
SUBSTITUTE HOUSE BILL 1186

State of Washington

67th Legislature

2021 Regular Session

By House Children, Youth & Families (originally sponsored by Representatives Goodman, Senn, Sullivan, Leavitt, Gregerson, Fitzgibbon, Ortiz-Self, Duerr, Tharinger, Macri, Davis, Pollet, Callan, Harris-Talley, and Hackney; by request of Department of Children, Youth, and Families)

READ FIRST TIME 02/01/21.

1 AN ACT Relating to juvenile rehabilitation; amending RCW
2 72.01.412, 13.40.020, 13.40.205, 13.40.215, 13.40.220, and 13.04.800;
3 creating new sections; and providing a contingent effective date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that:

6 (1) The department of children, youth, and families seeks to
7 expand trauma-informed, culturally relevant, racial equity-based, and
8 developmentally appropriate therapeutic placement supports in less
9 restrictive community settings. Under current law, these supports are
10 limited to placement in community facilities—which are only available
11 for about 25 percent of juvenile rehabilitation's population—and
12 electronic home monitoring for persons serving adult sentences in the
13 custody of the department of children, youth, and families' juvenile
14 rehabilitation who have an earned release date between the ages of 25
15 and 26.

16 (2) To help reduce the bottleneck of youth and young adults
17 placed in the department's juvenile rehabilitation institutions and
18 enhance community-based, less restrictive options, this act creates a
19 community transition services program, which utilizes electronic home
20 monitoring as a tool embedded in a progressively supportive
21 community-based approach with therapeutic supports for young people

1 reentering the community. This approach considers developmentally
2 appropriate programs for successful reentry by increasing access to
3 community transition services, including housing assistance,
4 behavioral health treatment, independent living, employment,
5 education, and family and community connections.

6 **Sec. 2.** RCW 72.01.412 and 2019 c 322 s 6 are each amended to
7 read as follows:

8 (1) A person in the custody of the department of children, youth,
9 and families under RCW 72.01.410 (~~(who has an earned release date~~
10 ~~that is after the person's twenty-fifth birthday but on or before the~~
11 ~~person's twenty-sixth birthday may, after turning twenty-five, serve~~
12 ~~the remainder of the person's term of confinement in partial~~
13 ~~confinement on electronic home monitoring)) is eligible for community
14 transition services under the authority and supervision of the
15 department of children, youth, and families (~~(, provided that)~~):~~

16 (a) After 60 percent of their minimum term of confinement has
17 been served;

18 (b) If the person has an earned release date that is before their
19 26th birthday; and

20 (c) Provided the department of children, youth, and families
21 determines that such placement and retention by the department of
22 children, youth, and families is in the best interests of the person
23 and the community.

24 (2) The department of children, youth, and families retains the
25 authority to transfer the person to the custody of the department of
26 corrections under RCW 72.01.410.

27 (~~((2))~~) (3) A person placed (~~(on electronic home monitoring)~~) in
28 community transition services under this section must (~~(otherwise~~
29 ~~continue to be subject to similar treatment, options, access to~~
30 ~~programs and resources, conditions, and restrictions applicable to~~
31 ~~other similarly situated persons under the jurisdiction of the~~
32 ~~department of children, youth, and families)) have access to
33 appropriate treatment and programming as determined by the department
34 of children, youth, and families, including but not limited to:~~

35 (a) Behavioral health treatment;

36 (b) Independent living;

37 (c) Employment;

38 (d) Education;

39 (e) Connections to family and natural supports; and

1 (f) Community connections.

2 (4) If the person has a sentence that includes a term of
3 community custody, this term of community custody must begin after
4 the current term of confinement has ended.

5 ((3)) (5) If a person placed on ((electronic home monitoring))
6 community transition services under this section commits a violation
7 requiring the return of the person to total confinement after the
8 person's 25th birthday, the person must be transferred to the custody
9 and supervision of the department of corrections for the remainder of
10 the sentence.

11 (6) The following persons are not eligible for community
12 transition services under this section:

13 (a) Persons with pending charges or warrants;

14 (b) Level III sex offenders; and

15 (c) Persons requiring out-of-state placement.

16 (7) As used in this section, "community transition services"
17 means a therapeutic and supportive community-based custody option in
18 which:

19 (a) A person serves a portion of his or her term of confinement
20 residing in the community, outside of the department of children,
21 youth, and families institutions and community facilities;

22 (b) The department of children, youth, and families supervises
23 the person in part through the use of technology that is capable of
24 determining or identifying the monitored person's presence or absence
25 at a particular location; and

26 (c) The department of children, youth, and families provides
27 access to developmentally appropriate, trauma-informed, racial
28 equity-based, and culturally relevant programs to promote successful
29 reentry.

