
SENATE BILL 6042

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By Senators Trudeau, C. Wilson, Hasegawa, Kauffman, Keiser, Kuderer, Lovelett, Lovick, Nguyen, Saldaña, Valdez, and Wellman

Read first time 01/09/24. Referred to Committee on Human Services.

1 AN ACT Relating to services and procedures for juveniles
2 releasing from juvenile detention facilities; amending RCW 13.40.040,
3 13.40.050, 13.32A.150, 13.32A.152, 13.32A.191, and 43.330.724; and
4 adding a new section to chapter 43.216 RCW.

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

6 **Sec. 1.** RCW 13.40.040 and 2017 3rd sp.s. c 6 s 606 are each
7 amended to read as follows:

8 (1) A juvenile may be taken into custody:

9 (a) Pursuant to a court order if a complaint is filed with the
10 court alleging, and the court finds probable cause to believe, that
11 the juvenile has committed an offense or has violated terms of a
12 disposition order or release order; or

13 (b) Without a court order, by a law enforcement officer if
14 grounds exist for the arrest of an adult in identical circumstances.
15 Admission to, and continued custody in, a court detention facility
16 shall be governed by subsection (2) of this section; or

17 (c) Pursuant to a court order that the juvenile be held as a
18 material witness; or

19 (d) Where the secretary or the secretary's designee has suspended
20 the parole of a juvenile offender.

1 (2) A juvenile may not be held in detention unless there is
2 probable cause to believe that:

3 (a) The juvenile has committed an offense or has violated the
4 terms of a disposition order; and

5 (i) The juvenile will likely fail to appear for further
6 proceedings; or

7 (ii) Detention is required to protect the juvenile from himself
8 or herself; or

9 (iii) The juvenile is a threat to community safety; or

10 (iv) The juvenile will intimidate witnesses or otherwise
11 unlawfully interfere with the administration of justice; or

12 (v) The juvenile has committed a crime while another case was
13 pending; or

14 (b) The juvenile is a fugitive from justice; or

15 (c) The juvenile's parole has been suspended or modified; or

16 (d) The juvenile is a material witness.

17 (3) Notwithstanding subsection (2) of this section, and within
18 available funds, a juvenile who has been found guilty of one of the
19 following offenses shall be detained pending disposition: Rape in the
20 first or second degree (RCW 9A.44.040 and 9A.44.050); or rape of a
21 child in the first degree (RCW 9A.44.073).

22 (4) Upon a finding that members of the community have threatened
23 the health of a juvenile taken into custody, at the juvenile's
24 request the court may order continued detention pending further order
25 of the court.

26 (5) Except as provided in RCW 9.41.280, a juvenile detained under
27 this section may be released upon posting a probation bond set by the
28 court. The juvenile's parent or guardian may sign for the probation
29 bond. A court authorizing such a release shall issue an order
30 containing a statement of conditions imposed upon the juvenile and
31 shall set the date of his or her next court appearance. The court
32 shall advise the juvenile of any conditions specified in the order
33 and may at any time amend such an order in order to impose additional
34 or different conditions of release upon the juvenile or to return the
35 juvenile to custody for failing to conform to the conditions imposed.
36 In addition to requiring the juvenile to appear at the next court
37 date, the court may condition the probation bond on the juvenile's
38 compliance with conditions of release. The juvenile's parent or
39 guardian may notify the court that the juvenile has failed to conform
40 to the conditions of release or the provisions in the probation bond.

1 If the parent notifies the court of the juvenile's failure to comply
2 with the probation bond, the court shall notify the surety. As
3 provided in the terms of the bond, the surety shall provide notice to
4 the court of the offender's noncompliance. A juvenile may be released
5 only to a responsible adult or the department of children, youth, and
6 families. Failure to appear on the date scheduled by the court
7 pursuant to this section shall constitute the crime of bail jumping.

8 (6) Pursuant to RCW 13.40.050 and in the event that juvenile
9 courts have made reasonable good faith efforts and attempts to
10 facilitate the return of juveniles not previously found dependent to
11 their parent, guardian, or responsible adult but are unable to do so
12 successfully, the juvenile may be released to the department. No
13 further order from the court is needed to immediately transfer the
14 juvenile to the department and the juvenile need not currently be the
15 subject of an order of dependency.

16 **Sec. 2.** RCW 13.40.050 and 1997 c 338 s 15 are each amended to
17 read as follows:

18 (1) When a juvenile taken into custody is held in detention:

19 (a) An information, a community supervision modification or
20 termination of diversion petition, or a parole modification petition
21 shall be filed within seventy-two hours, Saturdays, Sundays, and
22 holidays excluded, or the juvenile shall be released; and

23 (b) A detention hearing, a community supervision modification or
24 termination of diversion petition, or a parole modification petition
25 shall be held within seventy-two hours, Saturdays, Sundays, and
26 holidays excluded, from the time of filing the information or
27 petition, to determine whether continued detention is necessary under
28 RCW 13.40.040.

