

E2SSB 5290 - H AMD 921

By Representative Senn

ADOPTED 04/27/2019

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 (3) The legislature finds that appropriate interventions may
29 include secure, semi-secure, and nonsecure out-of-home placement
30 options, community-based mentoring, counseling, family
31 reconciliation, behavioral health services, and other services
32 designed to support youth and families in crisis and to prevent the
33 need for out-of-home placement. The legislature recognizes that in

1 certain circumstances, a court may find pursuant to this act that
2 less restrictive alternatives to secure confinement are not available
3 or appropriate and that clear, cogent, and convincing evidence
4 requires commitment to a secure residential program with intensive
5 wraparound services. The legislature intends to expand the
6 availability of such interventions statewide by July 1, 2023.

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

9 (1) It is the policy of the state of Washington to eliminate the
10 use of juvenile detention as a remedy for contempt of a valid court
11 order for youth under chapters 13.34 and 28A.225 RCW and child in
12 need of services petition youth under chapter 13.32A RCW.

13 (a) Beginning July 1, 2020, youth may not be committed to
14 juvenile detention as a contempt sanction under chapter 13.34 RCW,
15 and a warrant may not be issued for such youth for failure to appear
16 at a court hearing that requires commitment of such youth to juvenile
17 detention.

18 (b) Beginning July 1, 2020, youth may not be committed to
19 juvenile detention as a contempt sanction for child in need of
20 services proceedings under chapter 13.32A RCW, and a warrant may not
21 be issued for such youth for failure to appear at a court hearing
22 that requires commitment of such youth to juvenile detention.

23 (c) Beginning July 1, 2021, youth may not be committed to
24 juvenile detention as a contempt sanction for truancy proceedings
25 under chapter 28A.225 RCW, and a warrant may not be issued for such
26 youth for failure to appear at a court hearing that requires
27 commitment of such youth to juvenile detention.

28 (2)(a) It is also the policy of the state of Washington to
29 entirely phase out the use of juvenile detention as a remedy for
30 contempt of a valid court order for at-risk youth under chapter
31 13.32A RCW by July 1, 2023. After this date, at-risk youth may not be
32 committed to juvenile detention as a contempt sanction under chapter
33 13.32A RCW, and a warrant may not be issued for failure to appear at
34 a court hearing that requires commitment of the at-risk youth to
35 juvenile detention.

36 (b) Until July 1, 2023, any at-risk youth committed to juvenile
37 detention as a sanction for contempt under chapter 13.32A RCW, or for
38 failure to appear at a court hearing under chapter 13.32A RCW, must
39 be detained in such a manner so that no direct communication or

1 physical contact may be made between the youth and any youth who is
2 detained to juvenile detention pursuant to a violation of criminal
3 law, unless these separation requirements would result in a youth
4 being detained in solitary confinement.

5 (c) After July 1, 2023, at-risk youth may be committed to a
6 secure residential program with intensive wraparound services,
7 subject to the requirements under RCW 13.32A.250, as a remedial
8 sanction for contempt under chapter 13.32A RCW or for failure to
9 appear at a court hearing under chapter 13.32A RCW.

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

12 (1) The court may initiate a proceeding to impose a remedial
13 sanction on its own motion or on the motion of a person aggrieved by
14 a contempt of court in the proceeding to which the contempt is
15 related. Except as provided in RCW 7.21.050, the court, after notice
16 and hearing, may impose a remedial sanction authorized by this
17 chapter.

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

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

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

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

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

33 (e) (i) In cases under chapters 13.32A, 13.34, and 28A.225 RCW and
34 subject to the requirements under RCW 13.32A.250 and 28A.225.090,
35 commitment to juvenile detention for a period of time not to exceed
36 ((seven days)) seventy-two hours, excluding Saturdays, Sundays, and
37 holidays. The seventy-two hour period shall commence upon the next
38 nonholiday weekday following the court order and shall run to the end
39 of the last nonholiday weekday within the seventy-two hour period.

1 This sanction may be imposed in addition to, or as an alternative to,
2 any other remedial sanction authorized by this chapter. This remedy
3 is specifically determined to be a remedial sanction.

