategies most likely to change behaviors and norms of
39 juvenile offenders;

1 (c) Provide maximum structured supervision in the community.
2 Programs should use natural surveillance and community guardians such
3 as employers, relatives, teachers, clergy, and community mentors to the
4 greatest extent possible;

5 (d) Promote good work ethic values and educational skills and
6 competencies necessary for the juvenile offender to function
7 effectively and positively in the community;

8 (e) Maximize the efficient delivery of treatment services aimed at
9 reducing risk factors associated with the commission of juvenile
10 offenses;

11 (f) Maximize the reintegration of the juvenile offender into the
12 community upon release from confinement;

13 (g) Maximize the juvenile offender's opportunities to make full
14 restitution to the victims and amends to the community;

15 (h) Support and encourage increased court discretion in imposing
16 community-based intervention strategies;

17 (i) Be compatible with research that shows which prevention and
18 early intervention strategies work with juvenile offenders;

19 (j) Be outcome-based in that it describes what outcomes will be
20 achieved or what outcomes have already been achieved;

21 (k) Include an evaluation component; and

22 (l) Recognize the diversity of local needs.

23 (5) The state law and justice advisory council, with the assistance
24 of the (~~family policy council and the~~) governor's juvenile justice
25 advisory committee, may provide support and technical assistance to
26 local governments for training and education regarding community-based
27 prevention and intervention strategies.

28 **Sec. 2.** RCW 43.70.555 and 1998 c 245 s 77 are each amended to read
29 as follows:

30 The department(~~(, in consultation with the family policy council~~
31 ~~created in chapter 70.190 RCW,)) shall establish, by rule, standards
32 for local health departments and networks to use in assessment,
33 performance measurement, policy development, and assurance regarding
34 social development to prevent health problems caused by risk factors
35 empirically linked to: Violent criminal acts by juveniles, teen
36 substance abuse, teen pregnancy and male parentage, teen suicide
37 attempts, dropping out of school, child abuse or neglect, and domestic
38 violence. The standards shall be based on the standards set forth in~~

1 the public health services improvement plan as required by RCW
2 43.70.550.

3 **Sec. 3.** RCW 69.50.520 and 2001 2nd sp.s. c 7 s 920 and 2001 c 168
4 s 3 are each reenacted and amended to read as follows:

5 The violence reduction and drug enforcement account is created in
6 the state treasury. All designated receipts from RCW 9.41.110(8),
7 66.24.210(4), 66.24.290(2), 69.50.505(i)(1), 82.08.150(5),
8 82.24.020(2), 82.64.020, and section 420, chapter 271, Laws of 1989
9 shall be deposited into the account. Expenditures from the account may
10 be used only for funding services and programs under chapter 271, Laws
11 of 1989 and chapter 7, Laws of 1994 sp. sess., including state
12 incarceration costs. Funds from the account may also be appropriated
13 to reimburse local governments for costs associated with implementing
14 criminal justice legislation including chapter 338, Laws of 1997.
15 During the 2001-2003 biennium, funds from the account may also be used
16 for costs associated with providing grants to local governments in
17 accordance with chapter 338, Laws of 1997, the replacement of the
18 department of corrections' offender-based tracking system, maintenance
19 and operating costs of the Washington association of sheriffs and
20 police chiefs jail reporting system, and for multijurisdictional
21 narcotics task forces. (~~After July 1, 2003, at least seven and one-~~
22 ~~half percent of expenditures from the account shall be used for~~
23 ~~providing grants to community networks under chapter 70.190 RCW by the~~
24 ~~family policy council.~~)

25 **Sec. 4.** RCW 74.14A.060 and 2000 c 219 s 2 are each amended to read
26 as follows:

27 The secretary of the department of social and health services shall
28 charge appropriated funds to support blended funding projects for youth
29 subject to any current or future waiver the department receives to the
30 requirements of IV-E funding. To be eligible for blended funding a
31 child must be eligible for services designed to address a behavioral,
32 mental, emotional, or substance abuse issue from the department of
33 social and health services and require services from more than one
34 categorical service delivery system. (~~Before any blended funding~~
35 ~~project is established by the secretary, any entity or person proposing~~
36 ~~the project shall seek input from the public health and safety network~~
37 ~~or networks established in the catchment area of the project. The~~

1 ~~network or networks shall submit recommendations on the blended funding~~
2 ~~project to the family policy council. The family policy council shall~~
3 ~~advise the secretary whether to approve the proposed blended funding~~
4 ~~project. The network shall review the proposed blended funding project~~
5 ~~pursuant to its authority to examine the decategorization of program~~
6 ~~funds under RCW 70.190.110, within the current appropriation level.))~~
7 The department shall document the number of children who participate in
8 blended funding projects, the total blended funding amounts per child,
9 the amount charged to each appropriation by program, and services
10 provided to each child through each blended funding project and report
11 this information to the appropriate committees of the legislature by
12 December 1st of each year, beginning in December 1, 2000.

13 **Sec. 5.** RCW 74.14C.005 and 1995 c 311 s 1 are each amended to read
14 as follows:

15 (1) The legislature believes that protecting the health and safety
16 of children is paramount. The legislature recognizes that the number
17 of children entering out-of-home care is increasing and that a number
18 of children receive long-term foster care protection. Reasonable
19 efforts by the department to shorten out-of-home placement or avoid it
20 altogether should be a major focus of the child welfare system. It is
21 intended that providing up-front services decrease the number of
22 children entering out-of-home care and have the effect of eventually
23 lowering foster care expenditures and strengthening the family unit.

24 Within available funds, the legislature directs the department to
25 focus child welfare services on protecting the child, strengthening
26 families and, to the extent possible, providing necessary services in
27 the family setting, while drawing upon the strengths of the family.
28 The legislature intends services be locally based and offered as early
29 as possible to avoid disruption to the family, out-of-home placement of
30 the child, and entry into the dependency system. The legislature also
31 intends that these services be used for those families whose children
32 are returning to the home from out-of-home care. These services are
33 known as family preservation services and intensive family preservation
34 services and are characterized by the following values, beliefs, and
35 goals:

36 (a) Safety of the child is always the first concern;

37 (b) Children need their families and should be raised by their own
38 families whenever possible;

1 (c) Interventions should focus on family strengths and be
2 responsive to the individual family's cultural values and needs;

3 (d) Participation should be voluntary; and

4 (e) Improvement of family functioning is essential in order to
5 promote the child's health, safety, and welfare and thereby allow the
6 family to remain intact and allow children to remain at home.

7 (2) Subject to the availability of funds for such purposes, the
8 legislature intends for these services to be made available to all
9 eligible families on a statewide basis through a phased-in process.
10 Except as otherwise specified by statute, the department of social and
11 health services shall have the authority and discretion to implement
12 and expand these services as provided in this chapter. ((The
13 department shall consult with the community public health and safety
14 networks when assessing a community's resources and need for
15 services.))

16 (3) It is the legislature's intent that, within available funds,
17 the department develop services in accordance with this chapter.

18 (4) Nothing in this chapter shall be construed to create an
19 entitlement to services nor to create judicial authority to order the
20 provision of preservation services to any person or family if the
21 services are unavailable or unsuitable or that the child or family are
22 not eligible for such services.

23 NEW SECTION. **Sec. 6.** RCW 74.14C.050 (Implementation and
24 evaluation plan) and 1995 c 311 s 9 & 1992 c 214 s 6 are each repealed.

