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**SUBSTITUTE SENATE BILL 5500**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove and Long)

READ FIRST TIME 02/26/01.

1 AN ACT Relating to programs and proceedings for children under the  
2 BECCA and HOPE acts; amending RCW 13.32A.030, 13.32A.160, 13.32A.170,  
3 13.32A.179, 13.32A.190, 13.32A.196, 13.32A.198, 28A.225.035, 7.21.030,  
4 13.32A.250, and 13.32A.250; reenacting and amending RCW 28A.225.090 and  
5 28A.225.090; adding a new section to chapter 74.15 RCW; providing an  
6 effective date; and providing an expiration date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (iii) Whose parents have evidenced continuing but unsuccessful  
34 efforts to maintain the family structure or are unable or unwilling to  
35 continue efforts to maintain the family structure.

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

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

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

5 (9) "Department" means the department of social and health  
6 services.

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

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

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

30 (13) "Out-of-home placement" means a placement in a foster family  
31 home or group care facility licensed pursuant to chapter 74.15 RCW or  
32 placement in a home, other than that of the child's parent, guardian,  
33 or legal custodian, not required to be licensed pursuant to chapter  
34 74.15 RCW.

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

37 (15) "Secure facility" means a crisis residential center, or  
38 portion thereof, that has locking doors, locking windows, or a secured

1 perimeter, designed and operated to prevent a child from leaving  
2 without permission of the facility staff.

3 (16) "Semi-secure facility" means any facility, including but not  
4 limited to crisis residential centers or specialized foster family  
5 homes, operated in a manner to reasonably assure that youth placed  
6 there will not run away. Pursuant to rules established by the  
7 department, the facility administrator shall establish reasonable hours  
8 for residents to come and go from the facility such that no residents  
9 are free to come and go at all hours of the day and night. To prevent  
10 residents from taking unreasonable actions, the facility administrator,  
11 where appropriate, may condition a resident's leaving the facility upon  
12 the resident being accompanied by the administrator or the  
13 administrator's designee and the resident may be required to notify the  
14 administrator or the administrator's designee of any intent to leave,  
15 his or her intended destination, and the probable time of his or her  
16 return to the center.

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

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

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

25 (1) When a proper child in need of services petition to approve an  
26 out-of-home placement is filed under RCW 13.32A.120, 13.32A.140, or  
27 13.32A.150 the juvenile court shall: (a)(i) Schedule a fact-finding  
28 hearing to be held: (A) For a child who resides in a place other than  
29 his or her parent's home and other than an out-of-home placement,  
30 within five calendar days unless the last calendar day is a Saturday,  
31 Sunday, or holiday, in which case the hearing shall be held on the  
32 preceding judicial day; or (B) for a child living at home or in an out-  
33 of-home placement, within ten days; and (ii) notify the parent, child,  
34 and the department of such date; (b) notify the parent of the right to  
35 be represented by counsel and, if indigent, to have counsel appointed  
36 for him or her by the court; (c) appoint legal counsel for the child;  
37 (d) inform the child and his or her parent of the legal consequences of  
38 the court approving or disapproving a child in need of services

1 petition; (e) notify the parents of their rights under this chapter and  
2 chapters 11.88, 13.34, 70.96A, and 71.34 RCW, including the right to  
3 file a motion requesting that the court convert the petition to an at-  
4 risk youth petition, the right to submit an application for admission  
5 of their child to a treatment facility for alcohol, chemical  
6 dependency, or mental health treatment, and the right to file a  
7 guardianship petition; and (f) notify all parties, including the  
8 department, of their right to present evidence at the fact-finding  
9 hearing.

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

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

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

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

36 (2) The court may approve an order stating that the child shall be  
37 placed in a residence other than the home of his or her parent only if  
38 it is established by a preponderance of the evidence, including a

1 departmental recommendation for approval or dismissal of the petition,  
2 that:

3 (a) The child is a child in need of services as defined in RCW  
4 13.32A.030(5);

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

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

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

11 The court may not grant a petition filed by the child or the  
12 department if it is established that the petition is based only upon a  
13 dislike of reasonable rules or reasonable discipline established by the  
14 parent.

