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HOUSE BILL 2870

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State of Washington

65th Legislature

2018 Regular Session

By Representatives Orwall, Kagi, and Slatter

Read first time 01/18/18. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to families in need of services; adding new  
2 sections to chapter 74.15 RCW; adding a new chapter to Title 13 RCW;  
3 repealing RCW 13.32A.010, 13.32A.015, 13.32A.020, 13.32A.030,  
4 13.32A.040, 13.32A.080, 13.32A.082, 13.32A.084, 13.32A.085,  
5 13.32A.086, 13.32A.100, 13.32A.110, 13.32A.120, 13.32A.125,  
6 13.32A.128, 13.32A.140, 13.32A.150, 13.32A.152, 13.32A.160,  
7 13.32A.170, 13.32A.175, 13.32A.177, 13.32A.178, 13.32A.179,  
8 13.32A.180, 13.32A.190, 13.32A.191, 13.32A.192, 13.32A.194,  
9 13.32A.196, 13.32A.197, 13.32A.198, 13.32A.200, 13.32A.205,  
10 13.32A.210, 13.32A.250, 13.32A.270, and 13.32A.300; prescribing  
11 penalties; providing an effective date; and providing a contingent  
12 expiration date.

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

14 NEW SECTION. **Sec. 1.** SHORT TITLE. This act may be known and  
15 cited as the family in need of services act.

16 NEW SECTION. **Sec. 2.** LEGISLATIVE FINDINGS AND INTENT. (1) The  
17 legislature recognizes that there is a need to provide support to  
18 youth and families who are experiencing severe conflict. In 1995, the  
19 state legislature amended the family reconciliation act in a bill  
20 commonly referred to as the Becca bill, authorizing certain civil

1 petitions to be filed in state juvenile courts to serve youth and  
2 families at risk. Under the family reconciliation act, at-risk youth  
3 petitions and child in need of services petitions were available for  
4 youth and families to request assistance. The legislature finds that  
5 this system was established to recognize early warning signs of risk  
6 for young people and their families, and provide an avenue through  
7 the juvenile court system to request crisis intervention and services  
8 to stabilize the family.

9 (2) The legislature intends to build upon the goals and  
10 infrastructure of the Becca bill and family reconciliation act by  
11 creating an early public system response designed to address family  
12 crisis by: (a) Merging the at-risk youth petitions and child in need  
13 of services petitions into the family in need of services petition;  
14 (b) preserving and strengthening family resiliency; (c) promoting  
15 family and community resources; and (d) measuring the impact of  
16 enhanced support to families.

17 (3) Through the family in need of services act, the legislature  
18 intends to offer a public system response that provides the  
19 following:

20 (a) A legal process by which families that are experiencing  
21 crisis can request and receive prompt assistance from juvenile  
22 courts;

23 (b) Assessment, case management, and interventions to preserve,  
24 strengthen, and reconcile families experiencing crisis;

25 (c) Residential placement and therapeutic support for youth in  
26 need of basic assistance;

27 (d) Services and interventions for the parent if issues prevent  
28 safe reconciliation of the family; and

29 (e) Ongoing assessment of the effectiveness of the family in need  
30 of services program.

31 (4) The legislature intends that the family in need of services  
32 system will be an accessible, statewide resource for families that  
33 are in need of crisis intervention. The legislature further intends  
34 to use the family in need of services system to reduce youth  
35 homelessness by strengthening the public system response for youth  
36 and their families in coordination with the homeless youth prevention  
37 and protection act. The legislature finds that family crisis can lead  
38 to issues such as youth running away or being expelled from the  
39 family home. The legislature further finds that youth homelessness is  
40 linked to higher instances of substance abuse, mental health

1 challenges, domestic violence, or other behaviors that endanger  
2 members of a family.

3 (5) The legislature intends for the family in need of services  
4 system to establish reliable and prompt services and support for  
5 youth and families requesting relief, through a series of supports  
6 available to youth and families in their communities and authorized  
7 by the juvenile court.

8 NEW SECTION. **Sec. 3.** DEFINITIONS. The definitions in this  
9 section apply throughout this chapter unless the context clearly  
10 requires otherwise.

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

17 (2) "Child," "juvenile," "youth," and "minor" mean any  
18 unemancipated individual who is under the chronological age of  
19 eighteen years.

20 (3) "Department" means the department of children, youth, and  
21 families.

22 (4) "Extended family member" means an adult who is a grandparent,  
23 brother, sister, stepbrother, stepsister, uncle, aunt, first cousin;  
24 or is kin, as defined by the youth's tribe, with whom the youth has a  
25 relationship and is comfortable, and who is willing and available to  
26 care for the youth.

27 (5) "Family in need of services petition" is a civil petition  
28 filed in juvenile court by a youth, custodial parent, or other  
29 suitable adult, who is seeking support through case management,  
30 assessment, intervention, and possible placement of the youth.

31 (6) "Family services plan" is a case plan that outlines placement  
32 of the youth, interventions for the youth and family, and conduct for  
33 all members of the family who are under the jurisdiction of a family  
34 in need of services petition. The family services plan must be  
35 entered in the court record and reflected in the disposition order.

36 (7) "HOPE centers," "crisis residential centers," or "providers"  
37 are placement options for youth in accordance with chapter 43.185C  
38 RCW, except as described in section 11(1) of this act.

1 (8) "Juvenile services case manager" is an employee of the  
2 juvenile court hired to provide support and case management services  
3 to youth and families under the jurisdiction of a family in need of  
4 services order.

5 (9) "Licensed facility" means placement that is licensed by the  
6 department of children, youth, and families.

