
SENATE BILL 5208

State of Washington

57th Legislature

2001 Regular Session

By Senator Hargrove

Read first time 01/16/2001. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to contempt of court sanctions in juvenile
2 courts; amending RCW 7.21.030, 13.32A.250, and 13.32A.250;
3 providing an effective date; and providing an expiration date.

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

5 **Sec. 1.** RCW 7.21.030 and 1998 c 296 s 36 are each amended to read
6 as follows:

7 (1) The court may initiate a proceeding to impose a remedial
8 sanction on its own motion or on the motion of a person aggrieved
9 by a contempt of court in the proceeding to which the contempt is
10 related. Except as provided in RCW 7.21.050, the court, after
11 notice and hearing, may impose a remedial sanction authorized by
12 this chapter.

13 (2) If the court finds that the person has failed or refused to
14 perform an act that is yet within the person's power to perform,
15 the court may find the person in contempt of court and impose one
16 or more of the following remedial sanctions:

17 (a) Imprisonment if the contempt of court is of a type defined

1 in RCW 7.21.010(1) (b) through (d). The imprisonment may extend
2 only so long as it serves a coercive purpose.

3 (b) A forfeiture not to exceed two thousand dollars for each
4 day the contempt of court continues.

5 (c) An order designed to ensure compliance with a prior order
6 of the court.

7 (d) Any other remedial sanction other than the sanctions
8 specified in (a) through (c) of this subsection if the court
9 expressly finds that those sanctions would be ineffectual to
10 terminate a continuing contempt of court.

11 (e) In cases under chapters 13.32A, 13.34, and 28A.225 RCW,
12 commitment to juvenile detention for a period of time not to
13 exceed seven days. This sanction may be imposed in addition to,
14 or as an alternative to, any other (~~remedial~~) sanction
15 authorized by this chapter. (~~This remedy is specifically~~
16 ~~determined to be a remedial sanction.~~)

17 (3) The court may, in addition to the remedial sanctions set
18 forth in subsection (2) of this section, order a person found in
19 contempt of court to pay a party for any losses suffered by the
20 party as a result of the contempt and any costs incurred in
21 connection with the contempt proceeding, including reasonable
22 attorney's fees.

23 **Sec. 2.** RCW 13.32A.250 and 2000 c 162 s 4 are each amended to read
24 as follows:

25 (1) In all child in need of services proceedings and at-risk
26 youth proceedings, the court shall verbally notify the parents and
27 the child of the possibility of a finding of contempt for failure
28 to comply with the terms of a court order entered pursuant to this
29 chapter. Except as otherwise provided in this section, the court
30 shall treat the parents and the child equally for the purposes of
31 applying contempt of court processes and penalties under this
32 section.

33 (2) Failure by a party to comply with an order entered under
34 this chapter is a (~~civil~~) contempt of court (~~as provided in RCW~~
35 ~~7.21.030(2)(e), subject to the limitations of subsection (3) of~~
36 ~~this section~~) subject to the provisions of chapter 7.21 RCW. The
37 seven-day limitation on confinement may be extended in limited

1 types of cases where the court finds the party has repeatedly been
2 held in contempt, the party does not agree to comply with the
3 court's order, and the court determines that detention is
4 necessary to enforce the order of the court.

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

8 ~~(4))~~ A child placed in confinement for contempt under this
9 section shall be placed in confinement either in a secure juvenile
10 detention facility operated by or pursuant to a contract with a
11 county or a secure facility that is a separate, secure section of
12 a juvenile detention facility. In no case may a child in contempt
13 be confined in a secure facility that is freestanding outside a
14 juvenile detention facility.

15 ~~((+5))~~ (4) A motion for contempt may be made by a parent, a
16 child, juvenile court personnel, or by any public agency,
17 organization, or person having custody of the child under a court
18 order adopted pursuant to this chapter.

19 ~~((+6))~~ (5) Whenever the court finds probable cause to believe,
20 based upon consideration of a motion for contempt and the
21 information set forth in a supporting declaration, that a child
22 has violated a placement order entered under this chapter, the
23 court may issue an order directing law enforcement to pick up and
24 take the child to detention or to a secure facility. The order
25 may be entered ex parte without prior notice to the child or other
26 parties. Following the child's admission to detention or to the
27 secure facility, a review hearing must be held in accordance with
28 RCW 13.32A.065.

29 **Sec. 3.** RCW 13.32A.250 and 2000 c 162 s 14 are each amended to
30 read as follows:

31 (1) In all child in need of services proceedings and at-risk
32 youth proceedings, the court shall verbally notify the parents and
33 the child of the possibility of a finding of contempt for failure
34 to comply with the terms of a court order entered pursuant to this
35 chapter. Except as otherwise provided in this section, the court
36 shall treat the parents and the child equally for the purposes of

1 applying contempt of court processes and penalties under this
2 section.

3 (2) Failure by a party to comply with an order entered under
4 this chapter is a ~~((civil))~~ contempt of court ~~((as provided in RCW~~
5 ~~7.21.030(2)(e), subject to the limitations of subsection (3) of~~
6 ~~this section))~~ subject to the provisions of chapter 7.21 RCW. The
7 seven-day limitation on confinement may be extended in limited
8 types of cases where the court finds the party has repeatedly been
9 held in contempt, the party does not agree to comply with the
10 court's order, and the court determines that detention is
11 necessary to enforce the order of the court.

12 ~~((The court may impose remedial sanctions including a fine~~
13 ~~of up to one hundred dollars and confinement for up to seven days,~~
14 ~~or both for contempt of court under this section.~~

15 ~~((4))~~ A child placed in confinement for contempt under this
16 section shall be placed in confinement only in a secure juvenile
17 detention facility operated by or pursuant to a contract with a
18 county.

19 ~~((5))~~ (4) A motion for contempt may be made by a parent, a
20 child, juvenile court personnel, or by any public agency,
21 organization, or person having custody of the child under a court
22 order adopted pursuant to this chapter.

23 ~~((6))~~ (5) Whenever the court finds probable cause to believe,
24 based upon consideration of a motion for contempt and the
25 information set forth in a supporting declaration, that a child
26 has violated a placement order entered under this chapter, the
27 court may issue an order directing law enforcement to pick up and
28 take the child to detention. The order may be entered ex parte
29 without prior notice to the child or other parties. Following the
30 child's admission to detention, a detention review hearing must be
31 held in accordance with RCW 13.32A.065.

32 NEW SECTION. Sec. 4. Section 2 of this act expires July 1,
33 2002.

34 NEW SECTION. Sec. 5. Section 3 of this act takes effect July 1,
35 2002.

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