30 **Sec. 3.** RCW 13.40.020 and 2019 c 444 s 9 are each amended to
31 read as follows:

32 For the purposes of this chapter:

33 (1) "Assessment" means an individualized examination of a child
34 to determine the child's psychosocial needs and problems, including
35 the type and extent of any mental health, substance abuse, or co-
36 occurring mental health and substance abuse disorders, and
37 recommendations for treatment. "Assessment" includes, but is not
38 limited to, drug and alcohol evaluations, psychological and

1 psychiatric evaluations, records review, clinical interview, and
2 administration of a formal test or instrument;

3 (2) "Community-based rehabilitation" means one or more of the
4 following: Employment; attendance of information classes; literacy
5 classes; counseling, outpatient substance abuse treatment programs,
6 outpatient mental health programs, anger management classes,
7 education or outpatient treatment programs to prevent animal cruelty,
8 or other services including, when appropriate, restorative justice
9 programs; or attendance at school or other educational programs
10 appropriate for the juvenile as determined by the school district.
11 Placement in community-based rehabilitation programs is subject to
12 available funds;

13 (3) "Community-based sanctions" may include one or more of the
14 following:

15 (a) A fine, not to exceed five hundred dollars;

16 (b) Community restitution not to exceed one hundred fifty hours
17 of community restitution;

18 (4) "Community restitution" means compulsory service, without
19 compensation, performed for the benefit of the community by the
20 offender as punishment for committing an offense. Community
21 restitution may be performed through public or private organizations
22 or through work crews;

23 (5) "Community supervision" means an order of disposition by the
24 court of an adjudicated youth not committed to the department or an
25 order granting a deferred disposition. A community supervision order
26 for a single offense may be for a period of up to two years for a sex
27 offense as defined by RCW 9.94A.030 and up to one year for other
28 offenses. As a mandatory condition of any term of community
29 supervision, the court shall order the juvenile to refrain from
30 committing new offenses. As a mandatory condition of community
31 supervision, the court shall order the juvenile to comply with the
32 mandatory school attendance provisions of chapter 28A.225 RCW and to
33 inform the school of the existence of this requirement. Community
34 supervision is an individualized program comprised of one or more of
35 the following:

36 (a) Community-based sanctions;

37 (b) Community-based rehabilitation;

38 (c) Monitoring and reporting requirements;

39 (d) Posting of a probation bond;

1 (e) Residential treatment, where substance abuse, mental health,
2 and/or co-occurring disorders have been identified in an assessment
3 by a qualified mental health professional, psychologist,
4 psychiatrist, co-occurring disorder specialist, or substance use
5 disorder professional and a funded bed is available. If a child
6 agrees to voluntary placement in a state-funded long-term evaluation
7 and treatment facility, the case must follow the existing placement
8 procedure including consideration of less restrictive treatment
9 options and medical necessity.

10 (i) A court may order residential treatment after consideration
11 and findings regarding whether:

12 (A) The referral is necessary to rehabilitate the child;

13 (B) The referral is necessary to protect the public or the child;

14 (C) The referral is in the child's best interest;

15 (D) The child has been given the opportunity to engage in less
16 restrictive treatment and has been unable or unwilling to comply; and

17 (E) Inpatient treatment is the least restrictive action
18 consistent with the child's needs and circumstances.

19 (ii) In any case where a court orders a child to inpatient
20 treatment under this section, the court must hold a review hearing no
21 later than sixty days after the youth begins inpatient treatment, and
22 every thirty days thereafter, as long as the youth is in inpatient
23 treatment;

24 (6) "Community transition services" means a therapeutic and
25 supportive community-based custody option in which:

26 (a) A person serves a portion of their term of confinement
27 residing in the community, outside of department institutions and
28 community facilities;

29 (b) The department supervises the person in part through the use
30 of technology that is capable of determining or identifying the
31 monitored person's presence or absence at a particular location; and

32 (c) The department provides access to developmentally
33 appropriate, trauma-informed, racial equity-based, and culturally
34 relevant programs to promote successful reentry;

35 (7) "Confinement" means physical custody by the department of
36 children, youth, and families in a facility operated by or pursuant
37 to a contract with the state, or physical custody in a detention
38 facility operated by or pursuant to a contract with any county. The
39 county may operate or contract with vendors to operate county
40 detention facilities. The department may operate or contract to

1 operate detention facilities for juveniles committed to the
2 department. Pretrial confinement or confinement of less than thirty-
3 one days imposed as part of a disposition or modification order may
4 be served consecutively or intermittently, in the discretion of the
5 court;

6 ~~((7))~~ (8) "Court," when used without further qualification,
7 means the juvenile court judge(s) or commissioner(s);

8 ~~((8))~~ (9) "Criminal history" includes all criminal complaints
9 against the respondent for which, prior to the commission of a
10 current offense:

