
SENATE BILL 6445

State of Washington

55th Legislature

1998 Regular Session

By Senators Long, Hargrove, Haugen, Zarelli, McAuliffe, Franklin and Winsley

Read first time 01/19/98. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to the placement of children under the jurisdiction
2 of the department of social and health services; amending RCW
3 72.05.020, 74.15.020, and 28A.600.475; reenacting and amending RCW
4 13.50.010; adding new sections to chapter 72.05 RCW; adding a new
5 section to chapter 74.15 RCW; adding a new section to chapter 13.40
6 RCW; and creating new sections.

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

8 NEW SECTION. **Sec. 1.** It is the intent of the legislature to:

9 (1) Enhance public safety and maximize the rehabilitative potential
10 of juvenile offenders through modifications to licensed community
11 residential placements for juveniles;

12 (2) Ensure community support for community facilities by enabling
13 community participation in decisions involving these facilities and
14 assuring the safety of communities in which community facilities for
15 juvenile offenders are located; and

16 (3) Improve public safety by strengthening the safeguards in
17 placement, oversight, and monitoring of the juvenile offenders placed
18 in the community, and by establishing minimum standards for operation
19 of licensed residential community facilities. The legislature finds

1 that community support and participation is necessary to the success of
2 community programming.

3 **Sec. 2.** RCW 72.05.020 and 1979 c 141 s 178 are each amended to
4 read as follows:

5 As used in this chapter, unless the context requires otherwise:

6 (1) "Community facility" means a semi-secure residential facility
7 licensed under Title 74 RCW in which juveniles convicted under chapter
8 13.40 RCW are placed in a community setting.

9 (2) "Department" means the department of social and health
10 services.

11 (3) "Juvenile" means a person under the age of twenty-one who has
12 been convicted under chapter 13.40 RCW.

13 (4) "Service provider" means the entity that operates a community
14 facility.

15 **Sec. 3.** RCW 74.15.020 and 1997 c 245 s 7 are each amended to read
16 as follows:

17 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless
18 otherwise clearly indicated by the context thereof, the following terms
19 shall mean:

20 (1) "Department" means the state department of social and health
21 services;

22 (2) "Secretary" means the secretary of social and health services;

23 (3) "Agency" means any person, firm, partnership, association,
24 corporation, or facility which receives children, expectant mothers, or
25 persons with developmental disabilities for control, care, or
26 maintenance outside their own homes, or which places, arranges the
27 placement of, or assists in the placement of children, expectant
28 mothers, or persons with developmental disabilities for foster care or
29 placement of children for adoption, and shall include the following
30 irrespective of whether there is compensation to the agency or to the
31 children, expectant mothers or persons with developmental disabilities
32 for services rendered:

33 (a) "Group-care facility" means an agency, other than a foster-
34 family home, which is maintained and operated for the care of a group
35 of children on a twenty-four hour basis;

36 (b) "Child-placing agency" means an agency which places a child or
37 children for temporary care, continued care, or for adoption;

1 (c) "Maternity service" means an agency which provides or arranges
2 for care or services to expectant mothers, before or during
3 confinement, or which provides care as needed to mothers and their
4 infants after confinement;

5 (d) "Child day-care center" means an agency which regularly
6 provides care for a group of children for periods of less than twenty-
7 four hours;

8 (e) "Family day-care provider" means a child day-care provider who
9 regularly provides child day care for not more than twelve children in
10 the provider's home in the family living quarters;

11 (f) "Foster-family home" means an agency which regularly provides
12 care on a twenty-four hour basis to one or more children, expectant
13 mothers, or persons with developmental disabilities in the family abode
14 of the person or persons under whose direct care and supervision the
15 child, expectant mother, or person with a developmental disability is
16 placed;

17 (g) "Crisis residential center" means an agency which is a
18 temporary protective residential facility operated to perform the
19 duties specified in chapter 13.32A RCW, in the manner provided in RCW
20 74.13.032 through 74.13.036;

21 (h) "Community facility" means a semi-secure residential facility
22 licensed under Title 74 RCW in which juveniles convicted under chapter
23 13.40 RCW are placed in a community setting;

24 (i) "Service provider" means the entity that operates a community
25 facility.