25 NEW SECTION. **Sec. 7.** The following acts or parts of acts are each
26 repealed:

27 (1) RCW 70.190.005 (Purpose) and 1994 sp.s. c 7 s 301 & 1992 c 198
28 s 1;

29 (2) RCW 70.190.010 (Definitions) and 1996 c 132 s 2, 1995 c 399 s
30 200, & 1992 c 198 s 3;

31 (3) RCW 70.190.020 (Consolidate efforts of existing entities) and
32 1994 sp.s. c 7 s 315 & 1992 c 198 s 4;

33 (4) RCW 70.190.030 (Proposals to facilitate services at the
34 community level) and 1994 sp.s. c 7 s 316 & 1992 c 198 s 5;

35 (5) RCW 70.190.040 (Finding--Grants to improve readiness to learn)
36 and 1993 c 336 s 901;

1 (6) RCW 70.190.050 (Community networks--Outcome evaluation) and
2 1998 c 245 s 122 & 1994 sp.s. c 7 s 207;

3 (7) RCW 70.190.060 (Community networks--Legislative intent--
4 Membership--Open meetings) and 1998 c 314 s 12, 1996 c 132 s 3, & 1994
5 sp.s. c 7 s 303;

6 (8) RCW 70.190.065 (Member's authorization of expenditures--
7 Limitation) and 1996 c 132 s 5;

8 (9) RCW 70.190.070 (Community networks--Duties) and 1994 sp.s. c 7
9 s 304;

10 (10) RCW 70.190.075 (Lead fiscal agent) and 1996 c 132 s 4;

11 (11) RCW 70.190.080 (Community networks--Programs and plans) and
12 1996 c 132 s 6 & 1994 sp.s. c 7 s 305;

13 (12) RCW 70.190.085 (Community networks--Sexual abstinence and
14 activity campaign) and 1994 c 299 s 5;

15 (13) RCW 70.190.090 (Community networks--Planning grants and
16 contracts--Distribution of funds--Reports) and 1999 c 309 s 918, 1996
17 c 132 s 7, & 1994 sp.s. c 7 s 306;

18 (14) RCW 70.190.100 (Duties of council) and 1998 c 245 s 123 & 1994
19 sp.s. c 7 s 307;

20 (15) RCW 70.190.110 (Program review) and 1998 c 245 s 124 & 1994
21 sp.s. c 7 s 308;

22 (16) RCW 70.190.120 (Interagency agreement) and 1994 sp.s. c 7 s
23 309;

24 (17) RCW 70.190.130 (Comprehensive plan--Approval process--Network
25 expenditures--Penalty for noncompliance with chapter) and 1998 c 314 s
26 13, 1996 c 132 s 8, & 1994 sp.s. c 7 s 310;

27 (18) RCW 70.190.150 (Federal restrictions on funds transfers,
28 waivers) and 1994 sp.s. c 7 s 312;

29 (19) RCW 70.190.160 (Community networks--Implementation in federal
30 and state plans) and 1994 sp.s. c 7 s 314;

31 (20) RCW 70.190.170 (Transfer of funds and programs to state
32 agency) and 1994 sp.s. c 7 s 320;

33 (21) RCW 70.190.180 (Community network--Grants for use of school
34 facilities) and 1994 sp.s. c 7 s 604;

35 (22) RCW 70.190.190 (Network members immune from civil liability--
36 Network assets not subject to attachment or execution) and 1996 c 132
37 s 9;

38 (23) RCW 70.190.910 (Severability--1992 c 198) and 1992 c 198 s 20;
39 and

1 (24) RCW 70.190.920 (Effective date--1992 c 198) and 1992 c 198 s
2 21.

3 **II. Family Reconciliation Services**

4 **Sec. 8.** RCW 13.32A.040 and 2000 c 123 s 3 are each amended to read
5 as follows:

6 Families who are in conflict or who are experiencing problems with
7 at-risk youth or a child who may be in need of services may request
8 family reconciliation services from the department. The department may
9 involve a local multidisciplinary team in its response in determining
10 the services to be provided and in providing those services. Such
11 services (~~shall~~) may be provided to alleviate personal or family
12 situations which present a serious and imminent threat to the health or
13 stability of the child or family and to maintain families intact
14 wherever possible. Family reconciliation services shall be designed to
15 develop skills and supports within families to resolve problems related
16 to at-risk youth, children in need of services, or family conflicts.
17 These services may include but are not limited to referral to services
18 for suicide prevention, psychiatric or other medical care, or
19 psychological, mental health, drug or alcohol treatment, welfare,
20 legal, educational, or other social services, as appropriate to the
21 needs of the child and the family, and training in parenting, conflict
22 management, and dispute resolution skills.

23 **Sec. 9.** RCW 13.32A.100 and 2000 c 123 s 13 are each amended to
24 read as follows:

25 Where a child is placed in an out-of-home placement pursuant to RCW
26 13.32A.090(3)(d)(ii), the department (~~shall~~) may make available
27 family reconciliation services in order to facilitate the reunification
28 of the family. Any such placement may continue as long as there is
29 agreement by the child and parent. In accordance with RCW 74.13.034,
30 the placement may not exceed five days.

31 **Sec. 10.** RCW 13.32A.140 and 2000 c 123 s 16 are each amended to
32 read as follows:

33 Unless the department files a dependency petition, the department
34 (~~shall~~) may file a child in need of services petition to approve an

1 out-of-home placement on behalf of a child under any of the following
2 sets of circumstances:

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

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

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

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

11 (d) No child in need of services petition has been filed by either
12 the child or parent;

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

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

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

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

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

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

23 (3) An agreement between parent and child made pursuant to RCW
24 13.32A.090(3)(d)(ii) or pursuant to RCW 13.32A.120(1) is no longer
25 acceptable to parent or child, and:

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

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

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

32 (d) No child in need of services petition has been filed by either
33 the child or the parent;

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

35 (f) The child has no suitable place to live other than the home of
36 his or her parent.

37 Under the circumstances of subsections (1), (2), or (3) of this
38 section, the child (~~shall~~) may remain in an out-of-home licensed or
39 certified placement until a child in need of services petition filed by

1 the department on behalf of the child is reviewed and resolved by the
2 juvenile court. The department may authorize emergency medical or
3 dental care for a child admitted to a crisis residential center or
4 placed in an out-of-home placement by the department. The state, when
5 the department files a child in need of services petition under this
6 section, shall be represented as provided for in RCW 13.04.093.

7 **Sec. 11.** RCW 13.32A.150 and 2000 c 123 s 17 are each amended to
8 read as follows:

9 (1) Except as otherwise provided in this chapter, the juvenile
10 court shall not accept the filing of a child in need of services
11 petition by the child or the parents or the filing of an at-risk youth
12 petition by the parent, unless verification is provided that the
13 department has completed a family assessment. The family assessment
14 shall involve the multidisciplinary team if one exists. The family
15 assessment (~~(or plan of services developed by the multidisciplinary~~
16 ~~team))~~ shall be aimed at family reconciliation, reunification, and
17 avoidance of the out-of-home placement of the child. If the department
18 is unable to complete an assessment within (~~(two))~~ ten working days
19 following a request for assessment, the child or the parents may
20 proceed under subsection (2) of this section or the parent may proceed
21 under RCW 13.32A.191.

22 (2) A child or a child's parent may file with the juvenile court a
23 child in need of services petition to approve an out-of-home placement
24 for the child. The department (~~(shall))~~ may, when requested, assist
25 either a parent or child in the filing of the petition. The petition
26 must be filed in the county where the parent resides. The petition
27 shall allege that the child is a child in need of services and shall
28 ask only that the placement of a child outside the home of his or her
29 parent be approved. The filing of a petition to approve the placement
30 is not dependent upon the court's having obtained any prior
31 jurisdiction over the child or his or her parent, and confers upon the
32 court a special jurisdiction to approve or disapprove an out-of-home
33 placement under this chapter.

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

36 **Sec. 12.** RCW 13.32A.160 and 2000 c 123 s 19 are each amended to
37 read as follows:

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

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

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

36 **Sec. 13.** RCW 13.32A.191 and 2000 c 123 s 22 are each amended to
37 read as follows:

1 (1) A child's parent may file with the juvenile court a petition in
2 the interest of a child alleged to be an at-risk youth. The department
3 (~~shall~~) may, when requested, assist the parent in filing the
4 petition. The petition shall be filed in the county where the
5 petitioner resides. The petition shall set forth the name, age, and
6 residence of the child and the names and residence of the child's
7 parents and shall allege that:

8 (a) The child is an at-risk youth;

9 (b) The petitioner has the right to legal custody of the child;

10 (c) Court intervention and supervision are necessary to assist the
11 parent to maintain the care, custody, and control of the child; and

12 (d) Alternatives to court intervention have been attempted or there
13 is good cause why such alternatives have not been attempted.

14 (2) The petition shall set forth facts that support the allegations
15 in this section and shall generally request relief available under this
16 chapter. The petition need not specify any proposed disposition
17 following adjudication of the petition. The filing of an at-risk youth
18 petition is not dependent upon the court's having obtained any prior
19 jurisdiction over the child or his or her parent and confers upon the
20 court the special jurisdiction to assist the parent in maintaining
21 parental authority and responsibility for the child.

22 (3) A petition may not be filed if a dependency petition is pending
23 under chapter 13.34 RCW.

24 **Sec. 14.** RCW 13.32A.194 and 2000 c 123 s 23 are each amended to
25 read as follows:

26 (1) The court shall hold a fact-finding hearing to consider a
27 proper at-risk youth petition. The court shall grant the petition and
28 enter an order finding the child to be an at-risk youth if the
29 allegations in the petition are established by a preponderance of the
30 evidence, unless the child is the subject of a proceeding under chapter
31 13.34 RCW. If the petition is granted, the court shall enter an order
32 requiring the child to reside in the home of his or her parent or in an
33 out-of-home placement as provided in RCW 13.32A.192(2).