7 (10) "Multidisciplinary team" means a group formed to provide  
8 assistance and support to a family in need of services that is  
9 convened by the juvenile services case manager. The multidisciplinary  
10 team participants are prioritized as follows: The youth and parent,  
11 and when appropriate, members from the mental health and substance  
12 abuse disciplines, educators, law enforcement, probation counselor,  
13 case workers, employers, coaches, religious persons, tribal members,  
14 therapists, medical personnel, social service providers, placement  
15 providers, and extended family members. The attorney for the youth or  
16 the attorney's designee must participate in the multidisciplinary  
17 team.

18 (11) "Other suitable adult" means:

19 (a) For purposes of filing a family in need of services petition,  
20 an adult with whom the youth or family has a preexisting  
21 relationship; or

22 (b) For purposes of placement, a person with whom the court  
23 orders placement of the youth after background checks as described in  
24 section 10 of this act.

25 (12) "Out-of-home placement" means placement of a youth in a  
26 residence or group care facility other than with the parent.

27 (13) "Parent" means the parent or parents who have the legal  
28 right to custody of the child. "Parent" includes custodian or  
29 guardian.

30 (14) "Party" means the youth, parent, or other suitable adult  
31 involved in a family in need of services petition.

32 (15) "Secure crisis residential center" is a crisis residential  
33 center, or portion thereof, that has locking doors, locking windows,  
34 or a secured perimeter, designed and operational to prevent a youth  
35 from leaving without permission of the facility staff.

36 (16) "Temporary out-of-home placement" means an out-of-home  
37 placement of the youth authorized by a juvenile court judicial  
38 officer upon request at the filing of the family in need of services  
39 petition. The temporary out-of-home placement is not to exceed  
40 fourteen days at which time the judicial officer must review and

1 consider the need for continued out-of-home placement pursuant to  
2 section 10 of this act.

3 NEW SECTION. **Sec. 4.** FAMILY IN NEED OF SERVICES PETITION. (1) A  
4 family in need of services petition may be filed by a youth, parent,  
5 or other suitable adult. If the family in need of services petition  
6 is filed by an other suitable adult, the court must enter a finding  
7 that approves the person as the petitioner in the proceeding.

8 (2) The petition must be filed in the county juvenile court where  
9 the petitioner physically resides.

10 (3) The juvenile court has original jurisdiction. A family in  
11 need of services petition may not be filed if the youth is the  
12 subject of a dependency proceeding under chapter 13.34 RCW.

13 (4) The public must be excluded from a family in need of services  
14 hearing if the judicial officer finds that it is in the best interest  
15 of the family.

16 (5) Any orders that are agreed upon by the parties can be  
17 presented ex parte to a judicial officer.

18 NEW SECTION. **Sec. 5.** CIRCUMSTANCES FOR FILING FAMILY IN NEED OF  
19 SERVICES PETITION. (1) The family in need of services petition must  
20 set forth facts that support the allegations and request relief  
21 available under this chapter. The filing of a family in need of  
22 services petition confers upon the court the special jurisdiction to  
23 assist the parent in maintaining parental responsibility for the  
24 youth and to provide basic residential services, interventions, and  
25 case management support that are in the best interest of the youth  
26 and family. Once a family in need of services petition is filed, the  
27 petitioner and parties must cooperate with the family assessment and  
28 multidisciplinary team to develop a family services plan.

29 (2) A family in need of services petition may be filed by a  
30 parent or other suitable adult under the following set of  
31 circumstances:

32 (a) The youth is at risk because the youth's behavior poses  
33 imminent risk to the youth's health, safety, or welfare;

34 (b) Intervention and case management support are necessary to  
35 assist the family and maintain parental responsibility; and

36 (c) Alternatives to court intervention have been attempted or  
37 there is good cause why such alternatives have not been attempted.

1 (3) A family in need of services petition may be filed by a youth  
2 under any of the following sets of circumstances:

3 (a) The youth has basic immediate needs such as residential  
4 placement, interventions, and case management support;

5 (b) The youth has been admitted to a HOPE or crisis residential  
6 center and has no suitable place to live, and, after notifying the  
7 parent, there is no agreement between the youth and parent as to  
8 where the youth will reside:

9 (i) The agreement between the youth and parent is no longer  
10 acceptable; or

11 (ii) The placement arrangement for the youth is no longer  
12 acceptable and no new agreement has been reached; or

13 (c) The youth has been admitted to a HOPE or crisis residential  
14 center and has no suitable place to live after best efforts to notify  
15 the parent within seventy-two hours, pursuant to chapter 43.185C RCW,  
16 and any of the following:

17 (i) Notification was not successful because no parent could be  
18 located;

19 (ii) No new agreement between the youth and parent as to where  
20 the youth will reside has been reached; or

21 (iii) Any of the circumstances in (a), (b), or (c) of this  
22 subsection exist, residing in the family home is not safe for the  
23 youth or the family members, and there is no agreement between the  
24 youth and parent as to where the youth will reside.

25 (4) At any time the court may order the department to be a party  
26 to the case to:

27 (a) Screen the youth for child protective services investigation  
28 for purposes of filing a dependency petition under chapter 13.34 RCW;  
29 or

30 (b) Place the youth in licensed care only if the court finds that  
31 all other options for placement have been exhausted and have not  
32 resulted in placement.

33 NEW SECTION. **Sec. 6.** FILING A FAMILY IN NEED OF SERVICES  
34 PETITION. (1) When a family in need of services petition is filed by  
35 a parent or other suitable adult, the petitioner must have a copy of  
36 the petition served on the responding party. When a family in need of  
37 services petition is filed by a youth, the court must have a copy of  
38 the petition served on the responding party. Service must first be  
39 attempted in person, but if unsuccessful, by certified mail with

1 return receipt. The petition must request relief pursuant to section  
2 4 of this act, and the notice and summons must contain notice of:

3 (a) Any hearings scheduled in the underlying matter before the  
4 court;

5 (b) The right to be represented by an attorney if the petitioner  
6 is a parent or other suitable adult; and

7 (c) The right to present evidence at the fact-finding hearing or  
8 any subsequent hearings in the family in need of services case.