26 (4) "Agency" shall not include the following:

27 (a) Persons related to the child, expectant mother, or person with
28 developmental disability in the following ways:

29 (i) Any blood relative, including those of half-blood, and
30 including first cousins, nephews or nieces, and persons of preceding
31 generations as denoted by prefixes of grand, great, or great-great;

32 (ii) Stepfather, stepmother, stepbrother, and stepsister;

33 (iii) A person who legally adopts a child or the child's parent as
34 well as the natural and other legally adopted children of such persons,
35 and other relatives of the adoptive parents in accordance with state
36 law;

37 (iv) Spouses of any persons named in (i), (ii), or (iii) of this
38 subsection (4)(a), even after the marriage is terminated; or

1 (v) Extended family members, as defined by the law or custom of the
2 Indian child's tribe or, in the absence of such law or custom, a person
3 who has reached the age of eighteen and who is the Indian child's
4 grandparent, aunt or uncle, brother or sister, brother-in-law or
5 sister-in-law, niece or nephew, first or second cousin, or stepparent
6 who provides care in the family abode on a twenty-four-hour basis to an
7 Indian child as defined in 25 U.S.C. Sec. 1903(4);

8 (b) Persons who are legal guardians of the child, expectant mother,
9 or persons with developmental disabilities;

10 (c) Persons who care for a neighbor's or friend's child or
11 children, with or without compensation, where: (i) The person
12 providing care for periods of less than twenty-four hours does not
13 conduct such activity on an ongoing, regularly scheduled basis for the
14 purpose of engaging in business, which includes, but is not limited to,
15 advertising such care; or (ii) the parent and person providing care on
16 a twenty-four-hour basis have agreed to the placement in writing and
17 the state is not providing any payment for the care;

18 (d) Parents on a mutually cooperative basis exchange care of one
19 another's children;

20 (e) A person, partnership, corporation, or other entity that
21 provides placement or similar services to exchange students or
22 international student exchange visitors or persons who have the care of
23 an exchange student in their home;

24 (f) Nursery schools or kindergartens which are engaged primarily in
25 educational work with preschool children and in which no child is
26 enrolled on a regular basis for more than four hours per day;

27 (g) Schools, including boarding schools, which are engaged
28 primarily in education, operate on a definite school year schedule,
29 follow a stated academic curriculum, accept only school-age children
30 and do not accept custody of children;

31 (h) Seasonal camps of three months' or less duration engaged
32 primarily in recreational or educational activities;

33 (i) Hospitals licensed pursuant to chapter 70.41 RCW when
34 performing functions defined in chapter 70.41 RCW, nursing homes
35 licensed under chapter 18.51 RCW and boarding homes licensed under
36 chapter 18.20 RCW;

37 (j) Licensed physicians or lawyers;

1 (k) Facilities providing care to children for periods of less than
2 twenty-four hours whose parents remain on the premises to participate
3 in activities other than employment;

4 (l) Facilities approved and certified under chapter 71A.22 RCW;

5 (m) Any agency having been in operation in this state ten years
6 prior to June 8, 1967, and not seeking or accepting moneys or
7 assistance from any state or federal agency, and is supported in part
8 by an endowment or trust fund;

9 (n) Persons who have a child in their home for purposes of
10 adoption, if the child was placed in such home by a licensed child-
11 placing agency, an authorized public or tribal agency or court or if a
12 replacement report has been filed under chapter 26.33 RCW and the
13 placement has been approved by the court;

14 (o) An agency operated by any unit of local, state, or federal
15 government or an agency, located within the boundaries of a federally
16 recognized Indian reservation, licensed by the Indian tribe;

17 (p) An agency located on a federal military reservation, except
18 where the military authorities request that such agency be subject to
19 the licensing requirements of this chapter.