4 (ii) Prior to committing any youth to juvenile detention as a
5 sanction for contempt under chapter 13.32A, 13.34, or 28A.225 RCW, or
6 for failure to appear at a court hearing under chapter 13.32A, 13.34,
7 or 28A.225 RCW, the court must:

8 (A) Consider, on the record, the mitigating and aggravating
9 factors used to determine the appropriateness of detention for
10 enforcement of its order;

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

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

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

18 (iii) Detention periods for youth sanctioned to juvenile
19 detention for contempt under chapter 13.32A, 13.34, or 28A.225 RCW,
20 or for failure to appear at a court hearing under chapter 13.32A,
21 13.34, or 28A.225 RCW, shall be:

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

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

26 (iv) Nothing in this subsection (2)(e) or in RCW 13.32A.250,
27 13.34.165, or 28A.225.090 shall be construed to limit the court's
28 inherent contempt power or curtail its exercise.

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

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

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

3 (1) The court may initiate a proceeding to impose a remedial
4 sanction on its own motion or on the motion of a person aggrieved by
5 a contempt of court in the proceeding to which the contempt is
6 related. Except as provided in RCW 7.21.050, the court, after notice
7 and hearing, may impose a remedial sanction authorized by this
8 chapter.

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

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

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

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

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

24 (e) (i) In at-risk youth petition cases only under chapter ~~((s))~~
25 13.32A ~~((, 13.34,))~~ RCW and in cases under chapter 28A.225 RCW and
26 subject to the requirements under RCW 13.32A.250 and 28A.225.090,
27 commitment to juvenile detention for a period of time not to exceed
28 seventy-two hours, excluding Saturdays, Sundays, and holidays. The
29 seventy-two hour period shall commence upon the next nonholiday
30 weekday following the court order and shall run to the end of the
31 last nonholiday weekday within the seventy-two hour period. This
32 sanction may be imposed in addition to, or as an alternative to, any
33 other remedial sanction authorized by this chapter. This remedy is
34 specifically determined to be a remedial sanction.

35 (ii) Prior to committing any youth to juvenile detention as a
36 sanction for contempt in at-risk youth petition cases only under
37 chapter 13.32A ~~((, 13.34,))~~ RCW or for cases under chapter 28A.225
38 RCW, or for failure to appear at a court hearing in at-risk youth
39 petition cases only under chapter 13.32A ~~((, 13.34,))~~ RCW or for cases
40 under chapter 28A.225 RCW, the court must:

1 (A) Consider, on the record, the mitigating and aggravating
2 factors used to determine the appropriateness of detention for
3 enforcement of its order;

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

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

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

11 (iii) Detention periods for youth sanctioned to juvenile
12 detention for contempt in at-risk youth petition cases only under
13 chapter 13.32A(~~(, 13.34,)~~) RCW or for cases under chapter 28A.225
14 RCW, or for failure to appear at a court hearing in at-risk youth
15 petition cases only under chapter 13.32A(~~(, 13.34,)~~) RCW or for cases
16 under chapter 28A.225 RCW, shall be:

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

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

21 (iv) Nothing in this subsection (2)(e) or in RCW 13.32A.250,
22 13.34.165, or 28A.225.090 shall be construed to limit the court's
23 inherent contempt power or curtail its exercise.

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

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

34 **Sec. 5.** RCW 7.21.030 and 2019 c ... s 4 (section 4 of this act)
35 are each amended to read as follows:

36 (1) The court may initiate a proceeding to impose a remedial
37 sanction on its own motion or on the motion of a person aggrieved by
38 a contempt of court in the proceeding to which the contempt is
39 related. Except as provided in RCW 7.21.050, the court, after notice

1 and hearing, may impose a remedial sanction authorized by this
2 chapter.

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

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

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

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

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

18 (e)(i) In at-risk youth petition cases only under chapter 13.32A
19 RCW (~~and in cases under chapter 28A.225 RCW~~) and subject to the
20 requirements under RCW 13.32A.250 (~~and 28A.225.090~~), commitment to
21 juvenile detention for a period of time not to exceed seventy-two
22 hours, excluding Saturdays, Sundays, and holidays. The seventy-two
23 hour period shall commence upon the next nonholiday weekday following
24 the court order and shall run to the end of the last nonholiday
25 weekday within the seventy-two hour period. This sanction may be
26 imposed in addition to, or as an alternative to, any other remedial
27 sanction authorized by this chapter. This remedy is specifically
28 determined to be a remedial sanction.