9 (2) When a family in need of services petition is filed, and the  
10 court or the petitioning party knows or has reason to know that an  
11 Indian child is involved, chapter 13.38 RCW applies.

12 (3) When a family in need of services petition is filed under  
13 this chapter, the juvenile court must:

14 (a) Appoint a juvenile services case manager;

15 (b) Appoint legal counsel for the youth;

16 (c) Pursuant to section 7 of this act, if temporary placement  
17 outside the family home in a home not licensed by the department is  
18 requested by a youth and contested by the parent, review the sworn  
19 statement, petition, request for temporary placement, and background  
20 check provided by the juvenile services case manager. The background  
21 check must include a Washington state court database history and  
22 child protective services screening for referrals. The juvenile  
23 services case manager must make a good faith attempt to notify the  
24 parent or other suitable adult when a youth who is the petitioner  
25 requests temporary placement outside the home under section 7 of this  
26 act; and

27 (d) Schedule a fact-finding hearing to be held within fourteen  
28 days excluding holidays and weekends and notify the parties of such  
29 date.

30 NEW SECTION. **Sec. 7.** TEMPORARY PLACEMENT ORDER—LIMITED  
31 CIRCUMSTANCES. (1) At the time of filing, if the youth is the  
32 petitioner, the youth may request a temporary order authorizing  
33 placement outside the family home. The request for temporary out-of-  
34 home placement is only necessary if the youth and parent do not agree  
35 on placement.

36 (2) For the court to consider the request, the youth must file a  
37 sworn statement about the nature of the family conflict and show a  
38 copy of the filed family in need of services petition.

1 (3) Prior to the request to the court, the youth must meet with a  
2 juvenile services case manager and provide options for potential  
3 placement, if applicable. If the youth proposes a placement, the  
4 youth must provide the names and birthdates of adults in the home of  
5 the potential placement if possible. The juvenile services case  
6 manager must complete a background check as described in section  
7 6(3)(c) of this act.

8 (4) After considering the request, sworn statement, potential  
9 placement information, and response from the responding party when  
10 available, the court must issue one of the following orders regarding  
11 the request for temporary out-of-home placement:

12 (a) The court may grant the request for temporary out-of-home  
13 placement, in which case the temporary out-of-home placement order is  
14 valid for fourteen days pending the fact-finding hearing and approval  
15 of placement of the youth; or

16 (b) The court may deny the motion.

17 NEW SECTION. **Sec. 8.** FAMILY SERVICES PLAN WITH PREFERENCE TO  
18 MULTIDISCIPLINARY TEAM. (1) The family services plan must be designed  
19 to alleviate personal or family situations that present a threat to  
20 the health, safety, or welfare of the child or family and to maintain  
21 families intact wherever possible. The family services plan must  
22 include services that assist families and communities to develop  
23 skills and supports to resolve problems related to families in need  
24 of services or family conflicts. These services must also target  
25 individual issues or family crises and include, but are not limited  
26 to, referral to services for suicide prevention, psychiatric or other  
27 medical care, or psychological, mental health, drug or alcohol  
28 treatment, welfare, legal, educational, or other social services as  
29 appropriate to the needs of the youth and the family, and training in  
30 parenting, conflict management, and dispute resolution skills.

31 (2) The juvenile services case manager is an employee of the  
32 juvenile court unless the court decides to contract out the services  
33 through funds provided by the state. The case manager must make  
34 attempts to:

35 (a) Initiate in-person contact with the youth if possible;

36 (b) Initiate in-person contact with the parent or other suitable  
37 adult if possible;

38 (c) Determine, after consultation with any attorneys of record,  
39 if a local multidisciplinary team should be convened to facilitate



1 the family services plan, and schedule a multidisciplinary team when  
2 appropriate. Preference must be given to multidisciplinary teams to  
3 reach agreement on the elements of a family services plan; and

4 (d) Facilitate the multidisciplinary team discussion with the  
5 purpose of reaching agreement on the family services plan.

6 (3) The family services plan, whether or not based on the  
7 convening of a multidisciplinary team, must include at a minimum:

8 (a) A residential plan for the youth pending further  
9 multidisciplinary team or court review;

10 (b) A family-focused or individual service plan, including  
11 assessments and counseling; and

12 (c) The general conduct of parties as outlined in the plan or at  
13 the direction of the juvenile services case manager.

14 NEW SECTION. **Sec. 9.** FACT-FINDING AND ORDER ON DISPOSITION. (1)

15 When a properly filed family in need of services petition is before  
16 the juvenile court, the court must enter an order on fact-finding to  
17 accept jurisdiction of the case and issue a disposition to determine  
18 the family services plan. The fact-finding and disposition review  
19 hearings can be held simultaneously or separately. To approve a  
20 properly filed family in need of services petition, the court must  
21 find beyond a preponderance of the evidence that support and  
22 intervention is in the best interest of the family.

23 (2) The juvenile court must enter an order on the family in need  
24 of services petition on or before the date of the scheduled fact-  
25 finding hearing. The order on fact-finding, granting the petition and  
26 accepting jurisdiction, may be done on the record in open court or  
27 presented ex parte if agreement was reached between the parties.

28 (3) The order to accept or deny the family in need of services  
29 petition may be done in any of the following ways:

30 (a) Ex parte, if there is agreement by the parties to enter a  
31 fact-finding order on the family in need of services petition and  
32 agreement on the family services plan such that the disposition  
33 orders are presented simultaneously to the court;

34 (b) Ex parte, if there is agreement to continue or dismiss the  
35 family in need of services petition and the order is presented to the  
36 court;

37 (c) If there is agreement to entering a fact-finding order on the  
38 family in need of services petition but no agreement on the family  
39 services plan, the court must hold a fact-finding hearing within

1 fourteen days after the family in need of services petition is filed  
2 to consider records, testimony, and evidence on the family services  
3 plan and disposition order. The decision must be entered into the  
4 court record. If the youth is under a temporary out-of-home placement  
5 order, the order may be continued until the court enters a  
6 disposition order; or

7 (d) If there is no agreement on the merits of the petition and  
8 family services plan, the court must conduct a fact-finding hearing.  
9 The court must make a decision based on the record, testimony, and  
10 evidence, and the decision must be entered into the court record.  
11 When making the decision, the court must recognize that: (i) Families  
12 have the right to fulfill parental responsibility appropriate to the  
13 individual child's developmental level; and (ii) some youth are in  
14 need of basic support, including placement and interventions.

