

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2346

61st Legislature
2009 Regular Session

Passed by the House April 25, 2009
Yeas 94 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 25, 2009
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2346** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2346

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

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 74.13.0321, 74.13.033, and 74.13.034; reenacting and amending RCW
3 13.32A.130; and adding a new section to chapter 13.32A RCW.

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

5 **Sec. 1.** RCW 13.32A.130 and 2000 c 162 s 13 and 2000 c 123 s 15 are
6 each reenacted and amended to read as follows:

7 (1) A child admitted to a secure facility located in a juvenile
8 detention center shall remain in the facility for at least twenty-four
9 hours after admission but for not more than five consecutive days.
10 ~~((If the child admitted under this section is transferred between~~
11 ~~secure and semi-secure facilities, the aggregate length of time spent~~
12 ~~in all such centers or facilities may not exceed five consecutive days~~
13 ~~per admission.))~~ A child admitted to a secure facility not located in
14 a juvenile detention center or a semi-secure facility may remain for
15 not more than fifteen consecutive days. If a child is transferred
16 between a secure and semi-secure facility, the aggregate length of time
17 a child may remain in both facilities shall not exceed fifteen
18 consecutive days per admission, and in no event may a child's stay in

1 a secure facility located in a juvenile detention center exceed five
2 days per admission.

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

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

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

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

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

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

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

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

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

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

1 **Sec. 2.** RCW 74.13.0321 and 1995 c 312 s 61 are each amended to
2 read as follows:

3 No contract may provide reimbursement or compensation to:

4 (1) A ((crisis residential center's)) secure facility located in a
5 juvenile detention center for any service delivered or provided to a
6 resident child after five consecutive days of residence; or

7 (2) A secure facility not located in a juvenile detention center or
8 a semi-secure crisis residential center facility for any service
9 delivered or provided to a resident child after fifteen consecutive
10 days of residence.

11 **Sec. 3.** RCW 74.13.033 and 2000 c 162 s 16 are each amended to read
12 as follows:

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

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

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

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

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

31 (d) Provide additional crisis counseling as needed, to the end that
32 placement of the child in the crisis residential center will be
33 required for the shortest time possible, but not to exceed ((five))
34 fifteen consecutive days; and

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

36 (3) Based on the assessments done under subsection (2) of this
37 section the ((facility)) center staff may refer any child who, as the

1 result of a mental or emotional disorder, or intoxication by alcohol or
2 other drugs, is suicidal, seriously assaultive, or seriously
3 destructive toward others, or otherwise similarly evidences an
4 immediate need for emergency medical evaluation and possible care, for
5 evaluation pursuant to chapter 71.34 RCW, to a mental health
6 professional pursuant to chapter 71.05 RCW, or to a chemical dependency
7 specialist pursuant to chapter 70.96A RCW whenever such action is
8 deemed appropriate and consistent with law.

9 (4) A juvenile taking unauthorized leave from a facility shall be
10 apprehended and returned to it by law enforcement officers or other
11 persons designated as having this authority as provided in RCW
12 13.32A.050. If returned to the facility after having taken
13 unauthorized leave for a period of more than twenty-four hours a
14 juvenile shall be supervised by such a facility for a period, pursuant
15 to this chapter, which, unless where otherwise provided, may not exceed
16 ((five)) fifteen consecutive days ((on the premises)). Costs of
17 housing juveniles admitted to crisis residential centers shall be
18 assumed by the department for a period not to exceed ((five)) fifteen
19 consecutive days.

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

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

31 (2) A child taken into custody and taken to a crisis residential
32 center established by this chapter may be placed physically by the
33 department or the department's designee and, at departmental expense
34 and approval, in a secure juvenile detention facility operated by the
35 county in which the center is located for a maximum of forty-eight
36 hours, including Saturdays, Sundays, and holidays, if the child has
37 taken unauthorized leave from the center and the person in charge of

1 the center determines that the center cannot provide supervision and
2 structure adequate to ensure that the child will not again take
3 unauthorized leave. Juveniles placed in such a facility pursuant to
4 this section may not, to the extent possible, come in contact with
5 alleged or convicted juvenile or adult offenders.

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

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

24 NEW SECTION. **Sec. 5.** A new section is added to chapter 13.32A RCW
25 to read as follows:

26 The department may take a runaway youth to a secure facility after
27 attempting to notify the parent of the child's whereabouts. The
28 department may not take a child to a secure facility if the department
29 has reasonable cause to believe that the reason for the child's runaway
30 status is the result of abuse or neglect.

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