29 (ii) Prior to committing any youth to juvenile detention as a
30 sanction for contempt in at-risk youth petition cases only under
31 chapter 13.32A RCW (~~or for cases under chapter 28A.225 RCW~~), or for
32 failure to appear at a court hearing in at-risk youth petition cases
33 only under chapter 13.32A RCW (~~or for cases under chapter 28A.225
34 RCW~~), the court must:

35 (A) Consider, on the record, the mitigating and aggravating
36 factors used to determine the appropriateness of detention for
37 enforcement of its order;

38 (B) Enter written findings affirming that it considered all less
39 restrictive options, that detention is the only appropriate

1 alternative, including its rationale and the clear, cogent, and
2 convincing evidence used to enforce the order;

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

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

6 (iii) Detention periods for youth sanctioned to juvenile
7 detention for contempt in at-risk youth petition cases only under
8 chapter 13.32A RCW (~~or for cases under chapter 28A.225 RCW~~), or for
9 failure to appear at a court hearing in at-risk youth petition cases
10 only under chapter 13.32A RCW (~~or for cases under chapter 28A.225~~
11 ~~RCW~~), shall be:

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

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

16 (iv) Nothing in this subsection (2)(e) or in RCW 13.32A.250,
17 13.34.165, or 28A.225.090 shall be construed to limit the court's
18 inherent contempt power or curtail its exercise.

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

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

29 **Sec. 6.** RCW 7.21.030 and 2019 c ... s 5 (section 5 of this act)
30 are each amended to read 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 13.32A
15 RCW and subject to the requirements under RCW 13.32A.250, commitment
16 to (~~juvenile detention for a period of time not to exceed seventy-~~
17 ~~two hours, excluding Saturdays, Sundays, and holidays. The seventy-~~
18 ~~two hour period shall commence upon the next nonholiday weekday~~
19 ~~following the court order and shall run to the end of the last~~
20 ~~nonholiday weekday within the seventy-two hour period. This sanction~~
21 ~~may be imposed in addition to, or as an alternative to, any other~~
22 ~~remedial sanction authorized by this chapter. This remedy is~~
23 ~~specifically determined to be a remedial sanction)) a secure
24 residential program with intensive wraparound services.~~

25 (ii) Beginning July 1, 2023, prior to committing any youth to
26 (~~juvenile detention~~) a secure residential program with intensive
27 wraparound services as a sanction for contempt in at-risk youth
28 petition cases only under chapter 13.32A RCW, or for failure to
29 appear at a court hearing in at-risk youth petition cases only under
30 chapter 13.32A RCW, the court must:

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

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

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

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

1 (iii) ~~((Detention periods for youth sanctioned to juvenile~~
2 ~~detention for contempt in at-risk youth petition cases only under~~
3 ~~chapter 13.32A RCW, or for failure to appear at a court hearing in~~
4 ~~at-risk youth petition cases only under chapter 13.32A RCW, shall be:~~

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

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

9 ~~(iv))~~ Nothing in this subsection (2)(e) or in RCW 13.32A.250,
10 13.34.165, or 28A.225.090 shall be construed to limit the court's
11 inherent contempt power or curtail its exercise.

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

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

22 **Sec. 7.** RCW 13.32A.250 and 2000 c 162 s 14 are each amended to
23 read as follows:

24 (1) In all child in need of services proceedings and at-risk
25 youth proceedings, the court shall verbally notify the parents and
26 the child of the possibility of a finding of contempt for failure to
27 comply with the terms of a court order entered pursuant to this
28 chapter and the possible consequences thereof, including confinement
29 when applicable. Except as otherwise provided in this section, the
30 court shall treat the parents and the child equally for the purposes
31 of applying contempt of court processes and penalties under this
32 section.

33 (2) Failure by a party to comply with an order entered under this
34 chapter is a civil contempt of court as provided in RCW
35 7.21.030(2)(e), subject to the limitations of subsection (3) of this
36 section.

37 (3) (a) If the child fails to comply with the court order, the
38 court may impose:

39 (i) Community restitution;

1 (ii) Residential and nonresidential programs with intensive
2 wraparound services;

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

5 (iv) Other services and interventions that the court deems
6 appropriate.

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

18 ((+4)) (ii) A child placed in confinement for contempt under
19 this section shall be placed in confinement only in a secure juvenile
20 detention facility operated by or pursuant to a contract with a
21 county.

22 ((+5)) (4) A motion for contempt may be made by a parent, a
23 child, juvenile court personnel, or by any public agency,
24 organization, or person having custody of the child under a court
25 order adopted pursuant to this chapter.