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

17 (3) Following the fact-finding hearing the court shall: (a)  
18 Approve a child in need of services petition and, if appropriate, enter  
19 a temporary out-of-home placement for a period not to exceed fourteen  
20 days pending approval of a disposition decision to be made under RCW  
21 13.32A.179(2); (b) approve the parent's motion to convert the petition  
22 to an at-risk youth petition ((filed by the parents and dismiss the  
23 child in need of services petition)) and approve the at-risk youth  
24 petition; or (c) dismiss the petition.

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

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

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

34 (2) At the conclusion of the disposition hearing, the court may:  
35 (a) Reunite the family and dismiss the petition; (b) approve the  
36 parent's motion to convert the petition to an at-risk youth petition  
37 ((filed by the parents and dismiss the child in need of services  
38 petition)) and approve the at-risk youth petition; (c) approve an out-

1 of-home placement requested in the child in need of services petition  
2 by the parents; or (d) order an out-of-home placement at the request of  
3 the child or the department not to exceed ninety days.

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

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

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

1       (5) Prior to disposition, or at any time thereafter, subject to  
2 available resources, the court may order that a risk and needs  
3 assessment of the child be conducted.

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

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

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

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

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

20       (~~(7)~~) (8) The court shall dismiss a placement made under  
21 subsection (2)(c) of this section upon the request of the parents.

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

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

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



1 that the parents have made reasonable efforts to resolve the conflict  
2 and the court has reason to believe that the child's refusal to return  
3 home is capricious. If out-of-home placement is continued, the court  
4 may modify the dispositional plan.

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

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

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

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

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

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

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

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

32 ((+7)) (8) The court shall dismiss a child in need of services  
33 proceeding if the child is the subject of a proceeding under chapter  
34 13.34 RCW.

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

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

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

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

12 (a) Regular school attendance;

13 (b) Counseling;

14 (c) Participation in a substance abuse or mental health outpatient  
15 treatment program;

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

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

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

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

33 (6) The parent may request dismissal of an at-risk youth proceeding  
34 or out-of-home placement at any time. Upon such a request, the court  
35 shall dismiss the matter and cease court supervision of the child  
36 unless: (a) A contempt action is pending in the case; (b) a petition  
37 has been filed under RCW 13.32A.150 and a hearing has not yet been held  
38 under RCW 13.32A.179; or (c) an order has been entered under RCW  
39 13.32A.179(3) and the court retains jurisdiction under that subsection.

1 The court may retain jurisdiction over the matter for the purpose of  
2 concluding any pending contempt proceedings, including the full  
3 satisfaction of any penalties imposed as a result of a contempt  
4 finding.

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

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

13 (9) Prior to disposition, or at any time thereafter, subject to  
14 available resources, the court may order that a risk and needs  
15 assessment of the child be conducted.

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

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

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

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

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

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

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

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

13       (1) A petition for a civil action under RCW 28A.225.030 or  
14 28A.225.015 shall consist of a written notification to the court  
15 alleging that:

16       (a) The child has unexcused absences during the current school  
17 year;

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

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

22       (2) The petition shall set forth the name, age, school, and  
23 residence of the child and the names and residence of the child's  
24 parents.

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

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

35       (5) If a referral is made to a community truancy board, the truancy  
36 board must meet with the child, a parent, and the school district  
37 representative and enter into an agreement with the petitioner and  
38 respondent regarding expectations and any actions necessary to address

1 the child's truancy within thirty days of the referral. If the  
2 petition is based on RCW 28A.225.015, the child shall not be required  
3 to attend and the agreement under this subsection shall be between the  
4 truancy board, the school district, and the child's parent. The  
5 agreement shall be presented to the juvenile court for its approval.

6 (6) The court shall approve the agreement by order or schedule a  
7 hearing. The court may, if the school district and community truancy  
8 board agree, permit the truancy board to provide continued supervision  
9 over the student, or parent if the petition is based on RCW  
10 28A.225.015, and report on compliance with the order.

