

**E2SSB 5290** - H COMM AMD

By Committee on Human Services & Early Learning

**ADOPTED AND ENGROSSED 4/9/19**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that it is a  
4 goal of our state to divert juveniles who have committed status  
5 offenses, behaviors that are prohibited under law only because of an  
6 individual's status as a minor, away from the juvenile justice system  
7 because a stay in detention is a predictive factor for future  
8 criminal justice system involvement. The legislature finds that  
9 Washington has been using the valid court order exception of the  
10 juvenile justice and delinquency prevention act, a loophole in  
11 federal law allowing judges to detain status offenders for disobeying  
12 court orders, more than any other state in the country. The  
13 legislature finds that use of the valid court order exception to  
14 detain youth for acts like truancy, breaking curfew, or running away  
15 from home is counterproductive and may worsen outcomes for at-risk  
16 youth.

17 (2) The legislature further finds that these youth should not be  
18 confined with or treated with the same interventions as criminal  
19 offenders. The legislature also finds that studies show a  
20 disproportionality in race, gender, and socioeconomic status of youth  
21 referred to courts or detained, or both. Likewise, the legislature  
22 finds that community-based interventions are more effective at  
23 addressing underlying causes of status offenses than detention and  
24 can reduce court caseloads and lower system costs. As a result, it is  
25 the intent of the legislature to strengthen and fund community-based  
26 programs that are culturally relevant and focus on addressing  
27 disproportionality of youth of color, especially at-risk youth.

28 NEW SECTION. **Sec. 2.** A new section is added to chapter 7.21 RCW  
29 to read as follows:

30 (1) It is the policy of the state of Washington to eliminate the  
31 use of juvenile detention as a remedy for contempt of a valid court

1 order for youth under chapters 13.34 and 28A.225 RCW and child in  
2 need of services petition youth under chapter 13.32A RCW. As of July  
3 1, 2019, such youth may not be committed to juvenile detention as a  
4 contempt sanction under chapter 13.32A, 13.34, or 28A.225 RCW, and a  
5 warrant may not be issued for such youth for failure to appear at a  
6 court hearing that requires commitment of such youth to juvenile  
7 detention.

8 (2)(a) It is also the policy of the state of Washington to  
9 entirely phase out the use of juvenile detention as a remedy for  
10 contempt of a valid court order for at-risk youth under chapter  
11 13.32A RCW by July 1, 2022. After this date, at-risk youth may not be  
12 committed to juvenile detention as a contempt sanction under chapter  
13 13.32A RCW, and a warrant may not be issued for failure to appear at  
14 a court hearing that requires commitment of the at-risk youth to  
15 juvenile detention.

16 (b) Until July 1, 2022, any at-risk youth committed to juvenile  
17 detention as a sanction for contempt under chapter 13.32A RCW, or for  
18 failure to appear at a court hearing under chapter 13.32A RCW, must  
19 be detained in such a manner so that no direct communication or  
20 physical contact may be made between the youth and any youth who is  
21 detained to juvenile detention pursuant to a violation of criminal  
22 law, unless these separation requirements would result in a youth  
23 being detained in solitary confinement.

24 (c) After July 1, 2022, at-risk youth may be committed to a  
25 secure residential program with intensive wraparound services,  
26 subject to the requirements under RCW 13.32A.250, as a remedial  
27 sanction for contempt under chapter 13.32A RCW or for failure to  
28 appear at a court hearing under chapter 13.32A RCW.

29 **Sec. 3.** RCW 7.21.030 and 2001 c 260 s 6 are each amended to read  
30 as follows:

31 (1) The court may initiate a proceeding to impose a remedial  
32 sanction on its own motion or on the motion of a person aggrieved by  
33 a contempt of court in the proceeding to which the contempt is  
34 related. Except as provided in RCW 7.21.050, the court, after notice  
35 and hearing, may impose a remedial sanction authorized by this  
36 chapter.

37 (2) If the court finds that the person has failed or refused to  
38 perform an act that is yet within the person's power to perform, the

1 court may find the person in contempt of court and impose one or more  
2 of the following remedial sanctions:

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

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

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

10 (d) Any other remedial sanction other than the sanctions  
11 specified in (a) through (c) of this subsection if the court  
12 expressly finds that those sanctions would be ineffectual to  
13 terminate a continuing contempt of court.