15 (4) The court must approve or deny a family in need of services  
16 petition and issue written findings.

17 (5) The court may not grant the petition if the youth is the  
18 subject of a proceeding under chapter 13.34 RCW.

19 (6) If the order on disposition of the family services plan was  
20 not entered simultaneously with the order on fact-finding, a  
21 disposition review hearing must be held no later than fourteen days  
22 after approval of the family in need of services petition. Notice of  
23 the time and location of the disposition review hearing must be given  
24 to the parties by the juvenile services case manager or designee.

25 (7) If an agreement to a family services plan is successfully  
26 facilitated with the parties, and reviewed by the multidisciplinary  
27 team if one exists, an order on disposition may be entered as an  
28 agreed order ex parte and the parties do not need to be present in  
29 court. The family services plan, at a minimum, must authorize  
30 placement, compel conduct of the parties, and provide interventions  
31 to the family.

32 (8) The disposition order must include provisions for case  
33 management support of the disposition order, assistance in  
34 coordinating the provision of court-ordered services, and provide  
35 updates at subsequent family in need of services hearings regarding  
36 the status of the case. The order may also include a requirement that  
37 the parent and youth participate in counseling services or any other  
38 services directed in the family services plan.

1 (9) The disposition order must schedule the matter on the  
2 calendar for review within three months and advise the parties of  
3 such date on the disposition order.

4 NEW SECTION. **Sec. 10.** PLACEMENT AND BACKGROUND CHECKS. (1) The  
5 court must enter an order on placement of the youth as part of the  
6 family services plan at the disposition review hearing and subsequent  
7 family in need of services hearings. The court must make a finding if  
8 it is proven by a preponderance of the evidence that placement of the  
9 youth in or outside the family home is in the best interest of the  
10 family. Placement of the youth must be discussed as part of the  
11 multidisciplinary team, if one exists, at the disposition review  
12 hearing and any subsequent family in need of services hearings.

13 (2) In approving a family in need of services petition under this  
14 chapter, the court may approve an order continuing an out-of-home  
15 placement if it is proven by a preponderance of the evidence that the  
16 family is unable to safely reside together while participating in  
17 case management and interventions designed to resolve family  
18 conflict. Placement must be included in the disposition order entered  
19 into the court record.

20 (a) If placement outside of the family home is authorized by the  
21 court, a youth may be placed in a HOPE or crisis residential center  
22 if no other suitable out-of-home placement is available for as long  
23 as the court order authorizes.

24 (b) If placement outside of the family home is agreed, and the  
25 parent has given permission, no background check is required.

26 (c) If the parent fails to respond, or cannot be found, the court  
27 must authorize out-of-home placement as part of the disposition  
28 order.

29 (d) If there is no agreement on out-of-home placement for the  
30 youth, the court may:

- 31 (i) Direct the youth to return to the home of the family;  
32 (ii) Place the youth in a licensed facility; or  
33 (iii) Place the youth in temporary placement outside the family  
34 home after reviewing background checks on adults residing in the  
35 potential placement and referral history from child protective  
36 services, as described in section 6(3)(c) of this act. The juvenile  
37 services case manager must compile the background check and child  
38 protective services referral history and provide the information to  
39 the judicial officer and parties to the case;

1 (e) The court may also order the department to be a party to the  
2 case under circumstances identified in section 5(4) of this act.

3 (3) The court may order out-of-home placement of the youth if it  
4 finds by a preponderance of the evidence that:

5 (a) The family is unable to safely reside together while  
6 participating in case management and interventions designed to  
7 resolve family conflict;

8 (b) Problems cannot be resolved by delivery of services to the  
9 family during continued placement of the youth in the family home;

10 (c) Reasonable efforts have been made to prevent or eliminate the  
11 need for removal of the youth from the family home;

12 (d) A suitable out-of-home placement resource is authorized under  
13 the family in need of services order; and

14 (e) The order is in the best interest of the youth and family.

15 (4) If the court orders out-of-home placement in the disposition  
16 order:

17 (a) The court must specify the person or agency with whom the  
18 youth is placed and the parental powers that are temporarily awarded  
19 to the agency or person including, but not limited to, the right to  
20 authorize medical, dental, educational, and optical treatment, and  
21 parental visitation rights;

22 (b) The court may extend out-of-home placement not to exceed  
23 ninety days from the date of the disposition order. The youth may be  
24 ordered to reside in a HOPE or crisis residential center under a  
25 family in need of services order pursuant to section 11 of this act;

26 (c) The court must give preference to the wishes of the parent  
27 regarding placement outside the family home and attempt to retain  
28 parental responsibility when appropriate. Preferences such as family  
29 constellation, ethnicity, and religion must be given consideration  
30 when matching youth to placements that encourage family centered case  
31 management and participation in the multidisciplinary team. Parental  
32 preference is appropriate in areas that are not connected with abuse  
33 or neglect;

34 (d) Placement made pursuant to this section may not be made in a  
35 secure residence as defined by the federal juvenile justice and  
36 delinquency act of 1974; and

37 (e) A disposition order or condition of supervision ordered by a  
38 court pursuant to this section may not include involuntary commitment  
39 of a youth for substance abuse or mental health treatment pursuant to  
40 chapters 71.34 and 70.96A RCW.