26 ((+6)) (5) Whenever the court finds probable cause to believe,
27 based upon consideration of a motion for contempt and the information
28 set forth in a supporting declaration, that a child has violated a
29 placement order entered under this chapter, the court must direct the
30 court clerk to command the presence of the child by the issuance of a
31 summons or other method approved by local court rule instead of a
32 warrant, unless the court finds probable cause to believe that the
33 child would not appear in response to the command or finds probable
34 cause to believe that the arrest is necessary to prevent serious
35 bodily harm to the juvenile or another, in which case the court may
36 issue a warrant. A warrant of arrest must be supported by an
37 affidavit or sworn testimony, which must be recorded electronically
38 or by stenographer, establishing the grounds for issuing the warrant.
39 The warrant of arrest for a child under this subsection may not be
40 served on a child inside of school during school hours in a location

1 where other students are present if the child named in the warrant is
2 a pupil at the school. The court must communicate the summons to the
3 child through mail, telephone, text message, or other method of
4 communication needed in order to ensure the child has received the
5 information. If the child fails to appear via the summons or other
6 method, the court may issue an order directing law enforcement to
7 pick up and take the child to detention. ((The order may be entered
8 ex parte without prior notice to the child or other parties.
9 Following the child's admission to detention, a detention review
10 hearing must be held in accordance with RCW 13.32A.065.))

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

13 **Sec. 8.** RCW 13.32A.250 and 2019 c ... s 7 (section 7 of this
14 act) are each amended to read as follows:

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

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

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

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

31 (i) Community restitution;

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

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

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

38 (b) (i) The court may impose remedial sanctions including a fine
39 of up to one hundred dollars and confinement for up to seventy-two

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

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

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

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

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

1 appear via the summons or other method, the court may issue an order
2 directing law enforcement to pick up and take the child to detention.

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

5 **Sec. 9.** RCW 13.32A.250 and 2019 c ... s 8 (section 8 of this
6 act) are each amended to read as follows:

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

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

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

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

23 (i) Community restitution;

24 (ii) Residential and nonresidential programs with intensive
25 wraparound services;

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

28 (iv) Other services and interventions that the court deems
29 appropriate.

30 (b) (i) The court may impose remedial sanctions including a fine
31 of up to one hundred dollars and confinement (~~for up to seventy-two~~
32 ~~hours~~) to a secure residential program with intensive wraparound
33 services, or both for contempt of court under this section if (A) one
34 of the less restrictive alternatives under (a) of this subsection has
35 been attempted and another violation of the order has occurred, or
36 (B) the court issues a formal finding that none of the less
37 restrictive alternatives is available. (~~The seventy-two hour period~~
38 ~~excludes Saturdays, Sundays, and holidays and shall commence upon the~~
39 ~~next nonholiday weekday following the court order and shall run to~~

1 ~~the end of the last nonholiday weekday within the seventy-two hour~~
2 ~~period.))~~

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

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

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

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

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

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

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

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

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

32 **Sec. 11.** RCW 13.34.165 and 2000 c 122 s 21 are each amended to
33 read as follows:

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

1 (2) The maximum term of confinement that may be imposed as a
2 remedial sanction for contempt of court under this section is
3 confinement for up to ~~((seven days))~~ seventy-two hours.

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

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

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

21 (b) If the department is notified of the child's whereabouts and
22 authorizes the child's location, the court must withdraw the order
23 directing law enforcement to pick up and return the child to
24 department custody.

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

27 **Sec. 12.** RCW 13.34.165 and 2019 c ... s 11 (section 11 of this
28 act) are each amended to read as follows:

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

31 ~~((The maximum term of confinement that may be imposed as a~~
32 ~~remedial sanction for contempt of court under this section is~~
33 ~~confinement for up to seventy-two hours.~~

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

37 ~~(4))~~ A motion for contempt may be made by a parent, juvenile
38 court personnel, or by any public agency, organization, or person

1 having custody of the child under a court order entered pursuant to
2 this chapter.

3 ~~((5))~~ (3) (a) Subject to (b) of this subsection, whenever the
4 court finds probable cause to believe, based upon consideration of a
5 motion and the information set forth in a supporting declaration,
6 that a child is missing from care, the court may issue an order
7 directing law enforcement to pick up and return the child to
8 department custody.

9 (b) If the department is notified of the child's whereabouts and
10 authorizes the child's location, the court must withdraw the order
11 directing law enforcement to pick up and return the child to
12 department custody.

