

---

SUBSTITUTE HOUSE BILL 2346

---

State of Washington                      61st Legislature                      2009 Regular Session

By House Ways & Means (originally sponsored by Representative Kagi)

READ FIRST TIME 04/20/09.

1            AN ACT Relating to crisis residential centers; amending RCW  
2 74.13.032, 13.32A.030, 74.13.0321, 74.13.033, and 74.13.034; and  
3 reenacting and amending RCW 13.32A.130.

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

5            **Sec. 1.** RCW 74.13.032 and 1998 c 296 s 4 are each amended to read  
6 as follows:

7            (1) Within funding appropriated for this purpose, the department  
8 shall establish, by contracts with private or public vendors, including  
9 licensed private group care facilities, regional crisis residential  
10 centers ~~((with))~~ consisting of secure and semi-secure facilities as  
11 defined in RCW 13.32A.030. These facilities shall be structured group  
12 care facilities licensed under rules adopted by the department ~~((and~~  
13 ~~shall have an average of at least four adult staff members and in no~~  
14 ~~event less than three adult staff members to every eight children))~~.

15            (2) ~~((Within available funds appropriated for this purpose, the~~  
16 ~~department shall establish, by contracts with private or public~~  
17 ~~vendors, regional crisis residential centers with secure facilities.~~  
18 ~~These facilities shall be facilities licensed under rules adopted by~~  
19 ~~the department. These centers may also include semi-secure facilities~~

1 ~~and to such extent shall be subject to subsection (1) of this~~  
2 ~~section.))~~ The department shall adopt rules for referral to and the  
3 operation of crisis residential centers with the goal of maximizing the  
4 utilization of beds, resources, and staff to meet the needs of youth  
5 and their families as expressed in RCW 13.32A.010. Rules shall:

6 (a) Require a minimum of two staff persons in each facility when  
7 youth are present; and

8 (b) Establish additional minimum staff-to-youth ratios to ensure  
9 safety, reflect actual utilization patterns in crisis residential  
10 centers, and allow for flexibility as bed usage increases or decreases.

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

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

24 ~~((5))~~ (4) The secure ~~((facilities located within))~~ facility  
25 crisis residential centers shall be operated to conform with the  
26 definition in RCW 13.32A.030. ~~((The facilities shall have an average~~  
27 ~~of no less than one adult staff member to every ten children. The~~  
28 ~~staffing ratio shall continue to ensure the safety of the children.~~

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

33 (5) Services or programs authorized or required to be provided by  
34 the department under this section shall be provided to the extent  
35 funding is appropriated in the omnibus appropriations act or otherwise  
36 available to the department for such specific services and programs.  
37 The department has no responsibility to provide specific services or

1 programs under this section if funds are not specifically appropriated  
2 or available.

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

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

7 (1) "Abuse or neglect" means the injury, sexual abuse, sexual  
8 exploitation, negligent treatment, or maltreatment of a child by any  
9 person under circumstances which indicate that the child's health,  
10 welfare, and safety is harmed, excluding conduct permitted under RCW  
11 9A.16.100. An abused child is a child who has been subjected to child  
12 abuse or neglect as defined in this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (iii) Whose parents have evidenced continuing but unsuccessful  
7 efforts to maintain the family structure or are unable or unwilling to  
8 continue efforts to maintain the family structure.

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

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

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

16 (9) "Department" means the department of social and health  
17 services.

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

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

28 (12) "Multidisciplinary team" means a group formed to provide  
29 assistance and support to a child who is an at-risk youth or a child in  
30 need of services and his or her parent. The team shall include the  
31 parent, a department case worker, a local government representative  
32 when authorized by the local government, and when appropriate, members  
33 from the mental health and substance abuse disciplines. The team may  
34 also include, but is not limited to, the following persons: Educators,  
35 law enforcement personnel, probation officers, employers, church  
36 persons, tribal members, therapists, medical personnel, social service  
37 providers, placement providers, and extended family members. The team

1 members shall be volunteers who do not receive compensation while  
2 acting in a capacity as a team member, unless the member's employer  
3 chooses to provide compensation or the member is a state employee.

4 (13) "Out-of-home placement" means a placement in a foster family  
5 home or group care facility licensed pursuant to chapter 74.15 RCW or  
6 placement in a home, other than that of the child's parent, guardian,  
7 or legal custodian, not required to be licensed pursuant to chapter  
8 74.15 RCW.