1 (5) Any placement outside the family home must be reviewed by the  
2 judicial officer within three judicial days upon request of the  
3 parties, attorneys of record, or the juvenile services case manager.

4 NEW SECTION. **Sec. 11.** PLACEMENT IN HOPE OR CRISIS RESIDENTIAL  
5 CENTERS—TRANSITIONAL SUCCESS PROGRAM. (1) If the court authorizes  
6 placement of the youth in a HOPE or crisis residential center under  
7 this chapter, the placement may continue as long as permitted by the  
8 court in the best interest of the family. During placement under this  
9 chapter, the court must ensure that the parties are participating in  
10 the family services plan. Any party to the case may make a motion for  
11 the court to consider a change in placement. If a motion to consider  
12 placement of the youth is properly filed, the matter must be  
13 scheduled within three judicial days.

14 (2) Youth under the jurisdiction of a family in need of services  
15 petition may be eligible for placement in a transitional success  
16 program pursuant to section 13 of this act if authorized by the  
17 court. Transitional success program placements are intended as  
18 placement alternatives for youth for whom no other services or  
19 alternative placements have been successful or are appropriate. The  
20 transitional success program may be offered as part of a HOPE center.

21 NEW SECTION. **Sec. 12.** A new section is added to chapter 74.15  
22 RCW to read as follows:

23 The director of the department of commerce must establish  
24 transitional success programs by contract, within funds appropriated  
25 by the legislature specifically for this purpose. Transitional  
26 success programs must have the following:

27 (1) A license issued by the secretary;

28 (2) A professional with a master's degree in counseling, social  
29 work, or related field and at least one year of experience working  
30 with street youth available to serve residents or a bachelor of arts  
31 degree in social work or a related field and five years of experience  
32 working with street youth. The professional must provide counseling  
33 services and interface with other relevant resources and systems to  
34 prepare the minor for adult living. Preference must be given to those  
35 professionals cross-credentialed in mental health and chemical  
36 dependency;

37 (3) Staff trained in the development needs of older adolescents  
38 eligible to participate in transitional success programs;

1 (4) Transitional living services and a therapeutic model of  
2 service delivery that provides necessary program supervision of  
3 residents and at the same time includes a philosophy, program  
4 structure, and treatment planning that emphasizes achievement of  
5 competency in independent living skills. Independent living skills  
6 include achieving basic educational requirements such as a high  
7 school equivalency certificate as provided in RCW 28B.50.536,  
8 enrollment in vocational and technical training programs offered at  
9 the community and vocational colleges, and obtaining and maintaining  
10 employment; and accomplishing basic life skills such as money  
11 management, nutrition, preparing meals, and cleaning house. A  
12 baseline skill level in ability to function productively and  
13 independently shall be determined at entry. Performance must be  
14 measured and must demonstrate improvement from involvement in the  
15 program. Each resident must have a plan for achieving independent  
16 living skills by the time the resident leaves the placement. The plan  
17 must be written within the first thirty days of placement and  
18 reviewed every ninety days. A resident who fails to consistently  
19 adhere to the elements of the plan is subject to reassessment by the  
20 professional staff of the program and may be placed outside the  
21 program; and

22 (5) A data collection system that measures outcomes for the  
23 population served, and enables research and evaluation that can be  
24 used for future program development and service delivery. Data  
25 collection systems must have confidentiality rules and protocols  
26 developed by the department of commerce.

27 NEW SECTION. **Sec. 13.** A new section is added to chapter 74.15  
28 RCW to read as follows:

29 Minors who are not dependent under chapter 13.24 RCW may be  
30 eligible for the transitional success program pursuant to court  
31 authorization under chapter 13.--- RCW (the new chapter created in  
32 section 21 of this act). Transitional success program centers are  
33 intended as a placement alternative for youth because no other  
34 services or alternative placements have been successful.

35 NEW SECTION. **Sec. 14.** A new section is added to chapter 74.15  
36 RCW to read as follows:

37 The secretary may license transitional success programs that meet  
38 statutory and rule requirements created by the secretary. The

1 secretary and the director of the department of commerce may adopt  
2 rules as necessary to carry out sections 12 and 13 of this act. The  
3 secretary may rely upon existing licensing provisions in the  
4 development of licensing requirements for transitional success  
5 programs. Transitional success programs must adhere to departmental  
6 rules prohibiting the use of alcohol, tobacco, controlled substances,  
7 violence, and sexual activity between residents.

8 NEW SECTION. **Sec. 15.** DISPOSITION REVIEW HEARINGS. (1) Before  
9 the scheduled disposition review hearing, the juvenile services case  
10 manager must consult with the attorneys of record before determining  
11 if a multidisciplinary team should be convened, pursuant to section  
12 8(2)(c) of this act, to review the status of the family and consider  
13 changes to the family services plan.

14 (2)(a) If the juvenile services case manager, after consultation  
15 with the attorneys of record, determines that a multidisciplinary  
16 team should be convened, the juvenile services case manager must  
17 consult with the parties to decide which individuals to invite to the  
18 multidisciplinary team. The team must consider the status of the  
19 youth and family and discuss modifications to the family services  
20 plan, including placement, services, and conduct of the parties. If  
21 the parties agree to the family services plan, as discussed by the  
22 multidisciplinary team, the disposition review hearing may be  
23 canceled and the order on review presented ex parte by the juvenile  
24 services case manager to a judicial officer in juvenile court.

25 (b) If the parties do not agree to the family services plan at  
26 the multidisciplinary team meeting, the disposition review hearing  
27 must proceed and the court must determine whether the youth and  
28 family are complying with the family services plan. If support  
29 through the family in need of services petition is continued, the  
30 court may modify the family services plan. The court must make a  
31 decision based on the records and evidence, and the decision must be  
32 entered into the court record.

