

---

HOUSE BILL 2137

---

State of Washington

61st Legislature

2009 Regular Session

By Representatives Kagi and Haler

Read first time 02/11/09. Referred to Committee on Early Learning & Children's Services.

1 AN ACT Relating to improving the delivery of residential and other  
2 services to adolescents who are at risk, in need of services, or in  
3 crisis; amending RCW 74.13.032, 74.13.033, and 74.13.034; reenacting  
4 and amending RCW 13.32A.130; adding a new section to chapter 74.13 RCW;  
5 creating a new section; and repealing RCW 74.13.0321.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that a number of  
8 different programs have been created over the past two decades to  
9 provide temporary residential care and stabilization services to youth  
10 who are at risk, in need of services, or in crisis. Although these  
11 various programs share a common goal of keeping youth safe in temporary  
12 care while their needs are assessed, the restrictive program criteria  
13 relating to funding, length of stay, and youth characteristics in these  
14 programs often function as barriers to efficiently and effectively  
15 serving youth in their communities. The legislature finds further that  
16 the practice of linking individual residential care beds to restrictive  
17 and inflexible criteria results in youth being underserved or not  
18 served at all even when a residential care bed or services are readily  
19 available in the community. The legislature intends to promote a more

1 efficient use of community-based residential care beds and other  
2 stabilization services in order to increase the ability of providers to  
3 proactively serve youth who are at risk, in need of services, or in  
4 crisis, by keeping them safely off the streets while their needs are  
5 adequately assessed and an appropriate service plan is developed.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.13 RCW  
7 to read as follows:

8 (1) The department shall establish, through contracts with  
9 community providers, crisis stabilization and assessment centers in  
10 each region to deliver residential stabilization services to  
11 adolescents who are at risk, in need of services, or in crisis. The  
12 crisis stabilization and assessment centers may deliver services  
13 pursuant to a license issued by the secretary under RCW 74.15.220,  
14 74.15.230, or 74.13.032. Contracts shall utilize a block-grant model  
15 with a single provider or a consortium of providers who shall  
16 coordinate the delivery of services under the contract. The contracts  
17 shall specify a core set of outcome-based performance measures related  
18 to adolescent well-being, including, but not limited to, stabilized  
19 functioning sufficient to support return home or to former placement;  
20 completion of appropriate assessments; and development of service plans  
21 to be implemented after residence at a crisis stabilization and  
22 assessment center.

23 The outcomes by which contract performance must be measured shall  
24 be identified through collaboration with licensed providers and in  
25 consultation with partners for our children and the children's mental  
26 health evidence-based practice institute at the University of  
27 Washington. The contracts for crisis stabilization and assessment  
28 center services shall be flexible enough to allow providers to:

29 (a) Maximize the use of available bed space in order to provide  
30 youth with safe and temporary residential care;

31 (b) Serve individual youth by selecting from an array of research-  
32 based interventions and best practices for assessing the youth's safety  
33 and health needs and engaging the youth in the development of a  
34 stabilization and transition plan; and

35 (c) Coordinate service delivery and use of bed space, including  
36 colocation of facilities licensed under RCW 74.15.220, 74.15.230, and  
37 74.13.032, in order to service youth according to their needs. The

1 maximum length of stay in a crisis stabilization and assessment center  
2 is ninety days, unless the youth is eligible to continue receiving  
3 services under RCW 74.15.230.

4 (2) Residential and other services under this section may be  
5 provided to youth meeting one or more of the following criteria:

6 (a) A street youth as defined in RCW 74.15.020, or a youth who,  
7 without such services, will continue to participate in increasingly  
8 risky behavior;

9 (b) A youth who self-refers for services; and

10 (c) A youth who is an "at-risk youth" or a "child in need of  
11 services" as defined in RCW 13.32A.030.

12 NEW SECTION. **Sec. 3.** RCW 74.13.0321 (Crisis residential centers--  
13 Limit on reimbursement or compensation) and 1995 c 312 s 61 are each  
14 repealed.

15 **Sec. 4.** RCW 74.13.032 and 1998 c 296 s 4 are each amended to read  
16 as follows:

17 (1) The department shall establish, by contracts with private or  
18 public vendors, regional crisis residential centers with semi-secure  
19 facilities. These facilities shall be structured group care facilities  
20 licensed under rules adopted by the department and shall have, on site,  
21 an average of at least four adult staff members and in no event less  
22 than three adult staff members to every eight children. A minimum of  
23 two on-site staff members is permitted whenever five or fewer children  
24 are residing at the center.