14 (e)(i) In at-risk youth petition cases only under chapter(~~s~~)  
15 13.32A(~~, 13.34, and 28A.225~~) RCW and subject to the requirements  
16 under RCW 13.32A.250, commitment to juvenile detention for a period  
17 of time not to exceed (~~seven days~~) seventy-two hours, excluding  
18 Saturdays, Sundays, and holidays. The seventy-two hour period shall  
19 commence upon the next nonholiday weekday following the court order  
20 and shall run to the end of the last nonholiday weekday within the  
21 seventy-two hour period. This sanction may be imposed in addition to,  
22 or as an alternative to, any other remedial sanction authorized by  
23 this chapter. This remedy is specifically determined to be a remedial  
24 sanction.

25 (ii) Until July 1, 2022, prior to committing any at-risk youth to  
26 juvenile detention as a sanction for contempt under chapter 13.32A  
27 RCW, or for failure to appear at a court hearing under chapter 13.32A  
28 RCW, the court must:

29 (A) Consider, on-the-record, the mitigating and aggravating  
30 factors used to determine the appropriateness of detention for  
31 enforcement of its order;

32 (B) Enter written findings affirming that it considered all less  
33 restrictive options, that detention is the only appropriate  
34 alternative, including its rationale and the clear, cogent, and  
35 convincing evidence used to enforce the order;

36 (C) Afford the same due process considerations that it affords  
37 all youth in criminal contempt proceedings; and

38 (D) Seek input from all relevant parties, including the youth.

39 (iii) Until July 1, 2022, detention periods for at-risk youth  
40 sanctioned to juvenile detention for contempt under chapter 13.32A

1 RCW, or for failure to appear at a court hearing under chapter 13.32A  
2 RCW, shall be:

3 (A) No more than seventy-two hours, regardless of the number of  
4 violations being considered at the hearing; and

5 (B) Limited to no more than two sanctions, up to seventy-two  
6 hours each, in any thirty-day period.

7 (iv) Nothing in this subsection (2)(e) or in RCW 13.32A.250,  
8 13.34.165, or 28A.225.090 shall be construed to limit the court's  
9 inherent contempt power or curtail its exercise.

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

15 (4) If the court finds that a person under the age of eighteen  
16 years has willfully disobeyed the terms of an order issued under  
17 chapter 10.14 RCW, the court may find the person in contempt of court  
18 and may, as a sole sanction for such contempt, commit the person to  
19 juvenile detention for a period of time not to exceed seven days.

20 **Sec. 4.** RCW 7.21.030 and 2019 c ... s 3 (section 3 of this act)  
21 are each amended to read as follows:

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

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

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

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

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

1 (d) Any other remedial sanction other than the sanctions  
2 specified in (a) through (c) of this subsection if the court  
3 expressly finds that those sanctions would be ineffectual to  
4 terminate a continuing contempt of court.

5 (e) (i) In at-risk youth petition cases only under chapter 13.32A  
6 RCW, and subject to the requirements under RCW 13.32A.250, commitment  
7 to ~~((juvenile detention for a period of time not to exceed seventy-~~  
8 ~~two hours, excluding Saturdays, Sundays, and holidays. The seventy-~~  
9 ~~two hour period shall commence upon the next nonholiday weekday~~  
10 ~~following the court order and shall run to the end of the last~~  
11 ~~nonholiday weekday within the seventy-two hour period. This sanction~~  
12 ~~may be imposed in addition to, or as an alternative to, any other~~  
13 ~~remedial sanction authorized by this chapter. This remedy is~~  
14 ~~specifically determined to be a remedial sanction)) a secure  
15 residential program with intensive wraparound services.~~

16 (ii) ~~((Until))~~ Beginning July 1, 2022, prior to committing any  
17 at-risk youth to ~~((juvenile detention))~~ a secure residential program  
18 with intensive wraparound services as a sanction for contempt under  
19 chapter 13.32A RCW, or for failure to appear at a court hearing under  
20 chapter 13.32A RCW, the court must:

21 (A) Consider, on-the-record, the mitigating and aggravating  
22 factors used to determine the appropriateness of detention for  
23 enforcement of its order;

24 (B) Enter written findings affirming that it considered all less  
25 restrictive options, that detention is the only appropriate  
26 alternative, including its rationale and the clear, cogent, and  
27 convincing evidence used to enforce the order;

28 (C) Afford the same due process considerations that it affords  
29 all youth in criminal contempt proceedings; and

30 (D) Seek input from all relevant parties, including the youth.