20 (5) "Requirement" means any rule, regulation, or standard of care
21 to be maintained by an agency.

22 (6) "Probationary license" means a license issued as a disciplinary
23 measure to an agency that has previously been issued a full license but
24 is out of compliance with licensing standards.

25 (7) "Juvenile" means a person under the age of twenty-one who has
26 been convicted under chapter 13.40 RCW.

27 **Sec. 4.** RCW 13.50.010 and 1997 c 386 s 21 and 1997 c 338 s 39 are
28 each reenacted and amended to read as follows:

29 (1) For purposes of this chapter:

30 (a) "Juvenile justice or care agency" means any of the following:
31 Police, diversion units, court, prosecuting attorney, defense attorney,
32 detention center, attorney general, the legislative children's
33 oversight committee, the office of family and children's ombudsman, the
34 department of social and health services and its contracting agencies,
35 schools; ~~((and, in addition,))~~ persons or public or private agencies
36 having children committed to their custody; and the placement oversight
37 committee created in section 8 of this act;

1 (b) "Official juvenile court file" means the legal file of the
2 juvenile court containing the petition or information, motions,
3 memorandums, briefs, findings of the court, and court orders;

4 (c) "Social file" means the juvenile court file containing the
5 records and reports of the probation counselor;

6 (d) "Records" means the official juvenile court file, the social
7 file, and records of any other juvenile justice or care agency in the
8 case.

9 (2) Each petition or information filed with the court may include
10 only one juvenile and each petition or information shall be filed under
11 a separate docket number. The social file shall be filed separately
12 from the official juvenile court file.

13 (3) It is the duty of any juvenile justice or care agency to
14 maintain accurate records. To this end:

15 (a) The agency may never knowingly record inaccurate information.
16 Any information in records maintained by the department of social and
17 health services relating to a petition filed pursuant to chapter 13.34
18 RCW that is found by the court(~~(, upon proof presented,)~~) to be false
19 or inaccurate shall be corrected or expunged from such records by the
20 agency;

21 (b) An agency shall take reasonable steps to assure the security of
22 its records and prevent tampering with them; and

23 (c) An agency shall make reasonable efforts to insure the
24 completeness of its records, including action taken by other agencies
25 with respect to matters in its files.

26 (4) Each juvenile justice or care agency shall implement procedures
27 consistent with the provisions of this chapter to facilitate inquiries
28 concerning records.

29 (5) Any person who has reasonable cause to believe information
30 concerning that person is included in the records of a juvenile justice
31 or care agency and who has been denied access to those records by the
32 agency may make a motion to the court for an order authorizing that
33 person to inspect the juvenile justice or care agency record concerning
34 that person. The court shall grant the motion to examine records
35 unless it finds that in the interests of justice or in the best
36 interests of the juvenile the records or parts of them should remain
37 confidential.

38 (6) A juvenile, or his or her parents, or any person who has
39 reasonable cause to believe information concerning that person is

1 included in the records of a juvenile justice or care agency may make
2 a motion to the court challenging the accuracy of any information
3 concerning the moving party in the record or challenging the continued
4 possession of the record by the agency. If the court grants the
5 motion, it shall order the record or information to be corrected or
6 destroyed.

7 (7) The person making a motion under subsection (5) or (6) of this
8 section shall give reasonable notice of the motion to all parties to
9 the original action and to any agency whose records will be affected by
10 the motion.

11 (8) The court may permit inspection of records by, or release of
12 information to, any clinic, hospital, or agency which has the subject
13 person under care or treatment. The court may also permit inspection
14 by or release to individuals or agencies, including juvenile justice
15 advisory committees of county law and justice councils, engaged in
16 legitimate research for educational, scientific, or public purposes.
17 The court may also permit inspection of, or release of information
18 from, records which have been sealed pursuant to RCW 13.50.050(11).
19 The court shall release to the sentencing guidelines commission records
20 needed for its research and data-gathering functions under RCW
21 9.94A.040 and other statutes. Access to records or information for
22 research purposes shall be permitted only if the anonymity of all
23 persons mentioned in the records or information will be preserved.
24 Each person granted permission to inspect juvenile justice or care
25 agency records for research purposes shall present a notarized
26 statement to the court stating that the names of juveniles and parents
27 will remain confidential.