11 (a) The allegations were found correct by a court. If a
12 respondent is convicted of two or more charges arising out of the
13 same course of conduct, only the highest charge from among these
14 shall count as an offense for the purposes of this chapter; or

15 (b) The criminal complaint was diverted by a prosecutor pursuant
16 to the provisions of this chapter on agreement of the respondent and
17 after an advisement to the respondent that the criminal complaint
18 would be considered as part of the respondent's criminal history. A
19 successfully completed deferred adjudication that was entered before
20 July 1, 1998, or a deferred disposition shall not be considered part
21 of the respondent's criminal history;

22 ~~((9))~~ (10) "Department" means the department of children,
23 youth, and families;

24 ~~((10))~~ (11) "Detention facility" means a county facility, paid
25 for by the county, for the physical confinement of a juvenile alleged
26 to have committed an offense or an adjudicated offender subject to a
27 disposition or modification order. "Detention facility" includes
28 county group homes, inpatient substance abuse programs, juvenile
29 basic training camps, and electronic monitoring;

30 ~~((11))~~ (12) "Diversion unit" means any probation counselor who
31 enters into a diversion agreement with an alleged youthful offender,
32 or any other person, community accountability board, youth court
33 under the supervision of the juvenile court, or other entity with
34 whom the juvenile court administrator has contracted to arrange and
35 supervise such agreements pursuant to RCW 13.40.080, or any person,
36 community accountability board, or other entity specially funded by
37 the legislature to arrange and supervise diversion agreements in
38 accordance with the requirements of this chapter. For purposes of
39 this subsection, "community accountability board" means a board
40 comprised of members of the local community in which the juvenile

1 offender resides. The superior court shall appoint the members. The
2 boards shall consist of at least three and not more than seven
3 members. If possible, the board should include a variety of
4 representatives from the community, such as a law enforcement
5 officer, teacher or school administrator, high school student,
6 parent, and business owner, and should represent the cultural
7 diversity of the local community;

8 ~~((12))~~ (13) "Foster care" means temporary physical care in a
9 foster family home or group care facility as defined in RCW 74.15.020
10 and licensed by the department, or other legally authorized care;

11 ~~((13))~~ (14) "Institution" means a juvenile facility established
12 pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

13 ~~((14))~~ (15) "Intensive supervision program" means a parole
14 program that requires intensive supervision and monitoring, offers an
15 array of individualized treatment and transitional services, and
16 emphasizes community involvement and support in order to reduce the
17 likelihood a juvenile offender will commit further offenses;

18 ~~((15))~~ (16) "Juvenile," "youth," and "child" mean any
19 individual who is under the chronological age of eighteen years and
20 who has not been previously transferred to adult court pursuant to
21 RCW 13.40.110, unless the individual was convicted of a lesser charge
22 or acquitted of the charge for which he or she was previously
23 transferred pursuant to RCW 13.40.110 or who is not otherwise under
24 adult court jurisdiction;

25 ~~((16))~~ (17) "Juvenile offender" means any juvenile who has been
26 found by the juvenile court to have committed an offense, including a
27 person eighteen years of age or older over whom jurisdiction has been
28 extended under RCW 13.40.300;

29 ~~((17))~~ (18) "Labor" means the period of time before a birth
30 during which contractions are of sufficient frequency, intensity, and
31 duration to bring about effacement and progressive dilation of the
32 cervix;

33 ~~((18))~~ (19) "Local sanctions" means one or more of the
34 following: (a) 0-30 days of confinement; (b) 0-12 months of community
35 supervision; (c) 0-150 hours of community restitution; or (d) \$0-\$500
36 fine;

37 ~~((19))~~ (20) "Manifest injustice" means a disposition that would
38 either impose an excessive penalty on the juvenile or would impose a
39 serious, and clear danger to society in light of the purposes of this
40 chapter;

1 (~~(20)~~) (21) "Monitoring and reporting requirements" means one
2 or more of the following: Curfews; requirements to remain at home,
3 school, work, or court-ordered treatment programs during specified
4 hours; restrictions from leaving or entering specified geographical
5 areas; requirements to report to the probation officer as directed
6 and to remain under the probation officer's supervision; and other
7 conditions or limitations as the court may require which may not
8 include confinement;

9 (~~(21)~~) (22) "Offense" means an act designated a violation or a
10 crime if committed by an adult under the law of this state, under any
11 ordinance of any city or county of this state, under any federal law,
12 or under the law of another state if the act occurred in that state;

13 (~~(22)~~) (23) "Physical restraint" means the use of any bodily
14 force or physical intervention to control a juvenile offender or
15 limit a juvenile offender's freedom of movement in a way that does
16 not involve a mechanical restraint. Physical restraint does not
17 include momentary periods of minimal physical restriction by direct
18 person-to-person contact, without the aid of mechanical restraint,
19 accomplished with limited force and designed to:

