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**SECOND SUBSTITUTE SENATE BILL 5290**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Darneille, Wellman, Kuderer, Randall, Palumbo, Das, Hasegawa, McCoy, Nguyen, Saldaña, and Wilson, C.)

READ FIRST TIME 03/01/19.

1 AN ACT Relating to eliminating the use of the valid court order  
2 exception to place youth in detention for noncriminal behavior;  
3 amending RCW 7.21.030, 7.21.030, 13.32A.250, 13.32A.250, 13.32A.150,  
4 13.34.165, 28A.225.090, 43.185C.260, 43.185C.265, and 2.56.032;  
5 adding a new section to chapter 7.21 RCW; creating a new section;  
6 repealing RCW 43.185C.270; repealing 1998 c 296 s 35 (uncodified);  
7 providing effective dates; and declaring an emergency.

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

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

1 from home is counterproductive and may worsen outcomes for at-risk  
2 youth.

3 (2) The legislature further finds that these youth should not be  
4 confined with or treated with the same interventions as criminal  
5 offenders. The legislature also finds that studies show a  
6 disproportionality in race, gender, and socioeconomic status of youth  
7 referred to courts or detained, or both. Likewise, the legislature  
8 finds that community-based interventions are more effective at  
9 addressing underlying causes of status offenses than detention and  
10 can reduce court caseloads and lower system costs. As a result, it is  
11 the intent of the legislature to strengthen and fund community-based  
12 programs that are culturally relevant and focus on addressing  
13 disproportionality of youth of color, especially at-risk youth.

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

16 (1) It is the policy of the state of Washington to eliminate the  
17 use of juvenile detention as a remedy for contempt of a valid court  
18 order for youth under chapters 13.34 and 28A.225 RCW and child in  
19 need of services petition youth under chapter 13.32A RCW. As of July  
20 1, 2019, such youth may not be committed to juvenile detention as a  
21 contempt sanction under chapter 13.32A, 13.34, or 28A.225 RCW, and a  
22 warrant may not be issued for such youth for failure to appear at a  
23 court hearing that requires commitment of such youth to juvenile  
24 detention.

25 (2)(a) It is also the policy of the state of Washington to  
26 entirely phase out the use of juvenile detention as a remedy for  
27 contempt of a valid court order for at-risk youth under chapter  
28 13.32A RCW by July 1, 2022. After this date, at-risk youth may not be  
29 committed to juvenile detention as a contempt sanction under chapter  
30 13.32A RCW, and a warrant may not be issued for failure to appear at  
31 a court hearing that requires commitment of the at-risk youth to  
32 juvenile detention.

33 (b) Until July 1, 2022, any at-risk youth committed to juvenile  
34 detention as a sanction for contempt under chapter 13.32A RCW, or for  
35 failure to appear at a court hearing under chapter 13.32A RCW, must  
36 be detained in such a manner so that no direct communication or  
37 physical contact may be made between the youth and any youth who is  
38 detained to juvenile detention pursuant to a violation of criminal

1 law, unless these separation requirements would result in a youth  
2 being detained in solitary confinement.

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

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

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

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

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

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

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

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

37 (i) Until July 1, 2022, prior to committing any at-risk youth to  
38 juvenile detention as a sanction for contempt under chapter 13.32A

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

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

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

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

12 (D) Seek input from all relevant parties, including the youth;

13 (ii) Until July 1, 2022, detention periods for at-risk youth  
14 sanctioned to juvenile detention for contempt under chapter 13.32A  
15 RCW, or for failure to appear at a court hearing under chapter 13.32A  
16 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 one sanction, up to seventy-two hours, in any  
20 thirty-day period.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 ~~(D) Seek input from all relevant parties, including the youth;~~

1 ~~(ii) Until July 1, 2022, detention periods for at-risk youth~~  
2 ~~sanctioned to juvenile detention for contempt under chapter 13.32A~~  
3 ~~RCW, or for failure to appear at a court hearing under chapter 13.32A~~  
4 ~~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 one sanction, up to seventy-two hours, in any~~  
8 ~~thirty-day period.)~~

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

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

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

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

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

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

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

36 (i) Community restitution;

37 (ii) Nonresidential programs with intensive wraparound services;

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

1 (iv) Other services and interventions that the court deems  
2 appropriate.