13 ~~((6))~~ (4) Nothing in this section shall be construed to limit
14 the court's inherent contempt power or curtail its exercise.

15 **Sec. 13.** RCW 28A.225.090 and 2017 c 291 s 5 are each amended to
16 read as follows:

17 (1) A court may order a child subject to a petition under RCW
18 28A.225.035 to do one or more of the following:

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

22 (b) If there is space available and the program can provide
23 educational services appropriate for the child, order the child to
24 attend another public school, an alternative education program,
25 center, a skill center, dropout prevention program, or another public
26 educational program;

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

30 (i) Consider the public and private programs available; (ii) find
31 that placement is in the best interest of the child; and (iii) find
32 that the private school or program is willing to accept the child and
33 will not charge any fees in addition to those established by contract
34 with the student's school district. If the court orders the child to
35 enroll in a private school or program, the child's school district
36 shall contract with the school or program to provide educational
37 services for the child. The school district shall not be required to
38 contract for a weekly rate that exceeds the state general
39 apportionment dollars calculated on a weekly basis generated by the

1 child and received by the district. A school district shall not be
2 required to enter into a contract that is longer than the remainder
3 of the school year. A school district shall not be required to enter
4 into or continue a contract if the child is no longer enrolled in the
5 district;

6 (d) Submit to a substance abuse assessment if the court finds on
7 the record that such assessment is appropriate to the circumstances
8 and behavior of the child and will facilitate the child's compliance
9 with the mandatory attendance law and, if any assessment, including a
10 urinalysis test ordered under this subsection indicates the use of
11 controlled substances or alcohol, order the minor to abstain from the
12 unlawful consumption of controlled substances or alcohol and adhere
13 to the recommendations of the substance abuse assessment at no
14 expense to the school; or

15 (e) Submit to a mental health evaluation or other diagnostic
16 evaluation and adhere to the recommendations of the drug assessment,
17 at no expense to the school, if the court finds on the court records
18 that such evaluation is appropriate to the circumstances and behavior
19 of the child, and will facilitate the child's compliance with the
20 mandatory attendance law.

21 (2)(a) If the child fails to comply with the court order, the
22 court may impose:

- 23 (i) Community restitution;
24 (ii) Nonresidential programs with intensive wraparound services;
25 (iii) A requirement that the child meet with a mentor for a
26 specified number of times; or
27 (iv) Other services and interventions that the court deems
28 appropriate.

29 (b) If the child continues to fail to comply with the court order
30 and the court makes a finding that other measures to secure
31 compliance have been tried but have been unsuccessful and no less
32 restrictive alternative is available, the court may order the child
33 to be subject to detention, as provided in RCW 7.21.030(2)(e).
34 Failure by a child to comply with an order issued under this
35 subsection shall not be subject to detention for a period greater
36 than that permitted pursuant to a civil contempt proceeding against a
37 child under chapter 13.32A RCW. Detention ordered under this
38 subsection may be for no longer than (~~seven days~~) seventy-two
39 hours. Detention ordered under this subsection shall preferably be
40 served at a secure crisis residential center close to the child's

1 home rather than in a juvenile detention facility. A warrant of
2 arrest for a child under this subsection may not be served on a child
3 inside of school during school hours in a location where other
4 students are present.

5 (3) Any parent violating any of the provisions of either RCW
6 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than
7 twenty-five dollars for each day of unexcused absence from school.
8 The court shall remit fifty percent of the fine collected under this
9 section to the child's school district. It shall be a defense for a
10 parent charged with violating RCW 28A.225.010 to show that he or she
11 exercised reasonable diligence in attempting to cause a child in his
12 or her custody to attend school or that the child's school did not
13 perform its duties as required in RCW 28A.225.020. The court may
14 order the parent to provide community restitution instead of imposing
15 a fine. Any fine imposed pursuant to this section may be suspended
16 upon the condition that a parent charged with violating RCW
17 28A.225.010 shall participate with the school and the child in a
18 supervised plan for the child's attendance at school or upon
19 condition that the parent attend a conference or conferences
20 scheduled by a school for the purpose of analyzing the causes of a
21 child's absence.