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

11 (15) "Secure facility" means a crisis residential center(~~(, or~~  
12 ~~portion thereof,)) that:~~

13 (a) Is located in or adjacent to a secure juvenile detention  
14 facility;

15 (b) Has locking doors, locking windows, or a secured perimeter,  
16 designed and operated to prevent a child from leaving without  
17 permission of the facility staff; and

18 (c) Is operated in a manner that prevents in-person contact between  
19 the youth admitted to the center and the juveniles being held in the  
20 detention facility.

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

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

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

4 **Sec. 3.** RCW 13.32A.130 and 2000 c 162 s 13 and 2000 c 123 s 15 are  
5 each reenacted and amended to read as follows:

6 (1) A child admitted to a secure facility shall remain in the  
7 facility for at least twenty-four hours after admission but for not  
8 more than five consecutive days. ~~((If the child admitted under this  
9 section is transferred between secure and semi-secure facilities, the  
10 aggregate length of time spent in all such centers or facilities may  
11 not exceed five))~~ A child admitted to a semi-secure facility may remain  
12 for not more than fifteen consecutive days. If a child is transferred  
13 between a secure facility and a semi-secure facility, the aggregate  
14 length of time spent in both facilities may not exceed fifteen  
15 consecutive days per admission.

16 (2)(a)(i) The facility administrator shall determine within twenty-  
17 four hours after a child's admission to a secure facility whether the  
18 child is likely to remain in a semi-secure facility and may transfer  
19 the child to a semi-secure facility or release the child to the  
20 department. The determination shall be based on: (A) The need for  
21 continued assessment, protection, and treatment of the child in a  
22 secure facility; and (B) the likelihood the child would remain at a  
23 semi-secure facility until his or her parents can take the child home  
24 or a petition can be filed under this title.

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

32 (b) If the administrator of a secure facility determines the child  
33 is unlikely to remain in a semi-secure facility, the administrator  
34 shall keep the child in the secure facility pursuant to this chapter  
35 and in order to provide for space for the child may transfer another  
36 child who has been in the facility for at least seventy-two hours to a

1 semi-secure facility. The administrator shall only make a transfer of  
2 a child after determining that the child who may be transferred is  
3 likely to remain at the semi-secure facility.

4 (c) A crisis residential center administrator is authorized to  
5 transfer a child to a crisis residential center in the area where the  
6 child's parents reside or where the child's lawfully prescribed  
7 residence is located.

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

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

16 (4) Notwithstanding the provisions of subsection (1) of this  
17 section, the parents may remove the child at any time (~~during the~~  
18 ~~five-day period~~) unless the staff of the crisis residential center has  
19 reasonable cause to believe that the child is absent from the home  
20 because he or she is abused or neglected or if allegations of abuse or  
21 neglect have been made against the parents. The department or any  
22 agency legally charged with the supervision of a child may remove a  
23 child from a crisis residential center at any time after the first  
24 twenty-four-hour period after admission has elapsed and only after full  
25 consideration by all parties of the factors in subsection (2)(a) of  
26 this section.

27 (5) Crisis residential center staff shall make reasonable efforts  
28 to protect the child and achieve a reconciliation of the family. If a  
29 reconciliation and voluntary return of the child has not been achieved  
30 within forty-eight hours from the time of admission, and if the  
31 administrator of the center does not consider it likely that  
32 reconciliation will be achieved within (~~the five-day period~~) five  
33 days of the child being admitted to the center, then the administrator  
34 shall inform the parent and child of: (a) The availability of  
35 counseling services; (b) the right to file a child in need of services  
36 petition for an out-of-home placement, the right of a parent to file an  
37 at-risk youth petition, and the right of the parent and child to obtain  
38 assistance in filing the petition; (c) the right to request the

1 facility administrator or his or her designee to form a  
2 multidisciplinary team; (d) the right to request a review of any out-  
3 of-home placement; (e) the right to request a mental health or chemical  
4 dependency evaluation by a county-designated professional or a private  
5 treatment facility; and (f) the right to request treatment in a program  
6 to address the child's at-risk behavior under RCW 13.32A.197.