31 (iii) ~~((Until July 1, 2022, detention periods for at-risk youth~~  
32 ~~sanctioned to juvenile detention for contempt under chapter 13.32A~~  
33 ~~RCW, or for failure to appear at a court hearing under chapter 13.32A~~  
34 ~~RCW, shall be:~~

35 ~~(A) No more than seventy-two hours, regardless of the number of~~  
36 ~~violations being considered at the hearing; and~~

37 ~~(B) Limited to no more than two sanctions, up to seventy-two~~  
38 ~~hours each, in any thirty-day period.~~

1       ~~(iv))~~) Nothing in this subsection (2)(e) or in RCW 13.32A.250,  
2 13.34.165, or 28A.225.090 shall be construed to limit the court's  
3 inherent contempt power or curtail its exercise.

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

9       (4) If the court finds that a person under the age of eighteen  
10 years has willfully disobeyed the terms of an order issued under  
11 chapter 10.14 RCW, the court may find the person in contempt of court  
12 and may, as a sole sanction for such contempt, commit the person to  
13 juvenile detention for a period of time not to exceed seven days.

14       **Sec. 5.** RCW 13.32A.250 and 2000 c 162 s 14 are each amended to  
15 read as follows:

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

25       (2) Failure by a party in an at-risk youth proceeding to comply  
26 with an order entered under this chapter is a civil contempt of court  
27 as provided in RCW 7.21.030(2)(e), subject to the limitations of  
28 subsection (3) of this section.

29       (3) For at-risk youth proceedings only:

30       (a) If the child fails to comply with the court order, the court  
31 may impose:

32       (i) Community restitution;

33       (ii) Residential and nonresidential programs with intensive  
34 wraparound services;

35       (iii) A requirement that the child meet with a mentor for a  
36 specified number of times; or

37       (iv) Other services and interventions that the court deems  
38 appropriate.

1        (b)(i) The court may impose remedial sanctions including a fine  
2 of up to one hundred dollars and confinement for up to ~~((seven days))~~  
3 seventy-two hours, or both for contempt of court under this section  
4 if (A) one of the less restrictive alternatives under (a) of this  
5 subsection has been attempted and another violation of the order has  
6 occurred, or (B) the court issues a formal finding that none of the  
7 less restrictive alternatives is available. The seventy-two hour  
8 period excludes Saturdays, Sundays, and holidays and shall commence  
9 upon the next nonholiday weekday following the court order and shall  
10 run to the end of the last nonholiday weekday within the seventy-two  
11 hour period.

12        ~~((4))~~ (ii) A child placed in confinement for contempt under  
13 this section shall be placed in confinement only in a secure juvenile  
14 detention facility operated by or pursuant to a contract with a  
15 county.

16        ~~((5))~~ (c) A child involved in a child in need of services  
17 proceeding may not be placed in confinement under this section.

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

22        ~~((6))~~ (5) For at-risk youth proceedings only, whenever the  
23 court finds probable cause to believe, based upon consideration of a  
24 motion for contempt and the information set forth in a supporting  
25 declaration, that a child has violated a placement order entered  
26 under this chapter, the court must direct the court clerk to command  
27 the presence of the child by the issuance of a summons or other  
28 method approved by local court rule instead of a warrant, unless the  
29 court finds probable cause to believe that the child would not appear  
30 in response to the command or finds probable cause to believe that  
31 the arrest is necessary to prevent serious bodily harm to the  
32 juvenile or another, in which case the court may issue a warrant. A  
33 warrant of arrest must be supported by an affidavit or sworn  
34 testimony, which must be recorded electronically or by stenographer,  
35 establishing the grounds for issuing the warrant. The warrant of  
36 arrest for a child under this subsection may not be served on a child  
37 inside of school during school hours in a location where other  
38 students are present if the child named in the warrant is a pupil at  
39 the school. The court must communicate the summons to the child  
40 through mail, telephone, text message, or other method of

1 communication needed in order to ensure the child has received the  
2 information. If the child fails to appear via the summons or other  
3 method, the court may issue an order directing law enforcement to  
4 pick up and take the child to detention. ((The order may be entered  
5 ex parte without prior notice to the child or other parties.  
6 Following the child's admission to detention, a detention review  
7 hearing must be held in accordance with RCW 13.32A.065.))

8 (6) Nothing in this section shall be construed to limit the  
9 court's inherent contempt power or curtail its exercise.

10 **Sec. 6.** RCW 13.32A.250 and 2019 c ... s 5 (section 5 of this  
11 act) are each amended to read as follows:

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

21 (2) Failure by a party in an at-risk youth proceeding to comply  
22 with an order entered under this chapter is a civil contempt of court  
23 as provided in RCW 7.21.030(2)(e), subject to the limitations of  
24 subsection (3) of this section.