34 (2) (~~The court may order the department to submit a dispositional~~
35 ~~plan if such a plan would assist the court in ordering a suitable~~
36 ~~disposition in the case. If the court orders the department to prepare~~
37 ~~a plan, the department shall provide copies of the plan to the parent,~~
38 ~~the child, and the court. If the parties or the court desire the~~

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

4 ~~(3))~~ If the court grants or denies an at-risk youth petition, a
5 statement of the written reasons shall be entered into the records. If
6 the court denies an at-risk youth petition, the court shall verbally
7 advise the parties that the child is required to remain within the
8 care, custody, and control of his or her parent.

9 **Sec. 15.** RCW 13.32A.196 and 2000 c 123 s 24 are each amended to
10 read as follows:

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

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

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

22 (a) Regular school attendance;

23 (b) Counseling;

24 (c) Participation in a substance abuse or mental health outpatient
25 treatment program; and

26 ~~(d) ((Reporting on a regular basis to the department or any other~~
27 ~~designated person or agency; and~~

28 ~~(e))~~ Any other condition the court deems an appropriate condition
29 of supervision including but not limited to: Employment, participation
30 in an anger management program, and refraining from using alcohol or
31 drugs.

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

35 (5) The court may order the parent to participate in counseling
36 services or any other services for the child requiring parental
37 participation. The parent shall cooperate with the court-ordered case
38 plan and shall take necessary steps to help implement the case plan.

1 The parent shall be financially responsible for costs related to the
2 court-ordered plan; however, this requirement shall not affect the
3 eligibility of the parent or child for public assistance or other
4 benefits to which the parent or child may otherwise be entitled.

5 (6) The parent may request dismissal of an at-risk youth proceeding
6 or out-of-home placement at any time. Upon such a request, the court
7 shall dismiss the matter and cease court supervision of the child
8 unless: (a) A contempt action is pending in the case; (b) a petition
9 has been filed under RCW 13.32A.150 and a hearing has not yet been held
10 under RCW 13.32A.179; or (c) an order has been entered under RCW
11 13.32A.179(3) and the court retains jurisdiction under that subsection.
12 The court may retain jurisdiction over the matter for the purpose of
13 concluding any pending contempt proceedings, including the full
14 satisfaction of any penalties imposed as a result of a contempt
15 finding.

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

20 III. Crisis Residential Centers

21 **Sec. 16.** RCW 13.32A.010 and 2000 c 123 s 1 are each amended to
22 read as follows:

23 The legislature finds that within any group of people there exists
24 a need for guidelines for acceptable behavior and that, presumptively,
25 the experience and maturity of parents make them better qualified to
26 establish guidelines beneficial to and protective of their children.
27 The legislature further finds that it is the right and responsibility
28 of adults to establish laws for the benefit and protection of the
29 society; and that, in the same manner, the right and responsibility for
30 establishing reasonable guidelines for the family unit belongs to the
31 adults within that unit. Further, absent abuse or neglect, parents
32 have the right to exercise control over their children. The
33 legislature reaffirms its position stated in RCW 13.34.020 that the
34 family unit is the fundamental resource of American life which should
35 be nurtured and that it should remain intact in the absence of
36 compelling evidence to the contrary.

1 The legislature recognizes there is a need for services and
2 assistance for parents and children who are in conflict. These
3 conflicts are manifested by children who exhibit various behaviors
4 including: Running away, substance abuse, serious acting out problems,
5 mental health needs, and other behaviors that endanger themselves or
6 others.

7 The legislature finds many parents do not know their rights
8 regarding their adolescent children and law enforcement. Parents and
9 courts feel they have insufficient legal recourse for the chronic
10 runaway child who is endangering himself or herself through his or her
11 behavior. The legislature further recognizes that for chronic runaways
12 whose behavior puts them in serious danger of harming themselves or
13 others, semi-secure facilities must be provided to allow opportunities
14 for assessment, treatment, and to assist parents and protect their
15 children. The legislature intends to give tools to parents, courts,
16 and law enforcement to keep families together and reunite them whenever
17 possible.

18 The legislature recognizes that some children run away to protect
19 themselves from abuse or neglect in their homes. Abused and neglected
20 children should be dealt with pursuant to chapter 13.34 RCW and it is
21 not the intent of the legislature to handle dependency matters under
22 this chapter.

23 The legislature intends services offered under this chapter be on
24 a voluntary basis whenever possible to children and their families and
25 that the courts be used as a last resort.

26 The legislature intends to increase the safety of children through
27 the preservation of families and the provision of ((assessment,))
28 treatment((,)) and placement services for children in need of services
29 and at-risk youth including services ((and assessments conducted))
30 under chapter 13.32A RCW and RCW 74.13.033. Within available funds,
31 the legislature intends to provide these services through crisis
32 residential centers in which children and youth may safely reside for
33 a limited period of time. ((The time in residence shall be used to
34 conduct an assessment of the needs of the children, youth, and their
35 families. The assessments are necessary to identify appropriate
36 services and placement options that will reduce the likelihood that
37 children will place themselves in dangerous or life-threatening
38 situations.))

1 The legislature recognizes that crisis residential centers provide
2 an opportunity for children to receive short-term necessary support and
3 nurturing in cases where there may be abuse or neglect. The
4 legislature intends that center staff provide an atmosphere of concern,
5 care, and respect for children in the center and their parents.

6 The legislature intends to provide for the protection of children
7 who, through their behavior, are endangering themselves. The
8 legislature intends to provide appropriate residential services(~~(7~~
9 ~~including secure facilities~~) to protect, stabilize, and treat
10 children with serious problems. The legislature further intends to
11 empower parents by providing them with the assistance they require to
12 raise their children.

13 **Sec. 17.** RCW 13.32A.030 and 2000 c 123 s 2 are each amended to
14 read as follows:

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

17 (1) "Abuse or neglect" means the injury, sexual abuse, sexual
18 exploitation, negligent treatment, or maltreatment of a child by any
19 person under circumstances which indicate that the child's health,
20 welfare, and safety is harmed, excluding conduct permitted under RCW
21 9A.16.100. An abused child is a child who has been subjected to child
22 abuse or neglect as defined in this section.

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

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

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

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

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

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

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

1 (a) 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 other person;

4 (b) Who has been reported to law enforcement as absent without
5 consent for at least twenty-four consecutive hours on two or more
6 separate occasions from the home of either parent, a crisis residential
7 center, an out-of-home placement, or a court-ordered placement; and

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

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

11 (c)(i) Who is in need of: (A) Necessary services, including food,
12 shelter, health care, clothing, or education; or (B) services designed
13 to maintain or reunite the family;

14 (ii) Who lacks access to, or has declined to utilize, these
15 services; and

16 (iii) Whose parents have evidenced continuing but unsuccessful
17 efforts to maintain the family structure or are unable or unwilling to
18 continue efforts to maintain the family structure.

19 (6) "Child in need of services petition" means a petition filed in
20 juvenile court by a parent, child, or the department seeking
21 adjudication of placement of the child.

22 (7) "Crisis residential center" means a (~~secure or~~) semi-secure
23 facility established pursuant to chapter 74.13 RCW.

24 (8) "Custodian" means the person or entity who has the legal right
25 to the custody of the child.

26 (9) "Department" means the department of social and health
27 services.

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

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

38 (12) "Multidisciplinary team" means a group formed to provide
39 assistance and support to a child who is an at-risk youth or a child in

1 need of services and his or her parent. The team shall include the
2 parent, a department case worker, a local government representative
3 when authorized by the local government, and when appropriate, members
4 from the mental health and substance abuse disciplines. The team may
5 also include, but is not limited to, the following persons: Educators,
6 law enforcement personnel, probation officers, employers, church
7 persons, tribal members, therapists, medical personnel, social service
8 providers, placement providers, and extended family members. The team
9 members shall be volunteers who do not receive compensation while
10 acting in a capacity as a team member, unless the member's employer
11 chooses to provide compensation or the member is a state employee.

12 (13) "Out-of-home placement" means a placement in a foster family
13 home or group care facility licensed pursuant to chapter 74.15 RCW or
14 placement in a home, other than that of the child's parent, guardian,
15 or legal custodian, not required to be licensed pursuant to chapter
16 74.15 RCW.

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

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

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

37 ~~((17))~~ (16) "Staff secure facility" means a structured group care
38 facility licensed under rules adopted by the department with a ratio of
39 at least one adult staff member to every two children.

1 (~~(18)~~) (17) "Temporary out-of-home placement" means an out-of-
2 home placement of not more than fourteen days ordered by the court at
3 a fact-finding hearing on a child in need of services petition.