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

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

16 **Sec. 4.** RCW 74.13.0321 and 1995 c 312 s 61 are each amended to  
17 read as follows:

18 No contract may provide reimbursement or compensation to:

19 (1) A secure facility crisis residential ((center's—secure  
20 facility)) center for any service delivered or provided to a resident  
21 child after five consecutive days of residence; or

22 (2) A semi-secure facility crisis residential center for any  
23 service delivered or provided to a resident child after fifteen  
24 consecutive days of residence.

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

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

34 (2) When the ((juvenile)) child resides in ((this)) a crisis  
35 residential facility, all services deemed necessary to the  
36 ((juvenile's)) child's reentry to ((normal)) family life shall be made



1 available to the ((juvenile)) child as required by chapter 13.32A RCW.  
2 In assessing the child and providing these services, the ((facility))  
3 center staff shall:

4 (a) Interview the ((juvenile)) child as soon as possible;

5 (b) Contact the ((juvenile's)) child's parents and arrange for a  
6 counseling interview with the ((juvenile)) child and his or her parents  
7 as soon as possible;

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

12 (d) Provide additional crisis counseling as needed, to the end that  
13 placement of the child in the crisis residential center will be  
14 required for the shortest time possible, but not to exceed five  
15 consecutive days if the child resides at a secure facility crisis  
16 residential center; 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)) center staff may refer any child who, as the  
20 result of a mental or emotional disorder, or intoxication by alcohol or  
21 other drugs, is suicidal, seriously assaultive, or seriously  
22 destructive toward others, or otherwise similarly evidences an  
23 immediate need for emergency medical evaluation and possible care, for  
24 evaluation pursuant to chapter 71.34 RCW, to a mental health  
25 professional pursuant to chapter 71.05 RCW, or to a chemical dependency  
26 specialist pursuant to chapter 70.96A RCW whenever such action is  
27 deemed appropriate and consistent with law.

28 (4) A ((juvenile)) child taking unauthorized leave from a  
29 ((facility)) center shall be apprehended and returned to it by law  
30 enforcement officers or other persons designated as having this  
31 authority as provided in RCW 13.32A.050. If returned to the facility  
32 after having taken unauthorized leave for a period of more than twenty-  
33 four hours a ((juvenile)) child shall be supervised by ((such a  
34 facility)) staff at the center for ((a)) an appropriate period,  
35 ((pursuant to this chapter, which, unless where otherwise provided,))  
36 except that supervision may not exceed five consecutive days ((on the  
37 premises)) in a secure facility or fifteen consecutive days in a semi-

1 secure facility. Costs of housing (~~((juveniles))~~) children admitted to  
2 crisis residential centers shall be assumed by the department (~~((for a~~  
3 ~~period not to exceed five consecutive days))~~).

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

6 (1) A child taken into custody and taken to a crisis residential  
7 center established pursuant to RCW 74.13.032 may, if the center is  
8 unable to provide appropriate treatment, supervision, and structure to  
9 the child, be taken at department expense to another crisis residential  
10 center(~~(, the nearest regional secure crisis residential center, or a~~  
11 ~~secure facility with which it is collocated under RCW 74.13.032))~~).  
12 Placement in both locations shall not exceed (~~((five))~~) fifteen  
13 consecutive days from the point of intake as provided in RCW  
14 13.32A.130.

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

29 (3) Any child placed in secure detention pursuant to this section  
30 shall, during the period of confinement, be provided with appropriate  
31 treatment by the department or the department's designee, which shall  
32 include the services defined in RCW 74.13.033(2). If the child placed  
33 in secure detention is not returned home or if an alternative living  
34 arrangement agreeable to the parent and the child is not made within  
35 twenty-four hours after the child's admission, the child shall be taken  
36 at the department's expense to a crisis residential center. Placement  
37 in (~~((the))~~) a secure facility crisis residential center (~~((or centers))~~)

1 plus placement in juvenile detention under this section shall not  
2 exceed five consecutive days from the point of intake as provided in  
3 RCW 13.32A.130.

4 (4) Juvenile detention facilities used pursuant to this section  
5 shall first be certified by the department to ensure that ((juveniles))  
6 youth placed in the facility pursuant to this section are provided with  
7 living conditions suitable to the safety and well-being of the child.  
8 Where space is available, juvenile courts, when certified by the  
9 department to do so, shall provide secure placement for ((juveniles))  
10 youth pursuant to this section, at department expense.

--- END ---