33 (3)(a) If the juvenile services case manager, after consultation  
34 with the attorneys of record, determines that a multidisciplinary  
35 team should not be convened, the juvenile services case manager, and  
36 attorneys of record if available, must meet with the parties to  
37 review the status of the youth and family and discuss modifications  
38 to the family services plan, including placement, services, and  
39 conduct of the parties. If the parties agree to the family services

1 plan, the disposition review hearing must be canceled and the order  
2 or review presented ex parte to a judicial officer in juvenile court.

3 (b) If the parties do not agree to the family services plan, the  
4 disposition review hearing must proceed and the court must determine  
5 whether the youth and family are complying with the family services  
6 plan. If support through the family in need of services petition is  
7 continued, the court may modify the family services plan. The court  
8 must make a decision based on records and evidence and the decision  
9 must be entered into the court record.

10 (4) If at any time there is disagreement between the parties  
11 regarding the family services plan, a court hearing on review must be  
12 scheduled to determine whether reasonable efforts have been made to  
13 reunify the family and make it possible for the youth to return home  
14 in cases when the youth was placed outside the family home. The court  
15 must discontinue the placement and order the youth to return home if  
16 the court has reasonable grounds to believe that the parents have  
17 made reasonable efforts to resolve the conflict and the court has  
18 reason to believe that the child's refusal to return home is  
19 capricious.

20 NEW SECTION. **Sec. 16.** VIOLATIONS AND CONTEMPT HEARINGS. Any  
21 party that fails to comply with a family in need of services order is  
22 subject to contempt proceedings, as provided in this section:

23 (1) In all family in need of services proceedings under this  
24 chapter, the parties must be notified in the family services plan and  
25 disposition order of the possibility of a finding of contempt for  
26 failure to comply with the terms of the court order entered pursuant  
27 to this chapter. Except as otherwise provided in this section, the  
28 court must treat the parents and youth equally for the purposes of  
29 applying contempt of court processes and penalties under this  
30 section.

31 (2) If a party fails to comply with the family services plan  
32 authorized in the disposition order, the juvenile services case  
33 manager must be notified and must:

34 (a) Attempt to address the alleged violation and determine if it  
35 can be resolved with the parties directly; and

36 (b) Consult with the attorneys appointed in the case to determine  
37 if a multidisciplinary team should be convened to review the alleged  
38 violations and consider consequences. If a multidisciplinary team is  
39 convened, the members must review the allegations, make a



1 determination whether the violation is actual, and suggest a remedy  
2 or consequence. If all other avenues to resolve conflict are  
3 exhausted and the alleged violation has not been remedied, the  
4 juvenile services case manager must inform the parties about the  
5 process to file a civil contempt of court motion as provided in RCW  
6 7.21.030(2)(e), subject to the limitations in subsection (3) of this  
7 section.

8 (3) A motion for contempt can only be filed by a party, the case  
9 manager, or on the court's own motion.

10 (4)(a) The court may impose the following sanctions:

11 (i) For noncompliance of a parent, a fine of up to one hundred  
12 dollars;

13 (ii) For noncompliance of the youth, the court may impose  
14 sanctions that include: Placement in a secure crisis residential  
15 center; electronic home monitoring; community service; evaluations;  
16 services; or treatment.

17 (b) Secure confinement in a juvenile detention center is not  
18 authorized under this chapter as a sanction for a contempt finding  
19 under this section.

20 NEW SECTION. **Sec. 17.** SECURE JUVENILE DETENTION. (1) When the  
21 court finds probable cause to believe, based upon consideration of a  
22 motion for contempt and the information set forth in a supporting  
23 declaration, that a youth has violated a placement order entered  
24 under this chapter or failed to appear for a scheduled hearing after  
25 proper notification, the court may only issue an order directing law  
26 enforcement to find and take the youth to a secure juvenile detention  
27 facility operated by or pursuant to a contract with a county if the  
28 order contains written findings that the youth's behavior poses  
29 imminent risk to the youth's health, safety, or welfare. The order  
30 may be entered ex parte without prior notice to the youth or other  
31 parties.

32 (2) Following the youth's admission to detention, a detention  
33 review hearing must be held within twenty-four hours excluding  
34 Saturdays, Sundays, and holidays, in accordance with RCW 43.185C.270.  
35 At the detention review hearing, a judicial officer must make a  
36 determination to hold or release a youth based on: (a) How likely the  
37 youth is to appear for the next hearing or appointment; and (b) the  
38 youth's risk to self.

1 (3) At the detention review hearing, if the court orders the  
2 youth to be held based on subsection (2)(a) or (b) of this section  
3 pending the contempt hearing, the hearing must be held within  
4 seventy-two hours.

5 NEW SECTION. **Sec. 18.** DISMISSAL. (1) The court may retain  
6 jurisdiction over the family in need of services proceeding as it  
7 finds necessary to assist the family to resolve conflict so that the  
8 family can be safely reunited, or to continue to provide residential  
9 placement and individual intervention and support to the youth.  
10 Juvenile court support through the family in need of services  
11 petition may not exceed one hundred eighty days from the date that  
12 the disposition review hearing is commenced unless the court finds  
13 that there are compelling reasons for an extension. Any extension  
14 granted under this subsection may not exceed ninety days.

15 (2) The court may dismiss the family in need of services  
16 proceeding at any time if the court finds good cause to believe that  
17 continued support would serve no useful purpose, subject to  
18 subsection (7) of this section.

19 (3) Nine months from the date that the court grants jurisdiction  
20 over the family in need of services proceeding, the court must hold a  
21 review hearing to:

22 (a) Consider the family services plan, including placement of the  
23 youth, services, and conduct of the parties;

24 (b) Evaluate housing stability for the youth; and

25 (c) Consider recommendations on the long-term plan for youth.

26 (4) Based on review of the factors in subsection (3)(a) through  
27 (c) of this section, the court must determine if dismissal of the  
28 court's jurisdiction is in the best interest of the youth. The court  
29 must document the long-term plan for the youth in the one hundred  
30 eighty-day order.