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

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

17 (a) Separately notify the child, the parent of the child, and the  
18 school district of the hearing;

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

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

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

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

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

35 (12) If the allegations in the petition are established by a  
36 preponderance of the evidence, the court shall grant the petition and  
37 enter an order assuming jurisdiction to intervene for the period of  
38 time determined by the court, after considering the facts alleged in  
39 the petition and the circumstances of the juvenile, to most likely

1 cause the juvenile to return to and remain in school while the juvenile  
2 is subject to this chapter. In no case may the order expire before the  
3 end of the school year in which it is entered.

4 (13) If the court assumes jurisdiction, the school district shall  
5 regularly report to the court any additional unexcused absences by the  
6 child.

7 (14) Community truancy boards and the courts shall coordinate, to  
8 the extent possible, proceedings and actions pertaining to children who  
9 are subject to truancy petitions and at-risk youth petitions in RCW  
10 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

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

16 (16) At any time after the filing of a truancy petition on his or  
17 her child, and subsequent to a family assessment as provided under RCW  
18 13.32A.150(1), a parent may file with the court a motion requesting the  
19 matter be converted to an at-risk youth proceeding under chapter 13.32A  
20 RCW. The court shall approve the motion unless there is a pending  
21 contempt action under this chapter or the court has reason to believe  
22 the conversion would not be in the best interest of the child.

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

25 (1) A court may order a child subject to a petition under RCW  
26 28A.225.035 to do one or more of the following:

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

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

34 (c) Attend a private nonsectarian school or program including an  
35 education center. Before ordering a child to attend an approved or  
36 certified private nonsectarian school or program, the court shall: (i)  
37 Consider the public and private programs available; (ii) find that  
38 placement is in the best interest of the child; and (iii) find that the

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

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

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

22 (2)(a) If the child fails to comply with the court order, the court  
23 may order the child to be placed in confinement for contempt, either in  
24 a juvenile detention facility operated by or under a contract with a  
25 county or in a secure facility that is a separate, secure section of a  
26 juvenile detention facility, or may impose alternatives to confinement  
27 such as community service. Subject to available resources, the court  
28 may also order that a risk and needs assessment be conducted on the  
29 child, and the matter scheduled for a follow-up hearing to take place  
30 within fourteen days and, pursuant to the outcome of the risk and needs  
31 assessment, the court may order conditions including regular school  
32 attendance, counseling, participation in a substance abuse or mental  
33 health outpatient treatment program, and any other condition the court  
34 deems an appropriate condition of supervision.

35 (b) Failure by a child to comply with an order issued under this  
36 subsection shall not be subject to detention for a period greater than  
37 that permitted pursuant to a civil contempt proceeding against a child  
38 under chapter 13.32A RCW. In no case may a child in contempt be

1 confined in a secure facility that is freestanding outside a juvenile  
2 detention facility.

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

18 (4)(a) If a child continues to be truant after entering into a  
19 court-approved order with the truancy board under RCW 28A.225.035, the  
20 juvenile court shall find the child in contempt, and the court may  
21 order the child to be subject to detention, as provided in RCW  
22 7.21.030(2)(e), or may impose alternatives to detention such as  
23 meaningful community service. Subject to available resources, the  
24 court may also order that a risk and needs assessment be conducted on  
25 the child, and the matter scheduled for a follow-up hearing to take  
26 place within fourteen days and, pursuant to the outcome of the risk and  
27 needs assessment, the court may order conditions including regular  
28 school attendance, counseling, participation in a substance abuse or  
29 mental health outpatient treatment program, and any other condition the  
30 court deems an appropriate condition of supervision.

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

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



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

3       (1) A court may order a child subject to a petition under RCW  
4 28A.225.035 to do one or more of the following:

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

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

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

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

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

38       (2)(a) If the child fails to comply with the court order, the court  
39 may order the child to be subject to detention, as provided in RCW

1 7.21.030(2)(e), or may impose alternatives to detention such as  
2 community service. Subject to available resources, the court may also  
3 order that a risk and needs assessment be conducted on the child, and  
4 the matter scheduled for a follow-up hearing to take place within  
5 fourteen days and, pursuant to the outcome of the risk and needs  
6 assessment, the court may order conditions including regular school  
7 attendance, counseling, participation in a substance abuse or mental  
8 health outpatient treatment program, and any other condition the court  
9 deems an appropriate condition of supervision.