29 (2) Notice of the detention hearing, stating the time, place, and
30 purpose of the hearing, stating the right to counsel, and requiring
31 attendance shall be given to the parent, guardian, or custodian if
32 such person can be found and shall also be given to the juvenile if
33 over twelve years of age.

34 (3) At the commencement of the detention hearing, the court shall
35 advise the parties of their rights under this chapter and shall
36 appoint counsel as specified in this chapter.

37 (4) The court shall, based upon the allegations in the
38 information, determine whether the case is properly before it or
39 whether the case should be treated as a diversion case under RCW

1 13.40.080. If the case is not properly before the court the juvenile
2 shall be ordered released.

3 (5) Notwithstanding a determination that the case is properly
4 before the court and that probable cause exists, a juvenile shall at
5 the detention hearing be ordered released on the juvenile's personal
6 recognizance pending further hearing unless the court finds detention
7 is necessary under RCW 13.40.040.

8 (6) If detention is not necessary under RCW 13.40.040, the court
9 shall impose the most appropriate of the following conditions or, if
10 necessary, any combination of the following conditions:

11 (a) Place the juvenile in the custody of a designated person
12 agreeing to supervise such juvenile;

13 (b) Place restrictions on the travel of the juvenile during the
14 period of release;

15 (c) Require the juvenile to report regularly to and remain under
16 the supervision of the juvenile court;

17 (d) Impose any condition other than detention deemed reasonably
18 necessary to assure appearance as required;

19 (e) Require that the juvenile return to detention during
20 specified hours; or

21 (f) Require the juvenile to post a probation bond set by the
22 court under terms and conditions as provided in RCW 13.40.040(~~(+4)~~)
23 (5).

24 (7) A juvenile may be released only to a responsible adult or the
25 department.

26 (8) A juvenile who is not dependent upon the state pursuant to
27 RCW 13.34.130 shall be released to a parent, guardian, or responsible
28 adult. Juvenile courts shall make reasonable good faith efforts and
29 attempts to facilitate the return of young people not previously
30 found dependent to their parent, guardian, or responsible adult after
31 a stay in detention.

32 (9) The department shall provide consultative services and
33 technical assistance to juvenile courts with achieving reasonable
34 good faith efforts and attempts in this section.

35 (10) A juvenile court officer or public employee acting
36 reasonably and in good faith shall not be held liable in any civil
37 action for returning the juvenile to a responsible adult if the
38 parent or legal guardian refuses to take custody of the juvenile upon
39 release.

1 (11) If the parent, guardian, or custodian of the juvenile in
2 detention is available, the court shall consult with them prior to a
3 determination to further detain or release the juvenile or treat the
4 case as a diversion case under RCW 13.40.080.

5 ~~((9))~~ (12) A person notified under this section who fails
6 without reasonable cause to appear and abide by the order of the
7 court may be proceeded against as for contempt of court. In
8 determining whether a parent, guardian, or custodian had reasonable
9 cause not to appear, the court may consider all factors relevant to
10 the person's ability to appear as summoned.

11 **Sec. 3.** RCW 13.32A.150 and 2020 c 51 s 3 are each amended to
12 read as follows:

13 (1) Except as otherwise provided in this chapter, the juvenile
14 court shall not accept the filing of a child in need of services
15 petition by the child or the parents or the filing of an at-risk
16 youth petition by the parent, unless verification is provided that
17 the department, or a community-based entity under contract with the
18 department, has completed a family assessment. The family assessment
19 shall involve the multidisciplinary team if one exists. The family
20 assessment or plan of services developed by the multidisciplinary
21 team shall be aimed at family reconciliation, reunification, and
22 avoidance of the out-of-home placement of the child.

23 (2) A child or a child's parent may file with the juvenile court
24 a child in need of services petition to approve an out-of-home
25 placement for the child before completion of a family assessment.

26 ~~((The department shall, when requested, assist either a parent or
27 child in the filing of the petition))~~ When a parent or child requests
28 assistance, the department, or a community-based entity under
29 contract with the department, shall assist the parent or child in the
30 filing of the petition. The petition must be filed in the county
31 where the parent resides. The petition shall allege that the child is
32 a child in need of services and shall ask only that the placement of
33 a child outside the home of his or her parent be approved. The filing
34 of a petition to approve the placement is not dependent upon the
35 court's having obtained any prior jurisdiction over the child or his
36 or her parent, and confers upon the court a special jurisdiction to
37 approve or disapprove an out-of-home placement under this chapter.

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

1 **Sec. 4.** RCW 13.32A.152 and 2011 c 309 s 21 are each amended to
2 read as follows:

3 (1) Whenever a child in need of services petition is filed by:
4 (a) A youth pursuant to RCW 13.32A.150; (b) the child or the child's
5 parent pursuant to RCW 13.32A.120; or (c) the department pursuant to
6 RCW 13.32A.140, the filing party shall have a copy of the petition
7 served on the parents of the youth. Service shall first be attempted
8 in person and if unsuccessful, then by certified mail with return
9 receipt.