28 (9) Juvenile detention facilities shall release records to the
29 sentencing guidelines commission under RCW 9.94A.040 upon request. The
30 commission shall not disclose the names of any juveniles or parents
31 mentioned in the records without the named individual's written
32 permission.

33 (10) Requirements in this chapter relating to the court's authority
34 to compel disclosure shall not apply to the legislative children's
35 oversight committee or the office of the family and children's
36 ombudsman.

37 NEW SECTION. **Sec. 5.** A new section is added to chapter 72.05 RCW
38 to read as follows:

1 (1) Whenever the department operates, or the secretary enters a
2 contract to operate, a community facility, the community facility may
3 be operated only after the public notification and opportunities for
4 review and comment as required by this section.

5 (2) The secretary shall establish a process for early and
6 continuous public participation in establishing or relocating community
7 facilities. The process shall include, at a minimum, public meetings
8 in the local communities affected, as well as opportunities for written
9 and oral comments, in the following manner:

10 (a) When a selection process by the secretary or a service provider
11 has reduced the number of possible sites for a community facility to no
12 fewer than three, the secretary or the chief operating officer of the
13 service provider shall notify the public of the possible siting and
14 hold at least two public hearings in each community where a community
15 facility may be sited.

16 (b) When the secretary or service provider has determined the
17 community facility's location, the secretary or the chief operating
18 officer of the service provider shall hold at least one additional
19 public hearing in the community where the community facility will be
20 sited.

21 (c) To provide adequate notice of, and opportunity for interested
22 persons to comment on, a proposed location, the secretary or the chief
23 operating officer of the service provider shall provide at least
24 fourteen days advance notice of the meeting to all newspapers of
25 general circulation in the community, all radio and television stations
26 generally available to persons in the community, any school district in
27 which the community facility would be sited or whose boundary is within
28 two miles of a proposed community facility, any library district in
29 which the community facility would be sited, local business or
30 fraternal organizations that request notification from the secretary or
31 agency, and any person or property owner within a one-half mile radius
32 of the proposed community facility.

33 (3) The secretary shall not issue a license to any service provider
34 until the service provider submits proof that the requirements of this
35 section have been met.

36 NEW SECTION. **Sec. 6.** A new section is added to chapter 74.15 RCW
37 to read as follows:

1 Whenever the secretary contracts with a service provider to operate
2 a community facility, the contract shall include a requirement that
3 each service provider must report to the department any known
4 infraction or violation committed by any juvenile under its
5 supervision. The report must be made within two hours of learning of
6 the infraction or violation.

7 The secretary shall adopt rules to enforce the provisions of this
8 section. The rules shall contain a schedule of monetary penalties not
9 to exceed the total compensation set forth in the contract, and include
10 provisions for termination of all contracts with a service provider
11 that has repeated serious violations of this section.

12 The secretary shall document in writing all violations, penalties,
13 actions by the department to remove juveniles from a community
14 facility, and contract terminations. The department shall give great
15 weight to a service provider's record of violations, penalties, actions
16 by the department to remove juveniles from a community facility, and
17 contract terminations in determining to execute, renew, or renegotiate
18 a contract with a service provider.

19 NEW SECTION. **Sec. 7.** A new section is added to chapter 72.05 RCW
20 to read as follows:

21 The department shall adopt an infraction policy for juveniles
22 placed in community facilities. The policy shall require written
23 documentation by the department and service providers of all
24 infractions and violations by juveniles of conditions set by the
25 department. All juveniles who commit serious infractions or serious
26 violations of conditions set by the department shall be returned to a
27 close or medium security institution. The secretary shall not return
28 a juvenile to a community facility until the secretary reasonably
29 believes that the juvenile can adhere to the conditions set by the
30 department. The department shall define the terms "serious infraction"
31 and "serious violation" in rule and shall include the commission of any
32 criminal offense, any unlawful use or possession of a controlled
33 substance, and any use or possession of an alcoholic beverage.