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

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

18 ((+5)) (d) A child involved in a child in need of services  
19 proceeding may not be placed in confinement under this section.

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

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

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

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. Except as otherwise provided in this section, the court  
17 shall treat the parents and the child equally for the purposes of  
18 applying contempt of court processes and penalties under this  
19 section.

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

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

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

27 (i) Community restitution;

28 (ii) Nonresidential programs with intensive wraparound services;

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

31 (iv) Other services and interventions that the court deems  
32 appropriate.

33 (b) The court may impose remedial sanctions including a fine of  
34 up to one hundred dollars and confinement for up to seventy-two  
35 hours, or both for contempt of court under this section if (i) one of  
36 the less restrictive alternatives under (a) of this subsection has  
37 been attempted and another violation of the order has occurred, or  
38 (ii) the court issues a formal finding that none of the less  
39 restrictive alternatives is available. The seventy-two hour period

1 ~~excludes Saturdays, Sundays, and holidays and shall commence upon the~~  
2 ~~next nonholiday weekday following the court order and shall run to~~  
3 ~~the end of the last nonholiday weekday within the seventy-two hour~~  
4 ~~period.~~

5 ~~(c) A child placed in confinement for contempt under this section~~  
6 ~~shall be placed in confinement only in a secure juvenile detention~~  
7 ~~facility operated by or pursuant to a contract with a county.~~

8 ~~(d) A child involved in a child in need of services proceeding~~  
9 ~~may not be placed in confinement under this section.~~

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

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

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

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

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

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

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

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

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

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

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

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

15       (b) If the department is notified of the child's whereabouts and  
16 authorizes the child's location, the court must withdraw the order  
17 directing law enforcement to pick up and return the child to  
18 department custody.

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

21       (1) A court may order a child subject to a petition under RCW  
22 28A.225.035 to do one or more of the following:

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

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

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

34       (i) Consider the public and private programs available; (ii) find  
35 that placement is in the best interest of the child; and (iii) find  
36 that the private school or program is willing to accept the child and  
37 will not charge any fees in addition to those established by contract  
38 with the student's school district. If the court orders the child to  
39 enroll in a private school or program, the child's school district

1 shall contract with the school or program to provide educational  
2 services for the child. The school district shall not be required to  
3 contract for a weekly rate that exceeds the state general  
4 apportionment dollars calculated on a weekly basis generated by the  
5 child and received by the district. A school district shall not be  
6 required to enter into a contract that is longer than the remainder  
7 of the school year. A school district shall not be required to enter  
8 into or continue a contract if the child is no longer enrolled in the  
9 district;

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

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

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

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

28 ~~((ii))~~ (b) Nonresidential programs with intensive wraparound  
29 services;

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

32 ~~((iv))~~ (d) Other services and interventions that the court  
33 deems appropriate.

34 ~~((b) If the child continues to fail to comply with the court  
35 order and the court makes a finding that other measures to secure  
36 compliance have been tried but have been unsuccessful and no less  
37 restrictive alternative is available, the court may order the child  
38 to be subject to detention, as provided in RCW 7.21.030(2)(e).  
39 Failure by a child to comply with an order issued under this  
40 subsection shall not be subject to detention for a period greater~~

1 ~~than that permitted pursuant to a civil contempt proceeding against a~~  
2 ~~child under chapter 13.32A RCW. Detention ordered under this~~  
3 ~~subsection may be for no longer than seven days. Detention ordered~~  
4 ~~under this subsection shall preferably be served at a secure crisis~~  
5 ~~residential center close to the child's home rather than in a~~  
6 ~~juvenile detention facility. A warrant of arrest for a child under~~  
7 ~~this subsection may not be served on a child inside of school during~~  
8 ~~school hours in a location where other students are present.))~~