20 (a) Prevent a juvenile offender from completing an act that would
21 result in potential bodily harm to self or others or damage property;

22 (b) Remove a disruptive juvenile offender who is unwilling to
23 leave the area voluntarily; or

24 (c) Guide a juvenile offender from one location to another;

25 (~~(23)~~) (24) "Postpartum recovery" means (a) the entire period a
26 woman or youth is in the hospital, birthing center, or clinic after
27 giving birth and (b) an additional time period, if any, a treating
28 physician determines is necessary for healing after the youth leaves
29 the hospital, birthing center, or clinic;

30 (~~(24)~~) (25) "Probation bond" means a bond, posted with
31 sufficient security by a surety justified and approved by the court,
32 to secure the offender's appearance at required court proceedings and
33 compliance with court-ordered community supervision or conditions of
34 release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means
35 a deposit of cash or posting of other collateral in lieu of a bond if
36 approved by the court;

37 (~~(25)~~) (26) "Respondent" means a juvenile who is alleged or
38 proven to have committed an offense;

39 (~~(26)~~) (27) "Restitution" means financial reimbursement by the
40 offender to the victim, and shall be limited to easily ascertainable

1 damages for injury to or loss of property, actual expenses incurred
2 for medical treatment for physical injury to persons, lost wages
3 resulting from physical injury, and costs of the victim's counseling
4 reasonably related to the offense. Restitution shall not include
5 reimbursement for damages for mental anguish, pain and suffering, or
6 other intangible losses. Nothing in this chapter shall limit or
7 replace civil remedies or defenses available to the victim or
8 offender;

9 ~~((27))~~ (28) "Restorative justice" means practices, policies,
10 and programs informed by and sensitive to the needs of crime victims
11 that are designed to encourage offenders to accept responsibility for
12 repairing the harm caused by their offense by providing safe and
13 supportive opportunities for voluntary participation and
14 communication between the victim, the offender, their families, and
15 relevant community members;

16 ~~((28))~~ (29) "Restraints" means anything used to control the
17 movement of a person's body or limbs and includes:

18 (a) Physical restraint; or

19 (b) Mechanical device including but not limited to: Metal
20 handcuffs, plastic ties, ankle restraints, leather cuffs, other
21 hospital-type restraints, tasers, or batons;

22 ~~((29))~~ (30) "Risk assessment tool" means the statistically
23 valid tool used by the department to inform release or placement
24 decisions related to security level, release within the sentencing
25 range, community facility eligibility, community transition services
26 eligibility, and parole. The "risk assessment tool" is used by the
27 department to predict the likelihood of successful reentry and future
28 criminal behavior;

29 (31) "Screening" means a process that is designed to identify a
30 child who is at risk of having mental health, substance abuse, or co-
31 occurring mental health and substance abuse disorders that warrant
32 immediate attention, intervention, or more comprehensive assessment.
33 A screening may be undertaken with or without the administration of a
34 formal instrument;

35 ~~((30))~~ (32) "Secretary" means the secretary of the department;

36 ~~((31))~~ (33) "Services" means services which provide
37 alternatives to incarceration for those juveniles who have pleaded or
38 been adjudicated guilty of an offense or have signed a diversion
39 agreement pursuant to this chapter;

1 (~~(32)~~) (34) "Sex offense" means an offense defined as a sex
2 offense in RCW 9.94A.030;

3 (~~(33)~~) (35) "Sexual motivation" means that one of the purposes
4 for which the respondent committed the offense was for the purpose of
5 his or her sexual gratification;

6 (~~(34)~~) (36) "Surety" means an entity licensed under state
7 insurance laws or by the state department of licensing, to write
8 corporate, property, or probation bonds within the state, and
9 justified and approved by the superior court of the county having
10 jurisdiction of the case;

11 (~~(35)~~) (37) "Transportation" means the conveying, by any means,
12 of an incarcerated pregnant youth from the institution or detention
13 facility to another location from the moment she leaves the
14 institution or detention facility to the time of arrival at the other
15 location, and includes the escorting of the pregnant incarcerated
16 youth from the institution or detention facility to a transport
17 vehicle and from the vehicle to the other location;

18 (~~(36)~~) (38) "Violation" means an act or omission, which if
19 committed by an adult, must be proven beyond a reasonable doubt, and
20 is punishable by sanctions which do not include incarceration;

21 (~~(37)~~) (39) "Violent offense" means a violent offense as
22 defined in RCW 9.94A.030;

23 (~~(38)~~) (40) "Youth court" means a diversion unit under the
24 supervision of the juvenile court.

25 **Sec. 4.** RCW 13.40.205 and 2019 c 468 s 1 are each amended to
26 read as follows:

27 (1) A juvenile sentenced to a term of confinement to be served
28 under the supervision of the department shall not be released from
29 the physical custody of the department prior to the release date
30 established under RCW 13.40.210 except as otherwise provided in this
31 section.