25 (3) For at-risk youth proceedings only:

26 (a) If the child fails to comply with the court order, the court  
27 may impose:

28 (i) Community restitution;

29 (ii) Residential and nonresidential programs with intensive  
30 wraparound services;

31 (iii) A requirement that the child meet with a mentor for a  
32 specified number of times; or

33 (iv) Other services and interventions that the court deems  
34 appropriate.

35 (b) (i) The court may impose remedial sanctions including a fine  
36 of up to one hundred dollars and confinement ~~((for up to seventy-two~~  
37 ~~hours))~~ to a secure residential program with intensive wraparound  
38 services, or both, for contempt of court under this section if (A)  
39 one of the less restrictive alternatives under (a) of this subsection



1 has been attempted and another violation of the order has occurred,  
2 or (B) the court issues a formal finding that none of the less  
3 restrictive alternatives is available. (~~The seventy-two hour period~~  
4 ~~excludes Saturdays, Sundays, and holidays and shall commence upon the~~  
5 ~~next nonholiday weekday following the court order and shall run to~~  
6 ~~the end of the last nonholiday weekday within the seventy-two hour~~  
7 ~~period.))~~

8 (ii) A child placed in confinement for contempt under this  
9 section (~~shall~~) may be placed in (~~confinement only in a secure~~  
10 ~~juvenile detention facility operated by or pursuant to a contract~~  
11 ~~with a county~~) a secure crisis residential center as defined in RCW  
12 13.32A.030, or any program approved by the department offering secure  
13 confinement and intensive wraparound services appropriate to the  
14 needs of the child. The child may not be placed in a detention  
15 facility as defined in RCW 13.40.020. Secure residential programs  
16 with intensive wraparound services as used in this section may be  
17 defined as secure juvenile correctional facilities for the purposes  
18 of federal law only.

19 (c) A child involved in a child in need of services proceeding  
20 may not be placed in confinement under this section.

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

25 (5) For at-risk youth proceedings only, whenever the court finds  
26 probable cause to believe, based upon consideration of a motion for  
27 contempt and the information set forth in a supporting declaration,  
28 that a child has violated a placement order entered under this  
29 chapter, the court must direct the court clerk to command the  
30 presence of the child by the issuance of a summons or other method  
31 approved by local court rule instead of a warrant, unless the court  
32 finds probable cause to believe that the child would not appear in  
33 response to the command or finds probable cause to believe that the  
34 arrest is necessary to prevent serious bodily harm to the juvenile or  
35 another, in which case the court may issue a warrant. A warrant of  
36 arrest must be supported by an affidavit or sworn testimony, which  
37 must be recorded electronically or by stenographer, establishing the  
38 grounds for issuing the warrant. The warrant of arrest for a child  
39 under this subsection may not be served on a child inside of school  
40 during school hours in a location where other students are present if

1 the child named in the warrant is a pupil at the school. The court  
2 must communicate the summons to the child through mail, telephone,  
3 text message, or other method of communication needed in order to  
4 ensure the child has received the information. If the child fails to  
5 appear via the summons or other method, the court may issue an order  
6 directing law enforcement to pick up and take the child to detention.

7 (6) Nothing in this section shall be construed to limit the  
8 court's inherent contempt power or curtail its exercise.

9 **Sec. 7.** RCW 13.32A.150 and 2000 c 123 s 17 are each amended to  
10 read as follows:

11 (1) Except as otherwise provided in this chapter, the juvenile  
12 court shall not accept the filing of a child in need of services  
13 petition by the child or the parents or the filing of an at-risk  
14 youth petition by the parent, unless verification is provided that  
15 the department has completed a family assessment. The family  
16 assessment shall involve the multidisciplinary team if one exists.  
17 The family assessment or plan of services developed by the  
18 multidisciplinary team shall be aimed at family reconciliation,  
19 reunification, and avoidance of the out-of-home placement of the  
20 child. (~~(If the department is unable to complete an assessment within~~  
21 ~~two working days following a request for assessment the child or the~~  
22 ~~parents may proceed under subsection (2) of this section or the~~  
23 ~~parent may proceed under RCW 13.32A.191.))~~)

24 (2) A child or a child's parent may file with the juvenile court  
25 a child in need of services petition to approve an out-of-home  
26 placement for the child before completion of a family assessment. The  
27 department shall, when requested, assist either a parent or child in  
28 the filing of the petition. The petition must be filed in the county  
29 where the parent resides. The petition shall allege that the child is  
30 a child in need of services and shall ask only that the placement of  
31 a child outside the home of his or her parent be approved. The filing  
32 of a petition to approve the placement is not dependent upon the  
33 court's having obtained any prior jurisdiction over the child or his  
34 or her parent, and confers upon the court a special jurisdiction to  
35 approve or disapprove an out-of-home placement under this chapter.