4 **Sec. 18.** RCW 13.32A.060 and 2000 c 162 s 11 and 2000 c 123 s 7 are
5 each reenacted and amended to read as follows:

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

9 (a) Transport the child to his or her home or to a parent at his or
10 her place of employment, if no parent is at home. The parent may
11 request that the officer take the child to the home of an adult
12 extended family member, responsible adult, crisis residential center,
13 the department, or a licensed youth shelter. In responding to the
14 request of the parent, the officer shall take the child to a requested
15 place which, in the officer's belief, is within a reasonable distance
16 of the parent's home. The officer releasing a child into the custody
17 of a parent, an adult extended family member, responsible adult, or a
18 licensed youth shelter shall inform the person receiving the child of
19 the reason for taking the child into custody and inform all parties of
20 the nature and location of appropriate services available in the
21 community; or

22 (b) After attempting to notify the parent, take the child to a
23 designated crisis residential (~~center's secure facility or a center's~~
24 ~~semi-secure facility if a secure facility is full, not available, or~~
25 ~~not located within a reasonable distance~~) center if:

26 (i) The child expresses fear or distress at the prospect of being
27 returned to his or her home which leads the officer to believe there is
28 a possibility that the child is experiencing some type of abuse or
29 neglect;

30 (ii) It is not practical to transport the child to his or her home
31 or place of the parent's employment; or

32 (iii) There is no parent available to accept custody of the child;
33 or

34 (c) After attempting to notify the parent, if a crisis residential
35 center is full, not available, or not located within a reasonable
36 distance, request the department to accept custody of the child. If
37 the department determines that an appropriate placement is currently
38 available, the department shall accept custody and place the child in

1 an out-of-home placement. Upon accepting custody of a child from the
2 officer, the department may place the child in an out-of-home placement
3 for up to seventy-two hours, excluding Saturdays, Sundays, and
4 holidays, without filing a child in need of services petition,
5 obtaining parental consent, or obtaining an order for placement under
6 chapter 13.34 RCW. Upon transferring a child to the department's
7 custody, the officer shall provide written documentation of the reasons
8 and the statutory basis for taking the child into custody. If the
9 department declines to accept custody of the child, the officer may
10 release the child after attempting to take the child to the following,
11 in the order listed: The home of an adult extended family member; a
12 responsible adult; or a licensed youth shelter. The officer shall
13 immediately notify the department if no placement option is available
14 and the child is released.

15 (2) An officer taking a child into custody under RCW 13.32A.050(1)
16 (c) or (d) shall inform the child of the reason for custody. An
17 officer taking a child into custody under RCW 13.32A.050(1)(c) may
18 release the child to the supervising agency, or shall take the child to
19 a designated crisis residential (~~center's secure facility. If the~~
20 ~~secure facility is not available, not located within a reasonable~~
21 ~~distance, or full, the officer shall take the child to a semi-secure~~
22 ~~erisis residential~~) center. An officer taking a child into custody
23 under RCW 13.32A.050(1)(d) may place the child in a juvenile detention
24 facility as provided in RCW 13.32A.065 (~~or a secure facility,~~) except
25 that the child shall be taken to detention whenever the officer has
26 been notified that a juvenile court has entered a detention order under
27 this chapter or chapter 13.34 RCW.

28 (3) Every officer taking a child into custody shall provide the
29 child and his or her parent or parents or responsible adult with a copy
30 of the statement specified in RCW 13.32A.130(~~(+6)~~) (5).

31 (4) Whenever an officer transfers custody of a child to a crisis
32 residential center or the department, the child may reside in the
33 crisis residential center or may be placed by the department in an out-
34 of-home placement for an aggregate total period of time not to exceed
35 seventy-two hours excluding Saturdays, Sundays, and holidays.
36 Thereafter, the child may continue in out-of-home placement only if the
37 parents have consented, a child in need of services petition has been
38 filed, or an order for placement has been entered under chapter 13.34
39 RCW.

1 (5) The department shall ensure that all law enforcement
2 authorities are informed on a regular basis as to the location of all
3 (~~designated secure and~~) semi-secure facilities (~~within centers~~) in
4 their jurisdiction, where children taken into custody under RCW
5 13.32A.050 may be taken.

6 **Sec. 19.** RCW 13.32A.065 and 2000 c 162 s 12 and 2000 c 123 s 8 are
7 each reenacted and amended to read as follows:

8 (1) A child may be placed in detention after being taken into
9 custody pursuant to RCW 13.32A.050(1)(d). The court shall hold a
10 (~~detention~~) review hearing within twenty-four hours, excluding
11 Saturdays, Sundays, and holidays. The court shall release the child
12 after twenty-four hours, excluding Saturdays, Sundays, and holidays,
13 unless:

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

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

19 (2) If the court (~~orders the child to remain in detention~~) finds
20 that the conditions in subsection (1) of this section have been met,
21 the court may order the child to remain confined in detention, and
22 shall set the matter for a hearing on contempt within seventy-two
23 hours, excluding Saturdays, Sundays, and holidays. In no case may a
24 child in contempt be confined in a secure facility that is free-
25 standing outside a juvenile detention facility.

26 **Sec. 20.** RCW 13.32A.130 and 2000 c 162 s 13 and 2000 c 123 s 15
27 are each reenacted and amended to read as follows:

28 (1) (~~A child admitted to a secure facility shall remain in the~~
29 ~~facility for at least twenty four hours after admission but for not~~
30 ~~more than five consecutive days. If the child admitted under this~~
31 ~~section is transferred between secure and semi-secure facilities, the~~
32 ~~aggregate length of time spent in all such centers or facilities may~~
33 ~~not exceed five consecutive days per admission.~~

34 (2)(a)(i) ~~The facility administrator shall determine within twenty-~~
35 ~~four hours after a child's admission to a secure facility whether the~~
36 ~~child is likely to remain in a semi-secure facility and may transfer~~
37 ~~the child to a semi-secure facility or release the child to the~~

1 department. The determination shall be based on: (A) The need for
2 continued assessment, protection, and treatment of the child in a
3 secure facility; and (B) the likelihood the child would remain at a
4 semi-secure facility until his or her parents can take the child home
5 or a petition can be filed under this title.

6 (ii) In making the determination the administrator shall consider
7 the following information if known: (A) The child's age and maturity;
8 (B) the child's condition upon arrival at the center; (C) the
9 circumstances that led to the child's being taken to the center; (D)
10 whether the child's behavior endangers the health, safety, or welfare
11 of the child or any other person; (E) the child's history of running
12 away; and (F) the child's willingness to cooperate in the assessment.

13 (b) If the administrator of a secure facility determines the child
14 is unlikely to remain in a semi-secure facility, the administrator
15 shall keep the child in the secure facility pursuant to this chapter
16 and in order to provide for space for the child may transfer another
17 child who has been in the facility for at least seventy-two hours to a
18 semi-secure facility. The administrator shall only make a transfer of
19 a child after determining that the child who may be transferred is
20 likely to remain at the semi-secure facility.

21 (c)) A crisis residential center administrator is authorized to
22 transfer a child to a crisis residential center in the area where the
23 child's parents reside or where the child's lawfully prescribed
24 residence is located.

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

30 (3)) (2) If no parent is available or willing to remove the child
31 during the first seventy-two hours following admission, the department
32 shall consider the filing of a petition under RCW 13.32A.140.

33 ((4) Notwithstanding the provisions of subsection (1) of this
34 section,) (3) The parents may remove the child at any time during the
35 five-day period unless the staff of the crisis residential center has
36 reasonable cause to believe that the child is absent from the home
37 because he or she is abused or neglected or if allegations of abuse or
38 neglect have been made against the parents. The department or any
39 agency legally charged with the supervision of a child may remove a

1 child from a crisis residential center at any time (~~after the first~~
2 ~~twenty-four hour period after admission has elapsed and only after full~~
3 ~~consideration by all parties of the factors in subsection (2)(a) of~~
4 ~~this section~~)).

5 ~~((+5))~~ (4) Crisis residential center staff shall make reasonable
6 efforts to protect the child and achieve a reconciliation of the
7 family. If a reconciliation and voluntary return of the child has not
8 been achieved within forty-eight hours from the time of admission, and
9 if the administrator of the center does not consider it likely that
10 reconciliation will be achieved within the five-day period, then the
11 administrator shall inform the parent and child of: (a) The
12 availability of counseling services; (b) the right to file a child in
13 need of services petition for an out-of-home placement, the right of a
14 parent to file an at-risk youth petition, and the right of the parent
15 and child to obtain assistance in filing the petition; (c) the right to
16 request the facility administrator or his or her designee to form a
17 multidisciplinary team; (d) the right to request a review of any out-
18 of-home placement; (e) the right to request a mental health or chemical
19 dependency evaluation by a county-designated professional or a private
20 treatment facility; and (f) the right to request treatment in a program
21 to address the child's at-risk behavior under RCW 13.32A.197.