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

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

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

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

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

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

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

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

14 ~~(d) If a law enforcement agency has been notified by the juvenile~~  
15 ~~court that the court finds probable cause exists to believe that the~~  
16 ~~child has violated a court placement order issued under this chapter~~  
17 ~~or chapter 13.34 RCW or that the court has issued an order for law~~  
18 ~~enforcement pick-up of the child under this chapter or chapter 13.34~~  
19 ~~RCW).~~

20       (2) Law enforcement custody shall not extend beyond the amount of  
21 time reasonably necessary to transport the child to a destination  
22 authorized by law and to place the child at that destination. Law  
23 enforcement custody continues until the law enforcement officer  
24 transfers custody to a person, agency, or other authorized entity  
25 under this chapter, or releases the child because no placement is  
26 available. Transfer of custody is not complete unless the person,  
27 agency, or entity to whom the child is released agrees to accept  
28 custody.

29       (3) If a law enforcement officer takes a child into custody  
30 pursuant to either subsection (1)(a) or (b) of this section and  
31 transports the child to a crisis residential center, the officer  
32 shall, within twenty-four hours of delivering the child to the  
33 center, provide to the center a written report detailing the reasons  
34 the officer took the child into custody. The center shall provide the  
35 department of children, youth, and families with a copy of the  
36 officer's report if the youth is in the care of or receiving services  
37 from the department of children, youth, and families.

38       (4) If the law enforcement officer who initially takes the  
39 juvenile into custody or the staff of the crisis residential center  
40 have reasonable cause to believe that the child is absent from home

1 because he or she is abused or neglected, a report shall be made  
2 immediately to the department of children, youth, and families.

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

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

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

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

15 (1) An officer taking a child into custody under RCW  
16 43.185C.260(1) (a) or (b) shall inform the child of the reason for  
17 such custody and shall:

18 (a) Transport the child to his or her home or to a parent at his  
19 or her place of employment, if no parent is at home. The parent may  
20 request that the officer take the child to the home of an adult  
21 extended family member, responsible adult, crisis residential center,  
22 the department of (~~social and health services~~) children, youth, and  
23 families, or a licensed youth shelter. In responding to the request  
24 of the parent, the officer shall take the child to a requested place  
25 which, in the officer's belief, is within a reasonable distance of  
26 the parent's home. The officer releasing a child into the custody of  
27 a parent, an adult extended family member, responsible adult, or a  
28 licensed youth shelter shall inform the person receiving the child of  
29 the reason for taking the child into custody and inform all parties  
30 of the nature and location of appropriate services available in the  
31 community; or

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

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

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

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

5 (c) After attempting to notify the parent, if a crisis  
6 residential center is full, not available, or not located within a  
7 reasonable distance, request the department of (~~social and health~~  
8 ~~services~~) children, youth, and families to accept custody of the  
9 child. If the department of (~~social and health services~~) children,  
10 youth, and families determines that an appropriate placement is  
11 currently available, the department of (~~social and health services~~)  
12 children, youth, and families shall accept custody and place the  
13 child in an out-of-home placement. Upon accepting custody of a child  
14 from the officer, the department of (~~social and health services~~)  
15 children, youth, and families may place the child in an out-of-home  
16 placement for up to seventy-two hours, excluding Saturdays, Sundays,  
17 and holidays, without filing a child in need of services petition,  
18 obtaining parental consent, or obtaining an order for placement under  
19 chapter 13.34 RCW. Upon transferring a child to the department of  
20 (~~social and health services'~~) children, youth, and families'  
21 custody, the officer shall provide written documentation of the  
22 reasons and the statutory basis for taking the child into custody. If  
23 the department of (~~social and health services~~) children, youth, and  
24 families declines to accept custody of the child, the officer may  
25 release the child after attempting to take the child to the  
26 following, in the order listed: The home of an adult extended family  
27 member; a responsible adult; or a licensed youth shelter. The officer  
28 shall immediately notify the department of (~~social and health~~  
29 ~~services~~) children, youth, and families if no placement option is  
30 available and the child is released.