32 (2) A juvenile serving a term of confinement under the
33 supervision of the department may be released on authorized leave
34 from the physical custody of the department only if consistent with
35 public safety and if:

36 (a) Sixty percent of the minimum term of confinement has been
37 served; and

38 (b) The purpose of the leave is to enable the juvenile:

1 (i) To visit the juvenile's family for the purpose of
2 strengthening or preserving family relationships;

3 (ii) To make plans for parole or release which require the
4 juvenile's personal appearance in the community and which will
5 facilitate the juvenile's reintegration into the community; or

6 (iii) To make plans for a residential placement out of the
7 juvenile's home which requires the juvenile's personal appearance in
8 the community.

9 (3) No authorized leave may exceed seven consecutive days. The
10 total of all preminimum term authorized leaves granted to a juvenile
11 prior to final discharge from confinement shall not exceed thirty
12 days.

13 (4) Prior to authorizing a leave, the secretary shall require a
14 written leave plan, which shall detail the purpose of the leave and
15 how it is to be achieved, the address at which the juvenile shall
16 reside, the identity of the person responsible for supervising the
17 juvenile during the leave, and a statement by such person
18 acknowledging familiarity with the leave plan and agreeing to
19 supervise the juvenile and to notify the secretary immediately if the
20 juvenile violates any terms or conditions of the leave. The leave
21 plan shall include such terms and conditions as the secretary deems
22 appropriate and shall be signed by the juvenile.

23 (5) Upon authorizing a leave, the secretary shall issue to the
24 juvenile an authorized leave order which shall contain the name of
25 the juvenile, the fact that the juvenile is on leave from a
26 designated facility, the time period of the leave, and the identity
27 of an appropriate official of the department to contact when
28 necessary. The authorized leave order shall be carried by the
29 juvenile at all times while on leave.

30 (6) Prior to the commencement of any authorized leave, the
31 secretary shall give notice of the leave to the appropriate law
32 enforcement agency in the jurisdiction in which the juvenile will
33 reside during the leave period. The notice shall include the identity
34 of the juvenile, the time period of the leave, the residence of the
35 juvenile during the leave, and the identity of the person responsible
36 for supervising the juvenile during the leave.

37 (7) The secretary may authorize a leave, which shall not exceed
38 forty-eight hours plus travel time, to meet an emergency situation
39 such as a death or critical illness of a member of the juvenile's
40 family. The secretary may authorize a leave, which shall not exceed

1 the period of time medically necessary, to obtain medical care not
2 available in a juvenile facility maintained by the department. In
3 cases of emergency or medical leave the secretary may waive all or
4 any portions of subsections (2)(a), (3), (4), (5), and (6) of this
5 section.

6 (8) If requested by the juvenile's victim or the victim's
7 immediate family, the secretary shall give notice of any leave or
8 community transition services under subsection (13) of this section
9 to the victim or the victim's immediate family.

10 (9) A juvenile who violates any condition of an authorized leave
11 plan or community transition services under subsection (13) of this
12 section may be taken into custody and returned to the department in
13 the same manner as an adult in identical circumstances.

14 (10) Community transition services is an electronic monitoring
15 program as that term is used in RCW 9A.76.130.

16 (11) Notwithstanding the provisions of this section, a juvenile
17 placed in minimum security status or in community transition services
18 under subsection (13) of this section may participate in work,
19 educational, community restitution, or treatment programs in the
20 community up to twelve hours a day if approved by the secretary. Such
21 a release shall not be deemed a leave of absence. This authorization
22 may be increased to more than twelve hours a day up to sixteen hours
23 a day if approved by the secretary and operated within the
24 department's appropriations.

25 (~~(11)~~) (12) Subsections (6), (7), and (8) of this section do
26 not apply to juveniles covered by RCW 13.40.215.

27 (13)(a) The department may require a person in its custody to
28 serve the remainder of the person's sentence in community transition
29 services if the department determines that such placement is in the
30 best interest of the person and the community using the risk
31 assessment tool and considering the availability of appropriate
32 placements, treatment, and programming. The department shall
33 establish appropriate conditions the person must comply with to
34 remain in community transition services. A person must have served 60
35 percent of their minimum term of confinement before becoming eligible
36 for community transition services under the authority and supervision
37 of the department.

38 (b) A person placed in community transition services under this
39 section must have access to appropriate treatment and programming as
40 determined by the department, including but not limited to:

- 1 (i) Behavioral health treatment;
- 2 (ii) Independent living;
- 3 (iii) Employment;
- 4 (iv) Education;
- 5 (v) Connections to family and natural supports; and
- 6 (vi) Community connections.