22 (4) If a child continues to be truant after entering into a
23 court-approved order with the truancy board under RCW 28A.225.035,
24 the juvenile court shall find the child in contempt, and the court
25 may order the child to be subject to detention, as provided in RCW
26 7.21.030(2)(e), or may impose alternatives to detention such as
27 meaningful community restitution. Failure by a child to comply with
28 an order issued under this subsection may not subject a child to
29 detention for a period greater than that permitted under a civil
30 contempt proceeding against a child under chapter 13.32A RCW.

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

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

36 **Sec. 14.** RCW 28A.225.090 and 2019 c ... s 13 (section 13 of this
37 act) are each amended to read as follows:

38 (1) A court may order a child subject to a petition under RCW
39 28A.225.035 to do one or more of the following:

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

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

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

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

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

36 (e) Submit to a mental health evaluation or other diagnostic
37 evaluation and adhere to the recommendations of the drug assessment,
38 at no expense to the school, if the court finds on the court records
39 that such evaluation is appropriate to the circumstances and behavior

1 of the child, and will facilitate the child's compliance with the
2 mandatory attendance law.

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

5 ~~((i))~~ (a) Community restitution;

6 ~~((ii))~~ (b) Nonresidential programs with intensive wraparound
7 services;

8 ~~((iii))~~ (c) A requirement that the child meet with a mentor for
9 a specified number of times; or

10 ~~((iv))~~ (d) Other services and interventions that the court
11 deems appropriate.

12 ~~((b) If the child continues to fail to comply with the court
13 order and the court makes a finding that other measures to secure
14 compliance have been tried but have been unsuccessful and no less
15 restrictive alternative is available, the court may order the child
16 to be subject to detention, as provided in RCW 7.21.030(2)(e).
17 Failure by a child to comply with an order issued under this
18 subsection shall not be subject to detention for a period greater
19 than that permitted pursuant to a civil contempt proceeding against a
20 child under chapter 13.32A RCW. Detention ordered under this
21 subsection may be for no longer than seventy-two hours. Detention
22 ordered under this subsection shall preferably be served at a secure
23 crisis residential center close to the child's home rather than in a
24 juvenile detention facility. A warrant of arrest for a child under
25 this subsection may not be served on a child inside of school during
26 school hours in a location where other students are present.))~~

27 (3) Any parent violating any of the provisions of either RCW
28 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than
29 twenty-five dollars for each day of unexcused absence from school.
30 The court shall remit fifty percent of the fine collected under this
31 section to the child's school district. It shall be a defense for a
32 parent charged with violating RCW 28A.225.010 to show that he or she
33 exercised reasonable diligence in attempting to cause a child in his
34 or her custody to attend school or that the child's school did not
35 perform its duties as required in RCW 28A.225.020. The court may
36 order the parent to provide community restitution instead of imposing
37 a fine. Any fine imposed pursuant to this section may be suspended
38 upon the condition that a parent charged with violating RCW
39 28A.225.010 shall participate with the school and the child in a
40 supervised plan for the child's attendance at school or upon

1 condition that the parent attend a conference or conferences
2 scheduled by a school for the purpose of analyzing the causes of a
3 child's absence.

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

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

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

19 **Sec. 15.** RCW 43.185C.260 and 2018 c 58 s 61 are each amended to
20 read as follows:

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

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

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

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

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

38 (2) Law enforcement custody shall not extend beyond the amount of
39 time reasonably necessary to transport the child to a destination

1 authorized by law and to place the child at that destination. Law
2 enforcement custody continues until the law enforcement officer
3 transfers custody to a person, agency, or other authorized entity
4 under this chapter, or releases the child because no placement is
5 available. Transfer of custody is not complete unless the person,
6 agency, or entity to whom the child is released agrees to accept
7 custody.

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

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

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

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

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

32 **Sec. 16.** RCW 43.185C.265 and 2015 c 69 s 14 are each amended to
33 read as follows:

34 (1) An officer taking a child into custody under RCW
35 43.185C.260(1) (a) or (b) shall inform the child of the reason for
36 such custody and shall:

37 (a) Transport the child to his or her home or to a parent at his
38 or her place of employment, if no parent is at home. The parent may
39 request that the officer take the child to the home of an adult

1 extended family member, responsible adult, crisis residential center,
2 the department of (~~social and health services~~) children, youth, and
3 families, or a licensed youth shelter. In responding to the request
4 of the parent, the officer shall take the child to a requested place
5 which, in the officer's belief, is within a reasonable distance of
6 the parent's home. The officer releasing a child into the custody of
7 a parent, an adult extended family member, responsible adult, or a
8 licensed youth shelter shall inform the person receiving the child of
9 the reason for taking the child into custody and inform all parties
10 of the nature and location of appropriate services available in the
11 community; or