31 (2) An officer taking a child into custody under RCW  
32 43.185C.260(1)(c) (~~or (d)~~) shall inform the child of the reason for  
33 custody. An officer taking a child into custody under RCW  
34 43.185C.260(1)(c) may release the child to the supervising agency,  
35 may return the child to the placement authorized by the supervising  
36 agency, or shall take the child to a designated crisis residential  
37 (~~center's secure facility. If the secure facility is not available,~~  
38 ~~not located within a reasonable distance, or full, the officer shall~~  
39 ~~take the child to a semi-secure crisis residential center. An officer~~  
40 ~~taking a child into custody under RCW 43.185C.260(1)(d) may place the~~

1 ~~child in a juvenile detention facility as provided in RCW 43.185C.270~~  
2 ~~or a secure facility, except that the child shall be taken to~~  
3 ~~detention whenever the officer has been notified that a juvenile~~  
4 ~~court has entered a detention order under this chapter or chapter~~  
5 ~~13.34 RCW)) center.~~

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

9 (4) Whenever an officer transfers custody of a child to a crisis  
10 residential center or the department of ~~((social and health~~  
11 ~~services)) children, youth, and families, the child may reside in the~~  
12 crisis residential center or may be placed by the department of  
13 ~~((social and health services)) children, youth, and families in an~~  
14 out-of-home placement for an aggregate total period of time not to  
15 exceed seventy-two hours excluding Saturdays, Sundays, and holidays.  
16 Thereafter, the child may continue in out-of-home placement only if  
17 the parents have consented, a child in need of services petition has  
18 been filed, or an order for placement has been entered under chapter  
19 13.34 RCW.

20 (5) The department of ~~((social and health services)) children,~~  
21 ~~youth, and families~~ shall ensure that all law enforcement authorities  
22 are informed on a regular basis as to the location of all designated  
23 secure and semi-secure facilities within centers in their  
24 jurisdiction, where children taken into custody under RCW 43.185C.260  
25 may be taken.

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

28 (1)(a) To accurately track the extent to which courts order youth  
29 into a secure detention facility in Washington state for the  
30 violation of a court order related to a truancy, at-risk youth, or a  
31 child in need of services petition, all juvenile courts shall  
32 transmit youth-level secure detention data to the administrative  
33 office of the courts.

34 (b) Data may either be entered into the statewide management  
35 information system for juvenile courts or securely transmitted to the  
36 administrative office of the courts at least monthly. Juvenile courts  
37 shall provide, at a minimum, the name and date of birth for the  
38 youth, the court case number assigned to the petition, the reasons  
39 for admission to the juvenile detention facility, the date of

1 admission, the date of exit, and the time the youth spent in secure  
2 confinement.

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

6 (d) The administrative office of the courts and the juvenile  
7 court administrators must work to develop uniform data standards for  
8 detention.

9 (2) The administrative office of the courts shall deliver an  
10 annual statewide report to the legislature that details the number of  
11 Washington youth who are placed into detention facilities during the  
12 preceding calendar year. The first report shall be delivered by March  
13 1, 2017, and shall detail the most serious reason for detention and  
14 youth gender, race, and ethnicity. The report must have a specific  
15 emphasis on youth who are detained for reasons relating to a truancy,  
16 at-risk youth, or a child in need of services petition. Until July 1,  
17 2023, the report must:

18 (a) Consider the written findings required to be collected  
19 through July 1, 2022, as described in RCW 7.21.030(2)(e)(i)(B), and  
20 provide an analysis of the rationale and evidence used and the less  
21 restrictive options considered;

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

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

24 (d) Track the race and gender of youth with at-risk petitions.

25 NEW SECTION. Sec. 13. The following acts or parts of acts are  
26 each repealed:

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

30 (2) 1998 c 296 s 35 (uncodified).

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

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

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