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

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

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

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

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

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

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

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

17 **Sec. 12.** RCW 7.21.030 and 1998 c 296 s 36 are each amended to read  
18 as follows:

19 (1) The court may initiate a proceeding to impose a remedial  
20 sanction on its own motion or on the motion of a person aggrieved by a  
21 contempt of court in the proceeding to which the contempt is related.  
22 Except as provided in RCW 7.21.050, the court, after notice and  
23 hearing, may impose a remedial sanction authorized by this chapter.

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

28 (a) Imprisonment if the contempt of court is of a type defined in  
29 RCW 7.21.010(1) (b) through (d). The imprisonment may extend only so  
30 long as it serves a coercive purpose.

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

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

35 (d) Any other remedial sanction other than the sanctions specified  
36 in (a) through (c) of this subsection if the court expressly finds that

1 those sanctions would be ineffectual to terminate a continuing contempt  
2 of court.

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

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

14 **Sec. 13.** RCW 13.32A.250 and 2000 c 162 s 4 are each amended to  
15 read as follows:

16 (1) In all child in need of services proceedings and at-risk youth  
17 proceedings, the court shall verbally notify the parents and the child  
18 of the possibility of a finding of contempt for failure to comply with  
19 the terms of a court order entered pursuant to this chapter. Except as  
20 otherwise provided in this section, the court shall treat the parents  
21 and the child equally for the purposes of applying contempt of court  
22 processes and penalties under this section.

23 (2) Failure by a party to comply with an order entered under this  
24 chapter or chapter 28A.225 RCW is a (~~civil~~) contempt of court (~~as~~  
25 ~~provided in RCW 7.21.030(2)(e), subject to the limitations of~~  
26 ~~subsection (3) of this section~~) subject to the provisions of chapter  
27 7.21 RCW. The seven-day limitation on confinement may be extended in  
28 limited types of cases where the court finds the party has repeatedly  
29 been held in contempt, the party does not agree to comply with the  
30 court's order, and the court determines that detention is necessary to  
31 enforce the order of the court.

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

35 (4)) A child placed in confinement for contempt under this section  
36 shall be placed in confinement either in a secure juvenile detention  
37 facility operated by or pursuant to a contract with a county or a  
38 secure facility that is a separate, secure section of a juvenile

1 detention facility. In no case may a child in contempt be confined in  
2 a secure facility that is freestanding outside a juvenile detention  
3 facility.

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

8 ~~((+6))~~ (5) Whenever the court finds probable cause to believe,  
9 based upon consideration of a motion for contempt and the information  
10 set forth in a supporting declaration, that a child has violated a  
11 placement order entered under this chapter, the court may issue an  
12 order directing law enforcement to pick up and take the child to  
13 detention or to a secure facility. The order may be entered ex parte  
14 without prior notice to the child or other parties. Following the  
15 child's admission to detention or to the secure facility, a review  
16 hearing must be held in accordance with RCW 13.32A.065.

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

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

26 (2) Failure by a party to comply with an order entered under this  
27 chapter or chapter 28A.225 RCW is a ~~((civil))~~ contempt of court ~~((as  
28 provided in RCW 7.21.030(2)(e), subject to the limitations of  
29 subsection (3) of this section))~~ subject to the provisions of chapter  
30 7.21 RCW. The seven-day limitation on confinement may be extended in  
31 limited types of cases where the court finds the party has repeatedly  
32 been held in contempt, the party does not agree to comply with the  
33 court's order, and the court determines that detention is necessary to  
34 enforce the order of the court.

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

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

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

8       ~~((6))~~ (5) Whenever the court finds probable cause to believe,  
9 based upon consideration of a motion for contempt and the information  
10 set forth in a supporting declaration, that a child has violated a  
11 placement order entered under this chapter, the court may issue an  
12 order directing law enforcement to pick up and take the child to  
13 detention. The order may be entered ex parte without prior notice to  
14 the child or other parties. Following the child's admission to  
15 detention, a detention review hearing must be held in accordance with  
16 RCW 13.32A.065.

17       NEW SECTION.   **Sec. 15.** Sections 9 and 13 of this act expire July  
18 1, 2002.

19       NEW SECTION.   **Sec. 16.** Sections 10 and 14 of this act take effect  
20 July 1, 2002.

--- END ---