22 ~~((+6))~~ (5) At no time shall information regarding a parent's or
23 child's rights be withheld. The department shall develop and
24 distribute to all law enforcement agencies and to each crisis
25 residential center administrator a written statement delineating the
26 services and rights. The administrator of the facility or his or her
27 designee shall provide every resident and parent with a copy of the
28 statement.

29 ~~((+7))~~ (6) A crisis residential center and any person employed at
30 the center acting in good faith in carrying out the provisions of this
31 section are immune from criminal or civil liability for such actions.

32 **Sec. 21.** RCW 13.32A.192 and 1997 c 146 s 8 are each amended to
33 read as follows:

34 (1) When a proper at-risk youth petition is filed by a child's
35 parent under this chapter, the juvenile court shall:

36 (a)(i) Schedule a fact-finding hearing to be held: (A) For a child
37 who resides in a place other than his or her parent's home and other
38 than an out-of-home placement, within five calendar days unless the

1 last calendar day is a Saturday, Sunday, or holiday, in which case the
2 hearing shall be held on the preceding judicial day; or (B) for a child
3 living at home or in an out-of-home placement, within ten days; and
4 (ii) notify the parent and the child of such date;

5 (b) Notify the parent of the right to be represented by counsel at
6 the parent's own expense;

7 (c) Appoint legal counsel for the child;

8 (d) Inform the child and his or her parent of the legal
9 consequences of the court finding the child to be an at-risk youth; and

10 (e) Notify the parent and the child of their rights to present
11 evidence at the fact-finding hearing.

12 (2) Unless out-of-home placement of the child is otherwise
13 authorized or required by law, the child shall reside in the home of
14 his or her parent or in an out-of-home placement requested by the
15 parent or child and approved by the parent.

16 (3) If upon sworn written or oral declaration of the petitioning
17 parent, the court has reason to believe that a child has willfully and
18 knowingly violated a court order issued pursuant to subsection (2) of
19 this section, the court may issue an order directing law enforcement to
20 take the child into custody and place the child in a juvenile detention
21 facility (~~or in a secure facility within a crisis residential~~
22 ~~center~~). If the child is placed in detention, a review shall be held
23 as provided in RCW 13.32A.065.

24 (4) If both a child in need of services petition and an at-risk
25 youth petition have been filed with regard to the same child, the
26 petitions and proceedings shall be consolidated as an at-risk youth
27 petition. Pending a fact-finding hearing regarding the petition, the
28 child may be placed in the parent's home or in an out-of-home placement
29 if not already placed in a temporary out-of-home placement pursuant to
30 a child in need of services petition. The child or the parent may
31 request a review of the child's placement including a review of any
32 court order requiring the child to reside in the parent's home.

33 **Sec. 22.** RCW 74.13.032 and 1998 c 296 s 4 are each amended to read
34 as follows:

35 (1) The department shall establish, by contracts with private or
36 public vendors, regional crisis residential centers with semi-secure
37 facilities. These facilities shall be structured group care facilities
38 licensed under rules adopted by the department and shall have an

1 average of at least four adult staff members and in no event less than
2 three adult staff members to every eight children.

3 ~~(2) ((Within available funds appropriated for this purpose, the
4 department shall establish, by contracts with private or public
5 vendors, regional crisis residential centers with secure facilities.
6 These facilities shall be facilities licensed under rules adopted by
7 the department. These centers may also include semi-secure facilities
8 and to such extent shall be subject to subsection (1) of this section.~~

9 ~~(3))~~ The department shall, in addition to the facilities
10 established under subsection~~((s))~~ (1) ~~((and (2)))~~ of this section,
11 establish additional crisis residential centers pursuant to contract
12 with licensed private group care facilities.

13 ~~((4))~~ (3) The staff at the facilities established under this
14 section shall be trained so that they may effectively counsel juveniles
15 admitted to the centers, provide treatment, supervision, and structure
16 to the juveniles that recognize the need for support and the varying
17 circumstances that cause children to leave their families, and carry
18 out the responsibilities stated in RCW 13.32A.090. The
19 responsibilities stated in RCW 13.32A.090 may, in any of the centers,
20 be carried out by the department.

21 ~~((5) The secure facilities located within crisis residential
22 centers shall be operated to conform with the definition in RCW
23 13.32A.030. The facilities shall have an average of no less than one
24 adult staff member to every ten children. The staffing ratio shall
25 continue to ensure the safety of the children.~~

26 ~~(6) If a secure crisis residential center is located in or adjacent
27 to a secure juvenile detention facility, the center shall be operated
28 in a manner that prevents in person contact between the residents of
29 the center and the persons held in such facility.)~~

30 **Sec. 23.** RCW 74.13.033 and 2000 c 162 s 16 are each amended to
31 read as follows:

32 (1) If a resident of a center becomes by his or her behavior
33 disruptive to the facility's program, such resident may be immediately
34 removed to a separate area within the facility and counseled on an
35 individual basis until such time as the child regains his or her
36 composure. The department may set rules and regulations establishing
37 additional procedures for dealing with severely disruptive children on
38 the premises.

1 (2) When the juvenile resides in this facility, all services,
2 within funds appropriated specifically for this purpose, and deemed
3 necessary to the juvenile's reentry to normal family life shall be made
4 available to the juvenile as required by chapter 13.32A RCW. In
5 (~~assessing the child and~~) providing these services, the facility
6 staff shall:

7 (a) Interview the juvenile as soon as possible;

8 (b) Contact the juvenile's parents and arrange for a counseling
9 interview with the juvenile and his or her parents as soon as possible;

10 (c) Conduct counseling interviews with the juvenile and his or her
11 parents, to the end that resolution of the child/parent conflict is
12 attained and the child is returned home as soon as possible;

13 (d) Provide additional crisis counseling as needed, to the end that
14 placement of the child in the crisis residential center will be
15 required for the shortest time possible, but not to exceed five
16 consecutive days; and

17 (e) Convene, when appropriate, a multidisciplinary team.

18 (3) (~~Based on the assessments done under subsection (2) of this~~
19 ~~section~~) The facility staff may refer any child who, as the result of
20 a mental or emotional disorder, or intoxication by alcohol or other
21 drugs, is suicidal, seriously assaultive, or seriously destructive
22 toward others, or otherwise similarly evidences an immediate need for
23 emergency medical evaluation and possible care, for evaluation pursuant
24 to chapter 71.34 RCW, to a mental health professional pursuant to
25 chapter 71.05 RCW, or to a chemical dependency specialist pursuant to
26 chapter 70.96A RCW whenever such action is deemed appropriate and
27 consistent with law.

28 (4) A juvenile taking unauthorized leave from a facility shall be
29 apprehended and returned to it by law enforcement officers or other
30 persons designated as having this authority as provided in RCW
31 13.32A.050. If returned to the facility after having taken
32 unauthorized leave for a period of more than twenty-four hours a
33 juvenile shall be supervised by such a facility for a period, pursuant
34 to this chapter, which, unless where otherwise provided, may not exceed
35 five consecutive days on the premises. Costs of housing juveniles
36 admitted to crisis residential centers shall be assumed by the
37 department for a period not to exceed five consecutive days.

1 **Sec. 24.** RCW 74.13.034 and 2000 c 162 s 17 are each amended to
2 read as follows:

3 ~~((1))~~ A child taken into custody and taken to a crisis
4 residential center established pursuant to RCW 74.13.032 may, if the
5 center is unable to provide appropriate treatment, supervision, and
6 structure to the child, be taken at department expense to another
7 crisis residential center ~~(, the nearest regional secure crisis~~
8 ~~residential center, or a secure facility with which it is collocated~~
9 ~~under RCW 74.13.032. Placement in both locations shall not exceed five~~
10 ~~consecutive days from the point of intake as provided in RCW~~
11 ~~13.32A.130.~~

12 ~~(2) A child taken into custody and taken to a crisis residential~~
13 ~~center established by this chapter may be placed physically by the~~
14 ~~department or the department's designee and, at departmental expense~~
15 ~~and approval, in a secure juvenile detention facility operated by the~~
16 ~~county in which the center is located for a maximum of forty-eight~~
17 ~~hours, including Saturdays, Sundays, and holidays, if the child has~~
18 ~~taken unauthorized leave from the center and the person in charge of~~
19 ~~the center determines that the center cannot provide supervision and~~
20 ~~structure adequate to ensure that the child will not again take~~
21 ~~unauthorized leave. Juveniles placed in such a facility pursuant to~~
22 ~~this section may not, to the extent possible, come in contact with~~
23 ~~alleged or convicted juvenile or adult offenders.~~