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

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

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

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

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

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

10 (2) An officer taking a child into custody under RCW
11 43.185C.260(1)(c) (~~or (d)~~) shall inform the child of the reason for
12 custody. An officer taking a child into custody under RCW
13 43.185C.260(1)(c) may release the child to the supervising agency,
14 may return the child to the placement authorized by the supervising
15 agency, or shall take the child to a designated crisis residential
16 center (~~'s secure facility. If the secure facility is not available,~~
17 ~~not located within a reasonable distance, or full, the officer shall~~
18 ~~take the child to a semi-secure crisis residential center. An officer~~
19 ~~taking a child into custody under RCW 43.185C.260(1)(d) may place the~~
20 ~~child in a juvenile detention facility as provided in RCW 43.185C.270~~
21 ~~or a secure facility, except that the child shall be taken to~~
22 ~~detention whenever the officer has been notified that a juvenile~~
23 ~~court has entered a detention order under this chapter or chapter~~
24 ~~13.34 RCW~~).

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

28 (4) Whenever an officer transfers custody of a child to a crisis
29 residential center or the department of (~~social and health~~
30 ~~services~~) children, youth, and families, the child may reside in the
31 crisis residential center or may be placed by the department of
32 (~~social and health services~~) children, youth, and families in an
33 out-of-home placement for an aggregate total period of time not to
34 exceed seventy-two hours excluding Saturdays, Sundays, and holidays.
35 Thereafter, the child may continue in out-of-home placement only if
36 the parents have consented, a child in need of services petition has
37 been filed, or an order for placement has been entered under chapter
38 13.34 RCW.

39 (5) The department of (~~social and health services~~) children,
40 youth, and families shall ensure that all law enforcement authorities

1 are informed on a regular basis as to the location of all designated
2 secure and semi-secure facilities within centers in their
3 jurisdiction, where children taken into custody under RCW 43.185C.260
4 may be taken.

5 **Sec. 17.** RCW 2.56.032 and 2016 c 205 s 19 are each amended to
6 read as follows:

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

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

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

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

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

36 (a) Consider the written findings described in RCW
37 7.21.030(2)(e)(ii)(B), and provide an analysis of the rationale and
38 evidence used and the less restrictive options considered;

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

- 1 (c) Track trends in the use of at-risk youth petitions;
2 (d) Track trends in the use of secure residential programs with
3 intensive wraparound services; and
4 (e) Track the race and gender of youth with at-risk petitions.

5 NEW SECTION. **Sec. 18.** The following acts or parts of acts are
6 each repealed:

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

10 (2) 1998 c 296 s 35 (uncodified).

11 NEW SECTION. **Sec. 19.** Except for sections 4, 5, 6, 8, 9, 12,
12 and 14 of this act, this necessary for the immediate preservation of
13 the public peace, health, or safety, or support of the state
14 government and its existing public institutions, and takes effect
15 July 1, 2019.

16 NEW SECTION. **Sec. 20.** Sections 4, 8, and 12 of this act take
17 effect July 1, 2020.

18 NEW SECTION. **Sec. 21.** Sections 5 and 14 of this act take effect
19 July 1, 2021.

20 NEW SECTION. **Sec. 22.** Sections 6 and 9 of this act take effect
21 July 1, 2023."

22 Correct the title.

EFFECT: (1) Allows a maximum detention period of 72 hours
excluding weekends that can be imposed as a court contempt sanction
for at-risk youth, dependency, truancy, and child in need of
services. Current law allows a maximum detention period of 7 days.

(2) Eliminates the use of detention as a court contempt sanction
for child in need of services and dependency court proceedings on
July 1, 2020.

(3) Eliminates the use of detention as a court contempt sanction
for truancy court proceedings on July 1, 2021.

(4) Eliminates the use of detention as a court contempt sanction
for at-risk youth court proceedings on July 1, 2023.

(5) Allows courts to commit a juvenile to a secure crisis
residential center or any program approved by the Department of
Children, Youth, and Families (DCYF) offering secure confinement and
intensive wraparound services as an at-risk youth remedial court
sanction beginning July 1, 2023.

(6) Eliminates the requirement that the DCYF provide family reconciliation services in a timely manner if requested by the family.

--- END ---