36 (3) A petition may not be filed if the child is the subject of a  
37 proceeding under chapter 13.34 RCW.

1       **Sec. 8.** RCW 13.34.165 and 2000 c 122 s 21 are each amended to  
2 read as follows:

3       (1) Failure by a party to comply with an order entered under this  
4 chapter is civil contempt of court as provided in RCW 7.21.030(2)  
5 (~~(e)~~).

6       (2) ~~((The maximum term of confinement that may be imposed as a  
7 remedial sanction for contempt of court under this section is  
8 confinement for up to seven days.~~

9       ~~(3) A child held for contempt under this section shall be  
10 confined only in a secure juvenile detention facility operated by or  
11 pursuant to a contract with a county.~~

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

16       ~~((5))~~ (3)(a) Subject to (b) of this subsection, whenever the  
17 court finds probable cause to believe, based upon consideration of a  
18 motion (~~for contempt~~) and the information set forth in a supporting  
19 declaration, that a child (~~has violated a placement order entered~~  
20 under this chapter) is missing from care, the court may issue an  
21 order directing law enforcement to pick up and (~~take~~) return the  
22 child to (~~detention~~) department custody. (~~The order may be entered~~  
23 ex parte without prior notice to the child or other parties.  
24 Following the child's admission to detention, a detention review  
25 hearing must be held in accordance with RCW 13.32A.065.)

26       (b) If the department is notified of the child's whereabouts and  
27 authorizes the child's location, the court must withdraw the order  
28 directing law enforcement to pick up and return the child to  
29 department custody.

30       (4) Nothing in this section shall be construed to limit the  
31 court's inherent contempt power or curtail its exercise.

32       **Sec. 9.** RCW 28A.225.090 and 2017 c 291 s 5 are each amended to  
33 read as follows:

34       (1) A court may order a child subject to a petition under RCW  
35 28A.225.035 to do one or more of the following:

36       (a) Attend the child's current school, and set forth minimum  
37 attendance requirements, which shall not consider a suspension day as  
38 an unexcused absence;

1 (b) If there is space available and the program can provide  
2 educational services appropriate for the child, order the child to  
3 attend another public school, an alternative education program,  
4 center, a skill center, dropout prevention program, or another public  
5 educational program;

6 (c) Attend a private nonsectarian school or program including an  
7 education center. Before ordering a child to attend an approved or  
8 certified private nonsectarian school or program, the court shall:

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

24 (d) Submit to a substance abuse assessment if the court finds on  
25 the record that such assessment is appropriate to the circumstances  
26 and behavior of the child and will facilitate the child's compliance  
27 with the mandatory attendance law and, if any assessment, including a  
28 urinalysis test ordered under this subsection indicates the use of  
29 controlled substances or alcohol, order the minor to abstain from the  
30 unlawful consumption of controlled substances or alcohol and adhere  
31 to the recommendations of the substance abuse assessment at no  
32 expense to the school; or

33 (e) Submit to a mental health evaluation or other diagnostic  
34 evaluation and adhere to the recommendations of the drug assessment,  
35 at no expense to the school, if the court finds on the court records  
36 that such evaluation is appropriate to the circumstances and behavior  
37 of the child, and will facilitate the child's compliance with the  
38 mandatory attendance law.

39 (2) ~~((a))~~ If the child fails to comply with the court order, the  
40 court may impose:

- 1           ~~((i))~~ (a) Community restitution;
- 2           ~~((ii))~~ (b) Nonresidential programs with intensive wraparound
- 3 services;
- 4           ~~((iii))~~ (c) A requirement that the child meet with a mentor for
- 5 a specified number of times; or
- 6           ~~((iv))~~ (d) Other services and interventions that the court
- 7 deems appropriate.