24 ~~(3) Any child placed in secure detention pursuant to this section~~
25 ~~shall, during the period of confinement, be provided with appropriate~~
26 ~~treatment by the department or the department's designee, which shall~~
27 ~~include the services defined in RCW 74.13.033(2). If the child placed~~
28 ~~in secure detention is not returned home or if an alternative living~~
29 ~~arrangement agreeable to the parent and the child is not made within~~
30 ~~twenty-four hours after the child's admission, the child shall be taken~~
31 ~~at the department's expense to a crisis residential center. Placement~~
32 ~~in the crisis residential center or centers plus placement in juvenile~~
33 ~~detention shall not exceed five consecutive days from the point of~~
34 ~~intake as provided in RCW 13.32A.130.~~

35 ~~(4) Juvenile detention facilities used pursuant to this section~~
36 ~~shall first be certified by the department to ensure that juveniles~~
37 ~~placed in the facility pursuant to this section are provided with~~
38 ~~living conditions suitable to the well-being of the child. Where space~~
39 ~~is available, juvenile courts, when certified by the department to do~~

1 ~~so, shall provide secure placement for juveniles pursuant to this~~
2 ~~section, at department expense)).~~

3 **Sec. 25.** RCW 74.15.220 and 1999 c 267 s 12 are each amended to
4 read as follows:

5 The secretary shall establish HOPE centers that provide no more
6 than seventy-five beds across the state and may establish HOPE centers
7 by contract, within funds appropriated by the legislature specifically
8 for this purpose. HOPE centers shall be operated in a manner to
9 reasonably assure that street youth placed there will not run away.
10 Street youth may leave a HOPE center during the course of the day to
11 attend school or other necessary appointments, but the street youth
12 must be accompanied by an administrator or an administrator's designee.
13 The street youth must provide the administration with specific
14 information regarding his or her destination and expected time of
15 return to the HOPE center. Any street youth who runs away from a HOPE
16 center shall not be readmitted unless specifically authorized by the
17 street youth's placement and liaison specialist, and the placement and
18 liaison specialist shall document with specific factual findings an
19 appropriate basis for readmitting any street youth to a HOPE center.
20 HOPE centers are required to have the following:

21 (1) A license issued by the secretary;

22 (2) A professional with a master's degree in counseling, social
23 work, or related field and at least one year of experience working with
24 street youth or a bachelor of arts degree in social work or a related
25 field and five years of experience working with street youth. This
26 professional staff person may be contractual or a part-time employee,
27 but must be available to work with street youth in a HOPE center at a
28 ratio of one to every fifteen youth staying in a HOPE center. This
29 professional shall be known as a placement and liaison specialist.
30 Preference shall be given to those professionals cross-credentialed in
31 mental health and chemical dependency. The placement and liaison
32 specialist shall:

33 (a) Conduct an assessment of the street youth that includes a
34 determination of the street youth's legal status regarding residential
35 placement;

36 (b) Facilitate the street youth's return to his or her legally
37 authorized residence at the earliest possible date or initiate
38 processes to arrange legally authorized appropriate placement. Any

1 street youth who may meet the definition of dependent child under RCW
2 13.34.030 must be referred to the department. The department shall
3 determine whether a dependency petition should be filed under chapter
4 13.34 RCW. A shelter care hearing must be held within seventy-two
5 hours to authorize out-of-home placement for any youth the department
6 determines is appropriate for out-of-home placement under chapter 13.34
7 RCW. All of the provisions of chapter 13.32A RCW must be followed for
8 children in need of services or at-risk youth;

9 (c) Interface with other relevant resources and system
10 representatives to secure long-term residential placement and other
11 needed services for the street youth;

12 (d) Be assigned immediately to each youth and meet with the youth
13 within eight hours of the youth receiving HOPE center services;

14 (e) Facilitate a physical examination of any street youth who has
15 not seen a physician within one year prior to residence at a HOPE
16 center and facilitate evaluation by a county-designated mental health
17 professional, a chemical dependency specialist, or both if appropriate;
18 and

19 (f) Arrange an educational assessment to measure the street youth's
20 competency level in reading, writing, and basic mathematics, and that
21 will measure learning disabilities or special needs;

22 (3) Staff trained in development needs of street youth as
23 determined by the secretary, including an administrator who is a
24 professional with a master's degree in counseling, social work, or a
25 related field and at least one year of experience working with street
26 youth, or a bachelor of arts degree in social work or a related field
27 and five years of experience working with street youth, who must work
28 with the placement and liaison specialist to provide appropriate
29 services on site;

30 (4) A data collection system that measures outcomes for the
31 population served, and enables research and evaluation that can be used
32 for future program development and service delivery. Data collection
33 systems must have confidentiality rules and protocols developed by the
34 secretary;

35 (5) Notification requirements that meet the notification
36 requirements of chapter 13.32A RCW. The youth's arrival date and time
37 must be logged at intake by HOPE center staff. The staff must
38 immediately notify law enforcement and dependency caseworkers if a
39 street youth runs away from a HOPE center. (~~(A child may be~~

1 transferred to a secure facility as defined in RCW 13.32A.030 whenever
2 the staff reasonably believes that a street youth is likely to leave
3 the HOPE center and not return after full consideration of the factors
4 set forth in RCW 13.32A.130(2)(a) (i) and (ii).) The street youth's
5 temporary placement in the HOPE center must be authorized by the court
6 or the secretary if the youth is a dependent of the state under chapter
7 13.34 RCW or the department is responsible for the youth under chapter
8 13.32A RCW, or by the youth's parent or legal custodian, until such
9 time as the parent can retrieve the youth who is returning to home;

10 (6) HOPE centers must identify to the department any street youth
11 it serves who is not returning promptly to home. The department then
12 must contact the missing children's clearinghouse identified in chapter
13 13.60 RCW and either report the youth's location or report that the
14 youth is the subject of a dependency action and the parent should
15 receive notice from the department; and

16 (7) Services that provide counseling and education to the street
17 youth(~~and~~

18 ~~(8) The department shall only award contracts for the operation of
19 HOPE center beds and responsible living skills programs in departmental
20 regions: (a) With operating secure crisis residential centers; or (b)
21 in which the secretary finds significant progress is made toward
22 opening a secure crisis residential center)).~~

23 **Sec. 26.** RCW 74.15.240 and 1999 c 267 s 14 are each amended to
24 read as follows:

25 To be eligible for placement in a responsible living skills
26 program, the minor must be dependent under chapter 13.34 RCW and must
27 have lived in a HOPE center or in a ((~~secure~~)) crisis residential
28 center. Responsible living skills centers are intended as a placement
29 alternative for dependent youth that the department chooses for the
30 youth because no other services or alternative placements have been
31 successful. Responsible living skills centers are not for dependent
32 youth whose permanency plan includes return to home or family
33 reunification.

34 NEW SECTION. **Sec. 27.** RCW 74.13.0321 (Crisis residential
35 centers--Limit on reimbursement or compensation) and 1995 c 312 s 61
36 are each repealed.

1 NEW SECTION. **Sec. 28.** Sections 16 through 27 of this act take
2 effect July 1, 2002.

3 **IV. Developmentally Disabled Children**

4 **Sec. 29.** RCW 74.20A.030 and 2000 c 86 s 7 are each amended to read
5 as follows:

6 (1) The department shall be subrogated to the right of any
7 dependent child or children or person having the care, custody, and
8 control of said child or children, if public assistance money is paid
9 to or for the benefit of the child under a state-funded program, or a
10 program funded under Title IV-A or IV-E of the federal social security
11 act as amended by the personal responsibility and work opportunity
12 reconciliation act of 1996, to prosecute or maintain any support action
13 or execute any administrative remedy existing under the laws of the
14 state of Washington to obtain reimbursement of moneys expended, based
15 on the support obligation of the responsible parent established by a
16 child support order. Distribution of any support moneys shall be made
17 in accordance with RCW 26.23.035.

18 (2) The department may initiate, continue, maintain, or execute an
19 action to establish, enforce, and collect a support obligation,
20 including establishing paternity and performing related services, under
21 this chapter and chapter 74.20 RCW, or through the attorney general or
22 prosecuting attorney under chapter 26.09, 26.18, 26.20, 26.21, 26.23,
23 or 26.26 RCW or other appropriate statutes or the common law of this
24 state, for so long as and under such conditions as the department may
25 establish by regulation.

26 (3) Public assistance moneys shall be exempt from collection action
27 under this chapter except as provided in RCW 74.20A.270.