7 (c) Community transition services under this section is in lieu
8 of confinement in an institution or community facility operated by
9 the department, and will not fulfill any period of parole required
10 under RCW 13.40.210.

11 (d) If a person placed in community transition services under
12 this section violates a condition of participation in the community
13 transition services program, or if the department determines that
14 placement in the program is no longer in the best interests of the
15 person or community, the person may be returned to an institution
16 operated by the department at the department's discretion.

17 (e) The following persons are not eligible for community
18 transition services under this section:

- 19 (i) Persons with pending charges or warrants;
- 20 (ii) Level III sex offenders; and
- 21 (iii) Persons requiring out-of-state placement.

22 (14) The department shall design, or contract for the design, and
23 implement a risk assessment tool. The tool must be designed to limit
24 bias related to race, ethnicity, gender, and age. The risk assessment
25 tool must be certified at least every three years based on current
26 academic standards for assessment validation, and can be certified by
27 the office of innovation, alignment, and accountability or an outside
28 researcher.

29 **Sec. 5.** RCW 13.40.215 and 2020 c 167 s 7 are each amended to
30 read as follows:

31 (1)(a) Except as provided in subsection (2) of this section, at
32 the earliest practicable date, and in no event later than thirty days
33 before discharge, parole, or any other authorized leave or release,
34 or before transfer to a community residential facility or community
35 transition services program, the secretary shall send written notice
36 of the discharge, parole, authorized leave or release, or transfer of
37 a juvenile found to have committed a violent offense, a sex offense,
38 or stalking, to the following:

1 (i) The chief of police of the city, if any, in which the
2 juvenile will reside; and

3 (ii) The sheriff of the county in which the juvenile will reside.

4 (b)(i) Except as provided in subsection (2) of this section, at
5 the earliest practicable date, and in no event later than thirty days
6 before discharge, parole, or any other authorized leave or release,
7 or before transfer to a community residential facility or community
8 transition services program, the secretary shall send written notice
9 of the discharge, parole, authorized leave or release, or transfer of
10 an individual who is found to have committed a violent offense or a
11 sex offense, is twenty-one years of age or younger, and has not
12 received a high school diploma or its equivalent, to the designated
13 recipient of the school where the juvenile either: (A) Was enrolled
14 prior to incarceration or detention; or (B) has expressed an
15 intention to enroll following his or her release. This notice must
16 also include the restrictions described in subsection (5) of this
17 section.

18 (ii) The community residential facility shall provide written
19 notice of the offender's criminal history to the designated recipient
20 of any school that the offender attends while residing at the
21 community residential facility and to any employer that employs the
22 offender while residing at the community residential facility.

23 (iii) As used in this subsection, "designated recipient" means:

24 (A) The superintendent of the school district, or his or her
25 designee, of a common school as defined in RCW 28A.150.020 or a
26 school that is the subject of a state-tribal education compact under
27 chapter 28A.715 RCW; (B) the administrator of a charter public school
28 governed by chapter 28A.710 RCW; or (C) the administrator of a
29 private school approved under chapter 28A.195 RCW.

30 (c) The same notice as required by (a) of this subsection shall
31 be sent to the following, if such notice has been requested in
32 writing about a specific juvenile:

33 (i) The victim of the offense for which the juvenile was found to
34 have committed or the victim's next of kin if the crime was a
35 homicide;

36 (ii) Any witnesses who testified against the juvenile in any
37 court proceedings involving the offense; and

38 (iii) Any person specified in writing by the prosecuting
39 attorney.

1 Information regarding victims, next of kin, or witnesses requesting
2 the notice, information regarding any other person specified in
3 writing by the prosecuting attorney to receive the notice, and the
4 notice are confidential and shall not be available to the juvenile.
5 The notice to the chief of police or the sheriff shall include the
6 identity of the juvenile, the residence where the juvenile will
7 reside, the identity of the person, if any, responsible for
8 supervising the juvenile, and the time period of any authorized
9 leave.

10 (d) The thirty-day notice requirements contained in this
11 subsection shall not apply to emergency medical furloughs.

12 (e) The existence of the notice requirements in this subsection
13 will not require any extension of the release date in the event the
14 release plan changes after notification.

15 (2)(a) If a juvenile found to have committed a violent offense, a
16 sex offense, or stalking escapes from a facility of the department,
17 the secretary shall immediately notify, by the most reasonable and
18 expedient means available, the chief of police of the city and the
19 sheriff of the county in which the juvenile resided immediately
20 before the juvenile's arrest. If previously requested, the secretary
21 shall also notify the witnesses and the victim of the offense which
22 the juvenile was found to have committed or the victim's next of kin
23 if the crime was a homicide. If the juvenile is recaptured, the
24 secretary shall send notice to the persons designated in this
25 subsection as soon as possible but in no event later than two working
26 days after the department learns of such recapture.