31 (5) If there is no long-term plan or placement for the youth, the  
32 court may continue jurisdiction for up to three additional months to  
33 obtain stable housing for the youth.

34 (6) The court may grant concurrent jurisdiction to another court  
35 for the purpose of establishing the identified long-term plan for the  
36 youth.

37 (7) The court may extend jurisdiction up until the youth reaches  
38 the age of eighteen under the following, limited circumstances:

1 (a) The court finds that it is not safe or in the best interest  
2 of the youth to return home;

3 (b) No dependency has been established; and

4 (c) No alternative legal and physical custody has been  
5 established.

6 (8) If the court extends jurisdiction under this section, all  
7 parties retain their attorneys.

8 NEW SECTION. **Sec. 19.** CONSENT AND NOTIFICATION REQUIREMENTS.

9 (1) A provider may provide shelter and related services to a  
10 consenting minor for up to seventy-two hours without the consent of a  
11 parent if the provider reasonably believes that:

12 (a) The minor communicated an informed consent; and

13 (b) Shelter and services are necessary to ensure the minor's  
14 safety and well-being.

15 (2) The provider must make reasonable efforts to notify a minor's  
16 parent every twenty-four hours and document its efforts in writing.

17 NEW SECTION. **Sec. 20.** EVALUATION. (1) The center for court  
18 research, within the administrative office of the courts, must  
19 establish a research plan to determine effectiveness of the family in  
20 need of services petition system. The research plan must be reviewed  
21 by the Washington association of juvenile court administrators, the  
22 superior court judges' association, and the office of homeless youth  
23 prevention and protection no later than six months after the  
24 effective date of this section. The research plan must include, to  
25 the extent possible and practicable: Collection of demographics and  
26 relevant characteristics of system-involved youth and families; the  
27 system response to these youth and families; the impact of  
28 interventions under the family in need of services system; and  
29 relevant outcomes such as housing stability across time, educational  
30 progress and outcomes, and access to publicly funded services.

31 (2) To support transparency, accountability, and ongoing  
32 improvement of system effectiveness, the center must also make  
33 recommendations regarding the data collection required by the family  
34 in need of services system, related process and outcomes reporting,  
35 and approaches to engaging with local system teams in support of  
36 learning from experience and adapting to improve performance.

1        NEW SECTION.    **Sec. 21.**    LEGISLATIVE DIRECTIVE. Sections 1 through  
2 11 and 15 through 20 of this act constitute a new chapter in Title 13  
3 RCW.

4        NEW SECTION.    **Sec. 22.**    REPEALERS. The following acts or parts of  
5 acts are each repealed:

6            (1) RCW 13.32A.010 (Legislative findings and intent) and 2000 c  
7 123 s 1, 1995 c 312 s 1, & 1979 c 155 s 15;

8            (2) RCW 13.32A.015 (At-risk youth services—Intent) and 1990 c 276  
9 s 1;

10           (3) RCW 13.32A.020 (Short title) and 1990 c 276 s 2 & 1979 c 155  
11 s 16;

12           (4) RCW 13.32A.030 (Definitions—Regulating leave from semi-secure  
13 facility) and 2017 3rd sp.s. c 6 s 417, 2013 c 4 s 1, 2010 c 289 s 1,  
14 2000 c 123 s 2, 1997 c 146 s 1, 1996 c 133 s 9, 1995 c 312 s 3, 1990  
15 c 276 s 3, 1985 c 257 s 6, & 1979 c 155 s 17;

16           (5) RCW 13.32A.040 (Family reconciliation services) and 2000 c  
17 123 s 3, 1995 c 312 s 5, 1994 c 304 s 3, 1990 c 276 s 4, 1981 c 298 s  
18 1, & 1979 c 155 s 18;

19           (6) RCW 13.32A.080 (Unlawful harboring of a minor—Penalty—  
20 Defense—Prosecution of adult for involving child in commission of  
21 offense) and 2000 c 123 s 9, 1994 sp.s. c 7 s 507, 1981 c 298 s 6, &  
22 1979 c 155 s 22;

23           (7) RCW 13.32A.082 (Providing shelter to minor—Requirement to  
24 notify parent, law enforcement, or department) and 2013 c 4 s 2, 2011  
25 c 151 s 1, 2010 c 229 s 2, 2000 c 123 s 10, 1996 c 133 s 14, & 1995 c  
26 312 s 34;

27           (8) RCW 13.32A.084 (Providing shelter to minor—Immunity from  
28 liability) and 1995 c 312 s 36;

29           (9) RCW 13.32A.085 (Unlicensed youth shelter or unlicensed  
30 runaway and homeless youth program—Private right of action or claim)  
31 and 2013 c 4 s 3 & 2010 c 229 s 3;

32           (10) RCW 13.32A.086 (Duty of law enforcement agencies to identify  
33 runaway children under RCW 43.43.510) and 1995 c 312 s 37;

34           (11) RCW 13.32A.100 (Family reconciliation services for child in  
35 out-of-home placement) and 2000 c 123 s 13, 1996 c 133 s 16, 1981 c  
36 298 s 8, & 1979 c 155 s 24;

37           (12) RCW 13.32A.110 (Interstate compact to apply, when) and 1996  
38 c 133 s 17 & 1979 c 155 s 25;