28 (4) ~~((No collection action shall be taken against parents of
29 children eligible for admission to, or children who have been
30 discharged from a residential habilitation center as defined by RCW
31 71A.10.020(8). For the period July 1, 1993, through June 30, 1995,))
32 A collection action may be taken against parents of children with
33 developmental disabilities who are placed in community-based
34 residential care including foster care pursuant to chapter 13.34 RCW.
35 ~~((The amount of support the department may collect from the parents
36 shall not exceed one-half of the parents' support obligation accrued
37 while the child was in community-based residential care.))~~ The child~~

1 support obligation shall be calculated pursuant to (~~chapter 26.19~~)
2 RCW 13.34.160.

3 **Sec. 30.** RCW 13.34.270 and 2000 c 122 s 33 are each amended to
4 read as follows:

5 (1) Whenever the department places a child with a developmental
6 disability in out-of-home care pursuant to RCW 74.13.350, the
7 department shall obtain a judicial determination within one hundred
8 eighty days of the placement that continued placement is in the best
9 interests of the child. If the child's out-of-home placement ends
10 before one hundred eighty days have elapsed, no judicial determination
11 is required.

12 (2) To obtain the judicial determination, the department shall file
13 a petition alleging that there is located or residing within the county
14 a child who has a developmental disability and that the child has been
15 placed in out-of-home care pursuant to RCW 74.13.350. The petition
16 shall request that the court review the child's placement, make a
17 determination whether continued placement is in the best interests of
18 the child, and take other necessary action as provided in this section.
19 The petition shall contain the name, date of birth, and residence of
20 the child and the names and residences of the child's parent or legal
21 guardian who has agreed to the child's placement in out-of-home care.
22 Reasonable attempts shall be made by the department to ascertain and
23 set forth in the petition the identity, location, and custodial status
24 of any parent who is not a party to the placement agreement and why
25 that parent cannot assume custody of the child.

26 (3) Upon filing of the petition, the clerk of the court shall
27 schedule the petition for a hearing to be held no later than fourteen
28 calendar days after the petition has been filed. The department shall
29 provide notification of the time, date, and purpose of the hearing to
30 the parent or legal guardian who has agreed to the child's placement in
31 out-of-home care. The department shall also make reasonable attempts
32 to notify any parent who is not a party to the placement agreement, if
33 the parent's identity and location is known. Notification under this
34 section may be given by the most expedient means, including but not
35 limited to, mail, personal service, and telephone.

36 (4) The court shall appoint a guardian ad litem for the child as
37 provided in RCW 13.34.100, unless the court for good cause finds the
38 appointment unnecessary.

1 (5) Permanency planning hearings shall be held as provided in this
2 section. At the hearing, the court shall review whether the child's
3 best interests are served by continued out-of-home placement and
4 determine the future legal status of the child.

5 (a) For children age ten and under, a permanency planning hearing
6 shall be held in all cases where the child has remained in out-of-home
7 care for at least nine months and an adoption decree or guardianship
8 order under chapter 11.88 RCW has not previously been entered. The
9 hearing shall take place no later than twelve months following
10 commencement of the child's current placement episode.

11 (b) For children over age ten, a permanency planning hearing shall
12 be held in all cases where the child has remained in out-of-home care
13 for at least fifteen months and an adoption decree or guardianship
14 order under chapter 11.88 RCW has not previously been entered. The
15 hearing shall take place no later than eighteen months following
16 commencement of the current placement episode.

17 (c) No later than ten working days before the permanency planning
18 hearing, the department shall submit a written permanency plan to the
19 court and shall mail a copy of the plan to all parties. The plan shall
20 be directed toward securing a safe, stable, and permanent home for the
21 child as soon as possible. The plan shall identify one of the
22 following outcomes as the primary goal and may also identify additional
23 outcomes as alternative goals: Return of the child to the home of the
24 child's parent or legal guardian; adoption; guardianship; or long-term
25 out-of-home care, until the child is age eighteen, with a written
26 agreement between the parties and the child's care provider.

27 (d) If a goal of long-term out-of-home care has been achieved
28 before the permanency planning hearing, the court shall review the
29 child's status to determine whether the placement and the plan for the
30 child's care remains appropriate. In cases where the primary
31 permanency planning goal has not been achieved, the court shall inquire
32 regarding the reasons why the primary goal has not been achieved and
33 determine what needs to be done to make it possible to achieve the
34 primary goal.

35 (e) Following the first permanency planning hearing, the court
36 shall hold a further permanency planning hearing in accordance with
37 this section at least once every twelve months until a permanency
38 planning goal is achieved or the voluntary placement agreement is
39 terminated.

1 (6) Any party to the voluntary placement agreement may terminate
2 the agreement at any time. Upon termination of the agreement, the
3 child shall be returned to the care of the child's parent or legal
4 guardian, unless the child has been taken into custody pursuant to RCW
5 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW
6 13.34.060, or placed in foster care pursuant to RCW 13.34.130. The
7 department shall notify the court upon termination of the voluntary
8 placement agreement and return of the child to the care of the child's
9 parent or legal guardian. Whenever a voluntary placement agreement is
10 terminated, an action under this section shall be dismissed.

11 (7) This section does not prevent the department from filing a
12 dependency petition if there is reason to believe that the child is a
13 dependent child as defined in RCW 13.34.030. An action filed under
14 this section shall be dismissed upon the filing of a dependency
15 petition regarding a child who is the subject of the action under this
16 section.

17 (8) Nothing in this section prohibits the court from ordering the
18 parents to pay child support under RCW 13.34.160.

19 **Sec. 31.** RCW 74.13.350 and 1998 c 229 s 1 are each amended to read
20 as follows:

21 It is the intent of the legislature that parents are responsible
22 for the care and support of children with developmental disabilities.
23 The legislature recognizes that, because of the intense support
24 required to care for a child with developmental disabilities, the help
25 of an out-of-home placement may be needed. It is the intent of the
26 legislature that, when the sole reason for the out-of-home placement is
27 the child's developmental disability, such services be offered by the
28 department to these children and their families through a voluntary
29 placement agreement. In these cases, the parents shall retain legal
30 custody of the child.

31 As used in this section, "voluntary placement agreement" means a
32 written agreement between the department and a child's parent or legal
33 guardian authorizing the department to place the child in a licensed
34 facility. Under the terms of this agreement, the parent or legal
35 guardian shall retain legal custody and the department shall be
36 responsible for the child's placement and care. The agreement shall at
37 a minimum specify the legal status of the child and the rights and
38 obligations of the parent or legal guardian, the child, and the

1 department while the child is in placement. The agreement must be
2 signed by the child's parent or legal guardian and the department to be
3 in effect, except that an agreement regarding an Indian child shall not
4 be valid unless executed in writing before the court and filed with the
5 court as provided in RCW 13.34.245. Any party to a voluntary placement
6 agreement may terminate the agreement at any time. Upon termination of
7 the agreement, the child shall be returned to the care of the child's
8 parent or legal guardian unless the child has been taken into custody
9 pursuant to RCW 13.34.050 or 26.44.050, placed in shelter care pursuant
10 to RCW 13.34.060, or placed in foster care pursuant to RCW 13.34.130.

11 As used in this section, "out-of-home placement" and "out-of-home
12 care" mean the placement of a child in a foster family home or group
13 care facility licensed under chapter 74.15 RCW.

14 Whenever the department places a child in out-of-home care under a
15 voluntary placement pursuant to this section, the department shall have
16 the responsibility for the child's placement and care. The department
17 shall develop a permanency plan of care for the child no later than
18 sixty days from the date that the department assumes responsibility for
19 the child's placement and care. Within the first one hundred eighty
20 days of the placement, the department shall obtain a judicial
21 determination pursuant to RCW 13.04.030(1)(j) and 13.34.270 that the
22 placement is in the best interests of the child. If the child's out-
23 of-home placement ends before one hundred eighty days have elapsed, no
24 judicial determination under RCW 13.04.030(1)(b) is required. The
25 permanency planning hearings shall review whether the child's best
26 interests are served by continued out-of-home placement and determine
27 the future legal status of the child.

28 The department shall provide for periodic administrative reviews as
29 required by federal law. A review may be called at any time by either
30 the department, the parent, or the legal guardian.

31 Nothing in this section shall prevent the department from filing a
32 dependency petition if there is reason to believe that the child is a
33 dependent child as defined in RCW 13.34.030.

34 Nothing in this section prohibits the court from ordering the
35 parents to pay child support under RCW 13.34.160.

36 The department shall adopt rules providing for the implementation
37 of chapter 386, Laws of 1997 and the transfer of responsibility for
38 out-of-home placements from the dependency process under chapter 13.34
39 RCW to the process under this chapter.