27 (b) The secretary may authorize a leave, for a juvenile found to
28 have committed a violent offense, a sex offense, or stalking, which
29 shall not exceed forty-eight hours plus travel time, to meet an
30 emergency situation such as a death or critical illness of a member
31 of the juvenile's family. The secretary may authorize a leave, which
32 shall not exceed the time medically necessary, to obtain medical care
33 not available in a juvenile facility maintained by the department.
34 Prior to the commencement of an emergency or medical leave, the
35 secretary shall give notice of the leave to the appropriate law
36 enforcement agency in the jurisdiction in which the juvenile will be
37 during the leave period. The notice shall include the identity of the
38 juvenile, the time period of the leave, the residence of the juvenile
39 during the leave, and the identity of the person responsible for
40 supervising the juvenile during the leave. If previously requested,

1 the department shall also notify the witnesses and victim of the
2 offense which the juvenile was found to have committed or the
3 victim's next of kin if the offense was a homicide.

4 In case of an emergency or medical leave the secretary may waive
5 all or any portion of the requirements for leaves pursuant to RCW
6 13.40.205 (2)(a), (3), (4), and (5).

7 (3) If the victim, the victim's next of kin, or any witness is
8 under the age of sixteen, the notice required by this section shall
9 be sent to the parents or legal guardian of the child.

10 (4) The secretary shall send the notices required by this chapter
11 to the last address provided to the department by the requesting
12 party. The requesting party shall furnish the department with a
13 current address.

14 (5) Upon discharge, parole, transfer to a community residential
15 facility, or other authorized leave or release, a convicted juvenile
16 sex offender shall not attend a public or approved private
17 elementary, middle, or high school that is attended by a victim or a
18 sibling of a victim of the sex offender. The parents or legal
19 guardians of the convicted juvenile sex offender shall be responsible
20 for transportation or other costs associated with or required by the
21 sex offender's change in school that otherwise would be paid by a
22 school district.

23 (6) For purposes of this section the following terms have the
24 following meanings:

25 (a) "Violent offense" means a violent offense under RCW
26 9.94A.030;

27 (b) "Sex offense" means a sex offense under RCW 9.94A.030;

28 (c) "Stalking" means the crime of stalking as defined in RCW
29 9A.46.110;

30 (d) "Next of kin" means a person's spouse, parents, siblings, and
31 children.

32 **Sec. 6.** RCW 13.40.220 and 2017 3rd sp.s. c 6 s 610 are each
33 amended to read as follows:

34 (1) Whenever legal custody of a child is vested in someone other
35 than his or her parents, under this chapter, and not vested in the
36 department, after due notice to the parents or other persons legally
37 obligated to care for and support the child, and after a hearing, the
38 court may order and decree that the parent or other legally obligated
39 person shall pay in such a manner as the court may direct a

1 reasonable sum representing in whole or in part the costs of support,
2 treatment, and confinement of the child after the decree is entered.

3 (2) If the parent or other legally obligated person willfully
4 fails or refuses to pay such sum, the court may proceed against such
5 person for contempt.

6 (3) Whenever legal custody of a child is vested in the department
7 under this chapter, the parents or other persons legally obligated to
8 care for and support the child shall be liable for the costs of
9 support, treatment, and confinement of the child, in accordance with
10 the department's reimbursement of cost schedule. The department shall
11 adopt a reimbursement of cost schedule based on the costs of
12 providing such services, and shall determine an obligation based on
13 the responsible parents' or other legally obligated person's ability
14 to pay. The department is authorized to adopt additional rules as
15 appropriate to enforce this section.

16 (4) To enforce subsection (3) of this section, the department
17 shall serve on the parents or other person legally obligated to care
18 for and support the child a notice and finding of financial
19 responsibility requiring the parents or other legally obligated
20 person to appear and show cause in an adjudicative proceeding why the
21 finding of responsibility and/or the amount thereof is incorrect and
22 should not be ordered. This notice and finding shall relate to the
23 costs of support, treatment, and confinement of the child in
24 accordance with the department's reimbursement of cost schedule
25 adopted under this section, including periodic payments to be made in
26 the future. The hearing shall be held pursuant to chapter 34.05 RCW,
27 the administrative procedure act, and the rules of the department.

28 (5) The notice and finding of financial responsibility shall be
29 served in the same manner prescribed for the service of a summons in
30 a civil action or may be served on the parent or legally obligated
31 person by certified mail, return receipt requested. The receipt shall
32 be prima facie evidence of service.

33 (6) If the parents or other legally obligated person objects to
34 the notice and finding of financial responsibility, then an
35 application for an adjudicative hearing may be filed within twenty
36 days of the date of service of the notice. If an application for an
37 adjudicative proceeding is filed, the presiding or reviewing officer
38 shall determine the past liability and responsibility, if any, of the
39 parents or other legally obligated person and shall also determine
40 the amount of periodic payments to be made in the future. If the

1 parents or other legally responsible person fails to file an
2 application within twenty days, the notice and finding of financial
3 responsibility shall become a final administrative order.