1 (13) RCW 13.32A.120 (Out-of-home placement—Agreement,  
2 continuation—Petition to approve or continue) and 2000 c 123 s 14,  
3 1996 c 133 s 18, 1995 c 312 s 11, 1990 c 276 s 7, & 1979 c 155 s 26;  
4 (14) RCW 13.32A.125 (Temporary out-of-home placement in semi-  
5 secure crisis residential center) and 1995 c 312 s 44;  
6 (15) RCW 13.32A.128 (Child admitted to secure facility—  
7 Limitations) and 2009 c 569 s 5;  
8 (16) RCW 13.32A.140 (Out-of-home placement—Child in need of  
9 services petition by department—Procedure) and 2000 c 123 s 16, 1997  
10 c 146 s 5, 1996 c 133 s 19, 1995 c 312 s 15, 1990 c 276 s 9, 1981 c  
11 298 s 10, & 1979 c 155 s 28;  
12 (17) RCW 13.32A.150 (Out-of-home placement—Child in need of  
13 services petition by child or parent) and 2000 c 123 s 17, 1996 c 133  
14 s 20, 1995 c 312 s 16, 1992 c 205 s 208, 1990 c 276 s 10, 1989 c 269  
15 s 1, 1981 c 298 s 11, & 1979 c 155 s 29;  
16 (18) RCW 13.32A.152 (Child in need of services petition—Service  
17 on parents—Notice to department—Petitions regarding Indian children)  
18 and 2011 c 309 s 21, 2004 c 64 s 5, 2000 c 123 s 18, 1996 c 133 s 21,  
19 & 1995 c 312 s 4;  
20 (19) RCW 13.32A.160 (Out-of-home placement—Court action upon  
21 filing of child in need of services petition—Child placement) and  
22 2000 c 123 s 19, 1997 c 146 s 6, 1996 c 133 s 22, 1995 c 312 s 17,  
23 1990 c 276 s 11, 1989 c 269 s 2, & 1979 c 155 s 30;  
24 (20) RCW 13.32A.170 (Out-of-home placement—Fact-finding hearing)  
25 and 2000 c 123 s 20, 1996 c 133 s 23, 1995 c 312 s 18, 1989 c 269 s  
26 3, 1987 c 524 s 1, 1985 c 257 s 10, 1984 c 188 s 1, 1981 c 298 s 12,  
27 & 1979 c 155 s 31;  
28 (21) RCW 13.32A.175 (Out-of-home placement—Contribution to  
29 child's support—Enforcement of order) and 1995 c 312 s 19, 1987 c 435  
30 s 13, & 1981 c 298 s 15;  
31 (22) RCW 13.32A.177 (Out-of-home placement—Determination of  
32 support payments) and 1995 c 312 s 22 & 1988 c 275 s 14;  
33 (23) RCW 13.32A.178 (Out-of-home placement—Child support—  
34 Exceptions) and 2017 3rd sp.s. c 6 s 418 & 2001 c 332 s 8;  
35 (24) RCW 13.32A.179 (Out-of-home placement—Disposition hearing—  
36 Court order—Dispositional plan—Child subject to contempt proceedings  
37 —Dismissal of order at request of department or parent) and 2000 c  
38 123 s 21, 1997 c 146 s 7, 1996 c 133 s 24, & 1995 c 312 s 20;

1 (25) RCW 13.32A.180 (Out-of-home placement—Court order—No  
2 placement in secure residence) and 1995 c 312 s 23 & 1979 c 155 s 32;  
3 (26) RCW 13.32A.190 (Out-of-home placement dispositional order—  
4 Review hearings—Time limitation on out-of-home placement—Termination  
5 of placement at request of parent) and 1996 c 133 s 25, 1995 c 312 s  
6 24, 1989 c 269 s 5, 1984 c 188 s 2, 1981 c 298 s 13, & 1979 c 155 s  
7 33;  
8 (27) RCW 13.32A.191 (At-risk youth—Petition by parent) and 2000 c  
9 123 s 22 & 1995 c 312 s 25;  
10 (28) RCW 13.32A.192 (At-risk youth petition—Prehearing  
11 procedures) and 1997 c 146 s 8, 1996 c 133 s 26, 1995 c 312 s 26, &  
12 1990 c 276 s 12;  
13 (29) RCW 13.32A.194 (At-risk youth petition—Court procedures) and  
14 2000 c 123 s 23, 1996 c 133 s 27, 1995 c 312 s 27, & 1990 c 276 s 13;  
15 (30) RCW 13.32A.196 (At-risk youth petition—Dispositional  
16 hearing) and 2000 c 123 s 24, 1995 c 312 s 28, 1991 c 364 s 14, &  
17 1990 c 276 s 14;  
18 (31) RCW 13.32A.197 (Disposition hearing—Additional orders for  
19 specialized treatment—Review hearings—Limitation—Use of state  
20 funds) and 1996 c 133 s 3;  
21 (32) RCW 13.32A.198 (At-risk youth—Review by court) and 1990 c  
22 276 s 15;  
23 (33) RCW 13.32A.200 (Hearings under chapter—Time or place—Public  
24 excluded) and 2007 c 213 s 1, 2000 c 123 s 25, & 1979 c 155 s 34;  
25 (34) RCW 13.32A.205 (Acceptance of petitions by court—Damages)  
26 and 1995 c 312 s 32;  
27 (35) RCW 13.32A.210 (Foster home placement—Parental preferences)  
28 and 1990 c 284 s 24;  
29 (36) RCW 13.32A.250 (Failure to comply with order as civil  
30 contempt—Motion—Penalties) and 2000 c 162 s 14, 2000 c 162 s 4, 1998  
31 c 296 s 37, 1996 c 133 s 28, 1995 c 312 s 29, & 1990 c 276 s 16;  
32 (37) RCW 13.32A.270 (Youth who have been diverted—Alleged  
33 prostitution or prostitution loitering offenses—Services and  
34 treatment) and 2010 c 289 s 3; and  
35 (38) RCW 13.32A.300 (No entitlement to services created by  
36 chapter) and 1995 c 312 s 43.

37 NEW SECTION. **Sec. 23.** This act takes effect July 1, 2018.

1        NEW SECTION.    **Sec. 24.**    Section 17 of this act expires July 1,  
2    2019, if chapter . . . (Substitute Senate Bill No. 5596), Laws of  
3    2018 is enacted into law.

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