1 It is the intent of the legislature that the department undertake
2 voluntary out-of-home placement in cases where the child's
3 developmental disability is such that the parent, guardian, or legal
4 custodian is unable to provide the necessary care for the child, and
5 the parent, guardian, or legal custodian has determined that the child
6 would benefit from placement outside of the home. If the department
7 does not accept a voluntary placement agreement signed by the parent,
8 a petition may be filed and an action pursued under chapter 13.34 RCW.
9 The department shall inform the parent, guardian, or legal custodian in
10 writing of their right to civil action under chapter 13.34 RCW.

11 **V. Alternative Response Systems**

12 **Sec. 32.** RCW 74.14D.020 and 1997 c 386 s 10 are each amended to
13 read as follows:

14 (1) The department shall, within resources appropriated
15 specifically for this purpose, contract for delivery of services for at
16 least two but not more than three models of alternative response
17 systems. The services shall be reasonably available throughout the
18 state but need not be sited in every county in the state, subject to
19 such conditions and limitations as may be specified in the omnibus
20 appropriations act.

21 (2) The systems shall provide delivery of services in the least
22 intrusive manner reasonably likely to achieve improved family
23 cohesiveness, prevention of rereferrals of the family for alleged abuse
24 or neglect, and improvement in the health and safety of children.

25 (3) The department shall, within resources appropriated
26 specifically for this purpose, identify and prioritize risk and
27 protective factors associated with the type of abuse or neglect
28 referrals that are appropriate for services delivered by alternative
29 response systems. Contractors who provide services through an
30 alternative response system shall use the factors in determining which
31 services to deliver, consistent with the provisions of subsection (2)
32 of this section.

33 (4) Consistent with the provisions of chapter 26.44 RCW, the
34 providers of services under the alternative response system shall
35 recognize the due process rights of families that receive such services
36 and recognize that these services are not intended to be investigative
37 for purposes of chapter 13.34 RCW.

1 current school year. If a regularly scheduled parent-teacher
2 conference day is to take place within thirty days of the second
3 unexcused absence, then the school district may schedule this
4 conference on that day; and

5 (c) Take steps to eliminate or reduce the child's absences. These
6 steps shall include, where appropriate, adjusting the child's school
7 program or school or course assignment, providing more individualized
8 or remedial instruction, offering assistance in enrolling the child in
9 available alternative schools or programs, or assisting the parent or
10 child to obtain supplementary services that may help eliminate or
11 ameliorate the cause or causes for the absence from school.

12 (3) If a child required to attend public school under subsection
13 (1) of this section has (~~seven~~) five unexcused absences in a month or
14 ten unexcused absences in a school year, the school district (~~shall~~)
15 may file a petition for civil action as provided in RCW 28A.225.035
16 against the parent of the child provided that the local juvenile court
17 has designated within available resources a court, truancy board, or
18 other entity for processing such actions.

19 (4) This section does not require a six or seven year old child to
20 enroll in a public or private school or to receive home-based
21 instruction. This section only applies to six or seven year old
22 children whose parents enroll them full time in public school and do
23 not formally remove them from enrollment as provided in subsection (1)
24 of this section.

25 **Sec. 36.** RCW 28A.225.020 and 1999 c 319 s 1 are each amended to
26 read as follows:

27 (1) If a child required to attend school under RCW 28A.225.010
28 fails to attend school without valid justification, the public school
29 in which the child is enrolled shall:

30 (a) Inform the child's custodial parent, parents, or guardian by a
31 notice in writing or by telephone whenever the child has failed to
32 attend school after one unexcused absence within any month during the
33 current school year. School officials shall inform the parent of the
34 potential consequences of additional unexcused absences;

35 (b) Schedule a conference or conferences with the custodial parent,
36 parents, or guardian and child at a time reasonably convenient for all
37 persons included for the purpose of analyzing the causes of the child's
38 absences after two unexcused absences within any month during the

1 current school year. If a regularly scheduled parent-teacher
2 conference day is to take place within thirty days of the second
3 unexcused absence, then the school district may schedule this
4 conference on that day; and

5 (c) Take steps to eliminate or reduce the child's absences. These
6 steps shall include, where appropriate, adjusting the child's school
7 program or school or course assignment, providing more individualized
8 or remedial instruction, providing appropriate vocational courses or
9 work experience, (~~referring the child to a community truancy board, if~~
10 ~~available,~~) requiring the child to attend an alternative school or
11 program, or assisting the parent or child to obtain supplementary
12 services that might eliminate or ameliorate the cause or causes for the
13 absence from school and may include referring the child to a community
14 truancy board. If the child's parent does not attend the scheduled
15 conference, the conference may be conducted with the student and school
16 official. However, the parent shall be notified of the steps to be
17 taken to eliminate or reduce the child's absence.

18 (2) For purposes of this chapter, an "unexcused absence" means that
19 a child:

20 (a) Has failed to attend the majority of hours or periods in an
21 average school day or has failed to comply with a more restrictive
22 school district policy; and

23 (b) Has failed to meet the school district's policy for excused
24 absences.

25 (3) If a child transfers from one school district to another during
26 the school year, the receiving school or school district shall include
27 the unexcused absences accumulated at the previous school or from the
28 previous school district for purposes of this section, RCW 28A.225.030,
29 and 28A.225.015.

30 **Sec. 37.** RCW 28A.225.025 and 1999 c 319 s 5 are each amended to
31 read as follows:

32 For purposes of this chapter, "community truancy board" means a
33 board composed of members of the local community in which the child
34 attends school. Juvenile courts may establish and operate community
35 truancy boards. If the juvenile court and the school district agree,
36 a school district may establish and operate a community truancy board
37 under the jurisdiction of the juvenile court within available funds.
38 Juvenile courts may create a community truancy board or may use other

1 entities that exist or are created, such as diversion units. However,
2 a diversion unit or other existing entity must agree before it is used
3 as a truancy board. Duties of a community truancy board (~~((shall))~~) may
4 include(~~((, but not be limited to,))~~) recommending methods for improving
5 school attendance such as assisting the parent or the child to obtain
6 supplementary services that might eliminate or ameliorate the causes
7 for the absences or suggesting to the school district that the child
8 enroll in another school, an alternative education program, an
9 education center, a skill center, a dropout prevention program, or
10 another public or private educational program.

11 **Sec. 38.** RCW 28A.225.030 and 1999 c 319 s 2 are each amended to
12 read as follows:

13 (1) If a child is required to attend school under RCW 28A.225.010
14 and if the actions taken by a school district under RCW 28A.225.020 are
15 not successful in substantially reducing an enrolled student's absences
16 from public school, (~~((not later than the seventh))~~) on or after the
17 fifth unexcused absence by a child within any month during the current
18 school year or (~~((not later than))~~) on or after the tenth unexcused
19 absence during the current school year the school district (~~((shall))~~)
20 may, provided that the local juvenile court has designated within
21 available funds a court, truancy board, or other entity for processing
22 such actions, file a petition and supporting affidavit for a civil
23 action with the juvenile court alleging a violation of RCW 28A.225.010:
24 (a) By the parent; (b) by the child; or (c) by the parent and the
25 child. Except as provided in this subsection, no additional documents
26 need be filed with the petition.

27 (2) (~~((The district shall not later than the fifth unexcused absence~~
28 ~~in a month:~~

29 ~~(a) Enter into an agreement with a student and parent that~~
30 ~~establishes school attendance requirements;~~

31 ~~(b) Refer a student to a community truancy board, if available, as~~
32 ~~defined in RCW 28A.225.025. The community truancy board shall enter~~
33 ~~into an agreement with the student and parent that establishes school~~
34 ~~attendance requirements and take other appropriate actions to reduce~~
35 ~~the child's absences; or~~

36 ~~(c) File a petition under subsection (1) of this section.~~

37 ~~(3))~~ The petition may be filed by a school district employee who
38 is not an attorney.

1 (~~(4)~~) (3) If the school district (~~(fails to)~~) does not file a
2 petition under this section, the parent of a child with five or more
3 unexcused absences in any month during the current school year or upon
4 the tenth unexcused absence during the current school year may,
5 provided that the local juvenile court has designated within available
6 funds a court, truancy board, or other entity for processing such
7 actions, file a petition with the juvenile court alleging a violation
8 of RCW 28A.225.010.

9 (~~(5)~~) (4) Petitions filed under this section may be served by
10 certified mail, return receipt requested. If such service is
11 unsuccessful, or the return receipt is not signed by the addressee,
12 personal service is required.

13 NEW SECTION. Sec. 39. RCW 28A.225.151 (Reports) and 1996 c 134 s
14 5 & 1995 c 312 s 72 are each repealed.

15 NEW SECTION. Sec. 40. Part headings used in this act are not any
16 part of the law.

--- END ---