4 (7) Debts determined pursuant to this section are subject to
5 collection action without further necessity of action by a presiding
6 or reviewing officer. The department may collect the debt in
7 accordance with RCW 43.20B.635, 43.20B.640, 74.20A.060, and
8 74.20A.070. The department shall exempt from payment parents
9 receiving adoption support under RCW 74.13A.005 through 74.13A.080,
10 parents eligible to receive adoption support under RCW 74.13A.085,
11 and a parent or other legally obligated person when the parent or
12 other legally obligated person, or such person's child, spouse, or
13 spouse's child, was the victim of the offense for which the child was
14 committed.

15 (8) An administrative order entered pursuant to this section
16 shall supersede any court order entered prior to June 13, 1994.

17 (9) The department shall be subrogated to the right of the child
18 and his or her parents or other legally responsible person to receive
19 support payments for the benefit of the child from any parent or
20 legally obligated person pursuant to a support order established by a
21 superior court or pursuant to RCW 74.20A.055. The department's right
22 of subrogation under this section is limited to the liability
23 established in accordance with its cost schedule for support,
24 treatment, and confinement, except as addressed in subsection (10) of
25 this section.

26 (10) Nothing in this section precludes the department from
27 recouping such additional support payments from the child's parents
28 or other legally obligated person as required to qualify for receipt
29 of federal funds. The department may adopt such rules dealing with
30 liability for recoupment of support, treatment, or confinement costs
31 as may become necessary to entitle the state to participate in
32 federal funds unless such rules would be expressly prohibited by law.
33 If any law dealing with liability for recoupment of support,
34 treatment, or confinement costs is ruled to be in conflict with
35 federal requirements which are a prescribed condition of the
36 allocation of federal funds, such conflicting law is declared to be
37 inoperative solely to the extent of the conflict.

38 (11) This section does not apply to juveniles or young adults in
39 a community transition services program.

1 NEW SECTION. **Sec. 7.** The department of children, youth, and
2 families shall adopt rules, policies, and procedures as may be needed
3 to implement a community transition services program required by this
4 act, to include the following:

5 (1) Identification and regular monitoring of metrics of quality
6 implementation for the community transition program, and regularly
7 publishing outcome analyses for program participants; and

8 (2) Allowing for the use of new electronic home monitoring
9 equipment and technologies as they become available that eliminate or
10 minimize trauma, social stigma, and racial injustice, and imposing
11 penalties for the knowing or intentional tampering, damaging, or
12 destruction of equipment that renders it not fully functional.

13 NEW SECTION. **Sec. 8.** Subject to the availability of amounts
14 appropriated for this specific purpose, the department of children,
15 youth, and families may issue rental vouchers for a period not to
16 exceed six months for those transferring to community transition
17 services under this act if an approved address cannot be obtained
18 without the assistance of a voucher.

19 **Sec. 9.** RCW 13.04.800 and 2019 c 322 s 5 are each amended to
20 read as follows:

21 (1) The Washington state institute for public policy must:

22 (a) Assess the impact of chapter 162, Laws of 2018, (~~and~~)
23 sections 2 through 6, chapter 322, Laws of 2019, and sections 2 and
24 3, chapter . . ., Laws of 2021 (sections 2 and 3 of this act) on
25 community safety, racial disproportionality, recidivism, state
26 expenditures, and youth rehabilitation, to the extent possible; and

27 (b) Conduct a cost-benefit analysis, including health impacts and
28 recidivism effects, of extending RCW 72.01.410 to include all
29 offenses committed under the age of twenty-one.

30 (2) The institute shall submit, in compliance with RCW 43.01.036,
31 a preliminary report on the requirements listed in subsection (1) of
32 this section to the governor and the appropriate committees of the
33 legislature by December 1, 2023, and a final report to the governor
34 and the appropriate committees of the legislature by December 1,
35 2031.

36 NEW SECTION. **Sec. 10.** (1) Sections 1 through 6, 8, and 9 of
37 this act take effect six months after the department of children,

1 youth, and families designs and implements a risk assessment tool as
2 defined in RCW 13.40.020 used to determine eligibility for "community
3 transition services" as provided under RCW 13.40.205(13) and provides
4 notice as required under subsection (2) of this section.

5 (2) The department of children, youth, and families must provide
6 notice of the implementation of a risk assessment tool described
7 under subsection (1) of this section to affected parties, the chief
8 clerk of the house of representatives, the secretary of the senate,
9 the office of the code reviser, and others as deemed appropriate by
10 the department of children, youth, and families.

--- END ---