25 (2) Within available funds appropriated for this purpose, the  
26 department shall establish, by contracts with private or public vendors  
27 pursuant to sections 1 and 2 of this act, regional crisis residential  
28 centers with secure facilities. These facilities shall be facilities  
29 licensed under rules adopted by the department. These centers may also  
30 include semi-secure facilities and to such extent shall be subject to  
31 subsection (1) of this section.

32 (3) The department shall, in addition to the facilities established  
33 under subsections (1) and (2) of this section, establish additional  
34 crisis residential centers pursuant to contract with licensed private  
35 group care facilities.

1 (4) The staff at the facilities established under this section  
2 shall be trained so that they may effectively counsel juveniles  
3 admitted to the centers, provide treatment, supervision, and structure  
4 to the juveniles that recognize the need for support and the varying  
5 circumstances that cause children to leave their families, and carry  
6 out the responsibilities stated in RCW 13.32A.090. The  
7 responsibilities stated in RCW 13.32A.090 may, in any of the centers,  
8 be carried out by the department.

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

14 (6) If a secure crisis residential center is located in or adjacent  
15 to a secure juvenile detention facility, the center shall be operated  
16 in a manner that prevents in-person contact between the residents of  
17 the center and the persons held in such facility.

18 **Sec. 5.** RCW 74.13.033 and 2000 c 162 s 16 are each amended to read  
19 as follows:

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

27 (2) When the juvenile resides in this facility, all services deemed  
28 necessary to the juvenile's reentry to normal family life shall be made  
29 available to the juvenile as required by chapter 13.32A RCW. In  
30 assessing the child and providing these services, the facility staff  
31 shall:

- 32 (a) Interview the juvenile as soon as possible;
- 33 (b) Contact the juvenile's parents and arrange for a counseling  
34 interview with the juvenile and his or her parents as soon as possible;
- 35 (c) Conduct counseling interviews with the juvenile and his or her  
36 parents, to the end that resolution of the child/parent conflict is  
37 attained and the child is returned home as soon as possible;

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

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

6 (3) Based on the assessments done under subsection (2) of this  
7 section the facility staff may refer any child who, as the result of a  
8 mental or emotional disorder, or intoxication by alcohol or other  
9 drugs, is suicidal, seriously assaultive, or seriously destructive  
10 toward others, or otherwise similarly evidences an immediate need for  
11 emergency medical evaluation and possible care, for evaluation pursuant  
12 to chapter 71.34 RCW, to a mental health professional pursuant to  
13 chapter 71.05 RCW, or to a chemical dependency specialist pursuant to  
14 chapter 70.96A RCW whenever such action is deemed appropriate and  
15 consistent with law.

16 (4) A juvenile taking unauthorized leave from a facility shall be  
17 apprehended and returned to it by law enforcement officers or other  
18 persons designated as having this authority as provided in RCW  
19 13.32A.050. ~~((If returned to the facility after having taken  
20 unauthorized leave for a period of more than twenty four hours a  
21 juvenile shall be supervised by such a facility for a period, pursuant  
22 to this chapter, which, unless where otherwise provided, may not exceed  
23 five consecutive days on the premises. Costs of housing juveniles  
24 admitted to crisis residential centers shall be assumed by the  
25 department for a period not to exceed five consecutive days.))~~

26 **Sec. 6.** RCW 74.13.034 and 2000 c 162 s 17 are each amended to read  
27 as follows:

28 (1) A child taken into custody and taken to a crisis residential  
29 center established pursuant to RCW 74.13.032 may, if the center is  
30 unable to provide appropriate treatment, supervision, and structure to  
31 the child, be taken at department expense to another crisis residential  
32 center, the nearest regional secure crisis residential center, or a  
33 secure facility with which it is collocated under RCW 74.13.032.  
34 ~~((Placement in both locations shall not exceed five consecutive days  
35 from the point of intake as provided in RCW 13.32A.130.))~~

36 (2) A child taken into custody and taken to a crisis residential  
37 center established by this chapter may be placed physically by the

1 department or the department's designee and, at departmental expense  
2 and approval, in a secure juvenile detention facility operated by the  
3 county in which the center is located for a maximum of forty-eight  
4 hours, including Saturdays, Sundays, and holidays, if the child has  
5 taken unauthorized leave from the center and the person in charge of  
6 the center determines that the center cannot provide supervision and  
7 structure adequate to ensure that the child will not again take  
8 unauthorized leave. Juveniles placed in such a facility pursuant to  
9 this section may not, to the extent possible, come in contact with  
10 alleged or convicted juvenile or adult offenders.