8           ~~((b) If the child continues to fail to comply with the court~~

9 ~~order and the court makes a finding that other measures to secure~~

10 ~~compliance have been tried but have been unsuccessful and no less~~

11 ~~restrictive alternative is available, the court may order the child~~

12 ~~to be subject to detention, as provided in RCW 7.21.030(2)(e).~~

13 ~~Failure by a child to comply with an order issued under this~~

14 ~~subsection shall not be subject to detention for a period greater~~

15 ~~than that permitted pursuant to a civil contempt proceeding against a~~

16 ~~child under chapter 13.32A RCW. Detention ordered under this~~

17 ~~subsection may be for no longer than seven days. Detention ordered~~

18 ~~under this subsection shall preferably be served at a secure crisis~~

19 ~~residential center close to the child's home rather than in a~~

20 ~~juvenile detention facility. A warrant of arrest for a child under~~

21 ~~this subsection may not be served on a child inside of school during~~

22 ~~school hours in a location where other students are present.))~~

23           (3) Any parent violating any of the provisions of either RCW

24 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than

25 twenty-five dollars for each day of unexcused absence from school.

26 The court shall remit fifty percent of the fine collected under this

27 section to the child's school district. It shall be a defense for a

28 parent charged with violating RCW 28A.225.010 to show that he or she

29 exercised reasonable diligence in attempting to cause a child in his

30 or her custody to attend school or that the child's school did not

31 perform its duties as required in RCW 28A.225.020. The court may

32 order the parent to provide community restitution instead of imposing

33 a fine. Any fine imposed pursuant to this section may be suspended

34 upon the condition that a parent charged with violating RCW

35 28A.225.010 shall participate with the school and the child in a

36 supervised plan for the child's attendance at school or upon

37 condition that the parent attend a conference or conferences

38 scheduled by a school for the purpose of analyzing the causes of a

39 child's absence.

1 (4) If a child continues to be truant after entering into a  
2 court-approved order with the truancy board under RCW 28A.225.035,  
3 the juvenile court shall find the child in contempt, and the court  
4 may (~~order the child to be subject to detention, as provided in RCW~~  
5 ~~7.21.030(2)(e), or may~~) impose alternatives to detention (~~(such as~~  
6 ~~meaningful community restitution. Failure by a child to comply with~~  
7 ~~an order issued under this subsection may not subject a child to~~  
8 ~~detention for a period greater than that permitted under a civil~~  
9 ~~contempt proceeding against a child under chapter 13.32A RCW)~~)  
10 consistent with best practice models for reengagement with school.

11 (5) Nothing in this section shall be construed to limit the  
12 court's inherent contempt power or curtail its exercise.

13 (6) Subsections (1), (2), and (4) of this section shall not apply  
14 to a six or seven year old child required to attend public school  
15 under RCW 28A.225.015.

16 **Sec. 10.** RCW 43.185C.260 and 2018 c 58 s 61 are each amended to  
17 read as follows:

18 (1) A law enforcement officer shall take a child into custody:

19 (a) If a law enforcement agency has been contacted by the parent  
20 of the child that the child is absent from parental custody without  
21 consent; or

22 (b) If a law enforcement officer reasonably believes, considering  
23 the child's age, the location, and the time of day, that a child is  
24 in circumstances which constitute a danger to the child's safety or  
25 that a child is violating a local curfew ordinance; or

26 (c) If an agency legally charged with the supervision of a child  
27 has notified a law enforcement agency that the child has run away  
28 from placement(~~;~~ ~~or~~

29 ~~(d) If a law enforcement agency has been notified by the juvenile~~  
30 ~~court that the court finds probable cause exists to believe that the~~  
31 ~~child has violated a court placement order issued under this chapter~~  
32 ~~or chapter 13.34 RCW or that the court has issued an order for law~~  
33 ~~enforcement pick-up of the child under this chapter or chapter 13.34~~  
34 ~~RCW)).~~

35 (2) Law enforcement custody shall not extend beyond the amount of  
36 time reasonably necessary to transport the child to a destination  
37 authorized by law and to place the child at that destination. Law  
38 enforcement custody continues until the law enforcement officer  
39 transfers custody to a person, agency, or other authorized entity

1 under this chapter, or releases the child because no placement is  
2 available. Transfer of custody is not complete unless the person,  
3 agency, or entity to whom the child is released agrees to accept  
4 custody.

5 (3) If a law enforcement officer takes a child into custody  
6 pursuant to either subsection (1)(a) or (b) of this section and  
7 transports the child to a crisis residential center, the officer  
8 shall, within twenty-four hours of delivering the child to the  
9 center, provide to the center a written report detailing the reasons  
10 the officer took the child into custody. The center shall provide the  
11 department of children, youth, and families with a copy of the  
12 officer's report if the youth is in the care of or receiving services  
13 from the department of children, youth, and families.