10 (2) Whenever a child in need of services petition is filed by a
11 youth or parent pursuant to RCW 13.32A.150, the court shall
12 immediately notify the department that a petition has been filed. If
13 the petition proposes out-of-home placement, the court shall notify
14 the department of the date and time of the hearing set regarding the
15 petition no less than 72 hours prior to the hearing. The department
16 shall be entitled to an opportunity to be heard in the proceeding.

17 (3) When a child in need of services petition is filed by the
18 department, and the court or the petitioning party knows or has
19 reason to know that an Indian child is involved, the provisions of
20 chapter 13.38 RCW apply.

21 **Sec. 5.** RCW 13.32A.191 and 2000 c 123 s 22 are each amended to
22 read as follows:

23 (1) A child's parent may file with the juvenile court a petition
24 in the interest of a child alleged to be an at-risk youth. (~~The~~
25 ~~department shall, when requested, assist the parent in filing the~~
26 ~~petition~~) When a parent or child requests assistance, the
27 department, or a community-based entity under contract with the
28 department, shall assist the parent or child in the filing of the
29 petition. The petition shall be filed in the county where the
30 petitioner resides. The petition shall set forth the name, age, and
31 residence of the child and the names and residence of the child's
32 parents and shall allege that:

33 (a) The child is an at-risk youth;

34 (b) The petitioner has the right to legal custody of the child;

35 (c) Court intervention and supervision are necessary to assist
36 the parent to maintain the care, custody, and control of the child;
37 and

38 (d) Alternatives to court intervention have been attempted or
39 there is good cause why such alternatives have not been attempted.

1 (2) The petition shall set forth facts that support the
2 allegations in this section and shall generally request relief
3 available under this chapter. The petition need not specify any
4 proposed disposition following adjudication of the petition. The
5 filing of an at-risk youth petition is not dependent upon the court's
6 having obtained any prior jurisdiction over the child or his or her
7 parent and confers upon the court the special jurisdiction to assist
8 the parent in maintaining parental authority and responsibility for
9 the child.

10 (3) A petition may not be filed if a dependency petition is
11 pending under chapter 13.34 RCW.

12 **Sec. 6.** RCW 43.330.724 and 2022 c 137 s 4 are each amended to
13 read as follows:

14 (1) Subject to the amounts appropriated for this specific
15 purpose, the office of homeless youth prevention and protection
16 programs shall select, monitor, and provide funding and assistance
17 ~~((for a minimum of six total))~~ statewide to counties that implement
18 housing stability for youth in crisis programs as described in this
19 section ~~((for a period of three years))~~.

20 (2) The housing stability for youth in crisis pilot programs must
21 include the following components:

22 (a) Regular trainings provided to all appropriate juvenile court
23 staff regarding risk factors and identifiers for youth homelessness;

24 (b) An identification and referral system used throughout the
25 juvenile court system where all appropriate court staff use routine
26 data flags to identify youth at risk for youth homelessness and refer
27 youth to the housing stability coordinator described under (c) of
28 this subsection;

29 (c) A dedicated housing stability coordinator in each
30 participating county that receives referrals, conducts housing
31 stability assessments with youth and caregivers, connects youth and
32 caregivers with relevant community providers based on assessments,
33 and follows up on referrals;

34 (d) A model of homelessness prevention services that provides the
35 appropriate amount of intervention based on the youth or family
36 needs; and

37 (e) Coordinated housing services for youth experiencing
38 homelessness.

1 (3) By October 1, 2025, and annually thereafter, and in
2 compliance with RCW 43.01.036, the office of homeless youth
3 prevention and protection programs shall submit a report to the
4 relevant committees of the legislature and the governor that
5 includes:

6 (a) An evaluation of the housing stability for youth in crisis
7 programs that includes outcome data for participants;

8 (b) Recommendations for improving the housing stability for youth
9 in crisis programs; and

10 (c) Recommendation for expanding the housing stability for youth
11 in crisis programs.

12 (~~(4) This section expires July 1, 2026.~~)

13 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.216
14 RCW to read as follows:

15 When a juvenile is released to the department pursuant to RCW
16 13.40.040, they shall help direct the appropriate use of state and
17 other resources to assist the juvenile with exiting detention safely,
18 including as follows and as appropriate:

19 (1) Assist with locating services and connecting youth and
20 families with the appropriate services to allow the juvenile to
21 safely find stable housing options;

22 (2) Offer voluntary placement agreements so that the juvenile has
23 a safe place to live while appropriate planning and services are put
24 in place;

25 (3) Offer services to help locate family, relatives, or kin,
26 locally and nationally, using the department's family search
27 resources;

28 (4) Offer and provide family reconciliation services to assist
29 the juvenile, family, or other responsible adult willing to support
30 the juvenile to remedy issues that prevent the juvenile from living
31 with their family or other responsible adults; or

32 (5) File a dependency petition if the juvenile is abused,
33 neglected, or abandoned as defined by RCW 13.34.030 and doing so is
34 necessary to prevent imminent physical harm pursuant to chapter 13.34
35 RCW.

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