11 (3) Any child placed in secure detention pursuant to this section  
12 shall, during the period of confinement, be provided with appropriate  
13 treatment by the department or the department's designee, which shall  
14 include the services defined in RCW 74.13.033(2). If the child placed  
15 in secure detention is not returned home or if an alternative living  
16 arrangement agreeable to the parent and the child is not made within  
17 twenty-four hours after the child's admission, the child shall be taken  
18 at the department's expense to a crisis residential center.  
19 ~~((Placement in the crisis residential center or centers plus placement  
20 in juvenile detention shall not exceed five consecutive days from the  
21 point of intake as provided in RCW 13.32A.130.))~~

22 (4) Juvenile detention facilities used pursuant to this section  
23 shall first be certified by the department to ensure that juveniles  
24 placed in the facility pursuant to this section are provided with  
25 living conditions suitable to the well-being of the child. Where space  
26 is available, juvenile courts, when certified by the department to do  
27 so, shall provide secure placement for juveniles pursuant to this  
28 section, at department expense.

29 **Sec. 7.** RCW 13.32A.130 and 2000 c 162 s 13 and 2000 c 123 s 15 are  
30 each reenacted and amended to read as follows:

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

1 (2)(a)(i) The facility administrator shall determine within twenty-  
2 four hours after a child's admission to a secure facility whether the  
3 child is likely to remain in a semi-secure facility and may transfer  
4 the child to a semi-secure facility or release the child to the  
5 department. The determination shall be based on: (A) The need for  
6 continued assessment, protection, and treatment of the child in a  
7 secure facility; and (B) the likelihood the child would remain at a  
8 semi-secure facility until his or her parents can take the child home  
9 or a petition can be filed under this title.

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

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

25 (c) A crisis residential center administrator is authorized to  
26 transfer a child to a crisis residential center in the area where the  
27 child's parents reside or where the child's lawfully prescribed  
28 residence is located.

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

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

37 (4) Notwithstanding the provisions of subsection (1) of this  
38 section, the parents may remove the child at any time during the five-

1 day period unless the staff of the crisis residential center has  
2 reasonable cause to believe that the child is absent from the home  
3 because he or she is abused or neglected or if allegations of abuse or  
4 neglect have been made against the parents. The department or any  
5 agency legally charged with the supervision of a child may remove a  
6 child from a crisis residential center at any time after the first  
7 twenty-four-hour period after admission has elapsed and only after full  
8 consideration by all parties of the factors in subsection (2)(a) of  
9 this section.

10 (5) Crisis residential center staff shall make reasonable efforts  
11 to protect the child and achieve a reconciliation of the family. If a  
12 reconciliation and voluntary return of the child has not been achieved  
13 within forty-eight hours from the time of admission, and if the  
14 administrator of the center does not consider it likely that  
15 reconciliation will be achieved within ~~((the five day period, then))~~ a  
16 reasonable time period or without further intervention, the  
17 administrator shall inform the parent and child of: (a) The  
18 availability of counseling services; (b) the right to file a child in  
19 need of services petition for an out-of-home placement, the right of a  
20 parent to file an at-risk youth petition, and the right of the parent  
21 and child to obtain assistance in filing the petition; (c) the right to  
22 request the facility administrator or his or her designee to form a  
23 multidisciplinary team; (d) the right to request a review of any out-  
24 of-home placement; (e) the right to request a mental health or chemical  
25 dependency evaluation by a county-designated professional or a private  
26 treatment facility; and (f) the right to request treatment in a program  
27 to address the child's at-risk behavior under RCW 13.32A.197.

28 (6) At no time shall information regarding a parent's or child's  
29 rights be withheld. The department shall develop and distribute to all  
30 law enforcement agencies and to each crisis residential center  
31 administrator a written statement delineating the services and rights.  
32 The administrator of the facility or his or her designee shall provide  
33 every resident and parent with a copy of the statement.

34 (7) A crisis residential center and any person employed at the  
35 center acting in good faith in carrying out the provisions of this  
36 section are immune from criminal or civil liability for such actions.

--- END ---