14 (4) If the law enforcement officer who initially takes the  
15 juvenile into custody or the staff of the crisis residential center  
16 have reasonable cause to believe that the child is absent from home  
17 because he or she is abused or neglected, a report shall be made  
18 immediately to the department of children, youth, and families.

19 (5) Nothing in this section affects the authority of any  
20 political subdivision to make regulations concerning the conduct of  
21 minors in public places by ordinance or other local law.

22 (6) If a law enforcement officer has a reasonable suspicion that  
23 a child is being unlawfully harbored in violation of RCW 13.32A.080,  
24 the officer shall remove the child from the custody of the person  
25 harboring the child and shall transport the child to one of the  
26 locations specified in RCW 43.185C.265.

27 (7) No child may be placed in a secure facility except as  
28 provided in this chapter.

29 **Sec. 11.** RCW 43.185C.265 and 2015 c 69 s 14 are each amended to  
30 read as follows:

31 (1) An officer taking a child into custody under RCW  
32 43.185C.260(1) (a) or (b) shall inform the child of the reason for  
33 such custody and shall:

34 (a) Transport the child to his or her home or to a parent at his  
35 or her place of employment, if no parent is at home. The parent may  
36 request that the officer take the child to the home of an adult  
37 extended family member, responsible adult, crisis residential center,  
38 the department of (~~social and health services~~) children, youth, and  
39 families, or a licensed youth shelter. In responding to the request

1 of the parent, the officer shall take the child to a requested place  
2 which, in the officer's belief, is within a reasonable distance of  
3 the parent's home. The officer releasing a child into the custody of  
4 a parent, an adult extended family member, responsible adult, or a  
5 licensed youth shelter shall inform the person receiving the child of  
6 the reason for taking the child into custody and inform all parties  
7 of the nature and location of appropriate services available in the  
8 community; or

9 (b) After attempting to notify the parent, take the child to a  
10 designated crisis residential center's secure facility or a center's  
11 semi-secure facility if a secure facility is full, not available, or  
12 not located within a reasonable distance if:

13 (i) The child expresses fear or distress at the prospect of being  
14 returned to his or her home which leads the officer to believe there  
15 is a possibility that the child is experiencing some type of abuse or  
16 neglect;

17 (ii) It is not practical to transport the child to his or her  
18 home or place of the parent's employment; or

19 (iii) There is no parent available to accept custody of the  
20 child; or

21 (c) After attempting to notify the parent, if a crisis  
22 residential center is full, not available, or not located within a  
23 reasonable distance, request the department of (~~social and health~~  
24 ~~services~~) children, youth, and families to accept custody of the  
25 child. If the department of (~~social and health services~~) children,  
26 youth, and families determines that an appropriate placement is  
27 currently available, the department of (~~social and health services~~)  
28 children, youth, and families shall accept custody and place the  
29 child in an out-of-home placement. Upon accepting custody of a child  
30 from the officer, the department of (~~social and health services~~)  
31 children, youth, and families may place the child in an out-of-home  
32 placement for up to seventy-two hours, excluding Saturdays, Sundays,  
33 and holidays, without filing a child in need of services petition,  
34 obtaining parental consent, or obtaining an order for placement under  
35 chapter 13.34 RCW. Upon transferring a child to the department of  
36 (~~social and health services'~~) children, youth, and families'  
37 custody, the officer shall provide written documentation of the  
38 reasons and the statutory basis for taking the child into custody. If  
39 the department of (~~social and health services~~) children, youth, and  
40 families declines to accept custody of the child, the officer may



1 release the child after attempting to take the child to the  
2 following, in the order listed: The home of an adult extended family  
3 member; a responsible adult; or a licensed youth shelter. The officer  
4 shall immediately notify the department of ~~((social and health  
5 services))~~ children, youth, and families if no placement option is  
6 available and the child is released.

7 (2) An officer taking a child into custody under RCW  
8 43.185C.260(1)(c) ~~((or (d)))~~ shall inform the child of the reason for  
9 custody. An officer taking a child into custody under RCW  
10 43.185C.260(1)(c) may release the child to the supervising agency,  
11 may return the child to the placement authorized by the supervising  
12 agency, or shall take the child to a designated crisis residential  
13 ~~((center's secure facility. If the secure facility is not available,~~  
14 ~~not located within a reasonable distance, or full, the officer shall~~  
15 ~~take the child to a semi-secure crisis residential center. An officer~~  
16 ~~taking a child into custody under RCW 43.185C.260(1)(d) may place the~~  
17 ~~child in a juvenile detention facility as provided in RCW 43.185C.270~~  
18 ~~or a secure facility, except that the child shall be taken to~~  
19 ~~detention whenever the officer has been notified that a juvenile~~  
20 ~~court has entered a detention order under this chapter or chapter~~  
21 ~~13.34 RCW))~~ center.

22 (3) Every officer taking a child into custody shall provide the  
23 child and his or her parent or parents or responsible adult with a  
24 copy of the statement specified in RCW 43.185C.290(6).

25 (4) Whenever an officer transfers custody of a child to a crisis  
26 residential center or the department of ~~((social and health  
27 services))~~ children, youth, and families, the child may reside in the  
28 crisis residential center or may be placed by the department of  
29 ~~((social and health services))~~ children, youth, and families in an  
30 out-of-home placement for an aggregate total period of time not to  
31 exceed seventy-two hours excluding Saturdays, Sundays, and holidays.  
32 Thereafter, the child may continue in out-of-home placement only if  
33 the parents have consented, a child in need of services petition has  
34 been filed, or an order for placement has been entered under chapter  
35 13.34 RCW.

36 (5) The department of ~~((social and health services))~~ children,  
37 youth, and families shall ensure that all law enforcement authorities  
38 are informed on a regular basis as to the location of all designated  
39 secure and semi-secure facilities within centers in their

1 jurisdiction, where children taken into custody under RCW 43.185C.260  
2 may be taken.

3 **Sec. 12.** RCW 2.56.032 and 2016 c 205 s 19 are each amended to  
4 read as follows:

5 (1) (a) To accurately track the extent to which courts order youth  
6 into a secure detention facility in Washington state for the  
7 violation of a court order related to a truancy, at-risk youth, or a  
8 child in need of services petition, all juvenile courts shall  
9 transmit youth-level secure detention data to the administrative  
10 office of the courts.

11 (b) Data may either be entered into the statewide management  
12 information system for juvenile courts or securely transmitted to the  
13 administrative office of the courts at least monthly. Juvenile courts  
14 shall provide, at a minimum, the name and date of birth for the  
15 youth, the court case number assigned to the petition, the reasons  
16 for admission to the juvenile detention facility, the date of  
17 admission, the date of exit, and the time the youth spent in secure  
18 confinement.

19 (c) Courts are also encouraged to report individual-level data  
20 reflecting whether a detention alternative, such as electronic  
21 monitoring, was used, and the time spent in detention alternatives.

22 (d) The administrative office of the courts and the juvenile  
23 court administrators must work to develop uniform data standards for  
24 detention.

25 (2) The administrative office of the courts shall deliver an  
26 annual statewide report to the legislature that details the number of  
27 Washington youth who are placed into detention facilities during the  
28 preceding calendar year. The first report shall be delivered by March  
29 1, 2017, and shall detail the most serious reason for detention and  
30 youth gender, race, and ethnicity. The report must have a specific  
31 emphasis on youth who are detained for reasons relating to a truancy,  
32 at-risk youth, or a child in need of services petition. The report  
33 must:

34 (a) Consider the written findings described in RCW  
35 7.21.030(2)(e)(ii)(B), and provide an analysis of the rationale and  
36 evidence used and the less restrictive options considered;

37 (b) Monitor the utilization of alternatives to detention;

38 (c) Track trends in the use of at-risk youth petitions;

1       (d) Beginning July 1, 2022, track trends in the use of secure  
2 residential programs with intensive wraparound services; and

3       (e) Track the race and gender of youth with at-risk petitions.

4       NEW SECTION.   **Sec. 13.**   The following acts or parts of acts are  
5 each repealed:

6       (1) RCW 43.185C.270 (Youth services—Officer taking child into  
7 custody—Placing in detention—Detention review hearing—Hearing on  
8 contempt) and 2015 c 69 s 15; and

9       (2) 1998 c 296 s 35 (uncodified).

10       NEW SECTION.   **Sec. 14.**   Except for sections 4 and 6 of this act,  
11 this act is necessary for the immediate preservation of the public  
12 peace, health, or safety, or support of the state government and its  
13 existing public institutions, and takes effect July 1, 2019.

14       NEW SECTION.   **Sec. 15.**   Sections 4 and 6 of this act take effect  
15 July 1, 2022."

16       Correct the title.

--- END ---