34 NEW SECTION. **Sec. 8.** A new section is added to chapter 72.05 RCW
35 to read as follows:

1 (1) Whenever the department operates, or the secretary enters a
2 contract to operate, a community facility, the community facility must
3 be operated in accordance with the requirements of this section.

4 (2) The secretary shall establish, or require the chief operating
5 officer of a service provider to establish, a placement oversight
6 committee. The committee may review and approve the residential and
7 appropriate educational placement of any juvenile who the secretary
8 proposes to locate in the community facility. The committee shall
9 include, at a minimum, four persons residing within a one-mile radius
10 of the community facility, representatives of local law enforcement,
11 and representatives of the school district in which offenders residing
12 at the community facility are likely to be enrolled.

13 (3) The secretary shall provide the committee with the name and all
14 relevant records of any juvenile offender who the secretary proposes
15 for placement in the community facility. The records shall include
16 previous placements in a community facility and all infractions and
17 violations of the conditions set by the department. The information
18 shall be in writing and provided at least ten days in advance of the
19 date of the intended placement.

20 (4) Members of the committee shall sign and adhere to a
21 confidentiality agreement that protects the juveniles from disclosure
22 of information deemed confidential by law.

23 (5) The committee may review and approve the proposed placement up
24 to three business days prior to the juvenile's transfer to the
25 community facility. If the committee disapproves a proposed placement
26 it shall notify the secretary immediately, in the most expedient manner
27 possible, and shall provide the secretary written notice of its
28 decision within two business days of its decision.

29 (6) The committee shall consider whether a juvenile who is proposed
30 for residence in a community facility is likely to adhere to conditions
31 of placement, commit offenses while in placement, continue in
32 appropriate treatment, or present a serious threat to other community
33 facility residents or staff, and may consider other relevant conditions
34 which bear on the likelihood the juvenile will succeed in making a
35 transition to nonoffender status.

36 (7) The committee and its members shall not be liable in any cause
37 of action as a result of its decision in regard to a proposed placement
38 of a juvenile.

1 (8) Members of the committee shall be reimbursed for travel
2 expenses as provided in RCW 43.03.050 and 43.03.060.

3 (9) Except as provided in RCW 13.40.215, at least seventy-two hours
4 prior to placing a juvenile in a community facility the secretary shall
5 provide to the chief law enforcement officer of the jurisdiction in
6 which the community facility is sited: (a) The name of the juvenile;
7 (b) the juvenile's criminal history; and (c) such other relevant and
8 disclosable information the law enforcement officer may request.

9 NEW SECTION. **Sec. 9.** A new section is added to chapter 72.05 RCW
10 to read as follows:

11 (1) The department shall not place an offender in a community
12 facility unless:

13 (a) The department has conducted a risk assessment, including a
14 determination of drug and alcohol abuse, and the results indicate the
15 juvenile will not pose a high risk to public safety; and

16 (b) The offender has spent at least ten percent of his or her
17 sentence, but in no event less than thirty days, in a secure
18 institution operated by, or under contract with, the department.

19 The risk assessment must include all prior convictions and any
20 serious infractions or serious violations while under the jurisdiction
21 of the secretary.

22 (2) No juvenile offender may be placed in a community facility
23 until the juvenile's student records and information have been received
24 and the department has reviewed them in conjunction with all other
25 information used to assess risk, security classification, and placement
26 of the juvenile.

27 (3) A juvenile offender shall not be placed in a community facility
28 until the department's risk assessment and security classification is
29 complete, local law enforcement has been properly notified, and the
30 community placement oversight committee has reviewed and approved the
31 placement.

32 **Sec. 10.** RCW 28A.600.475 and 1992 c 205 s 120 are each amended to
33 read as follows:

34 School districts may participate in the exchange of information
35 with law enforcement and juvenile court officials to the extent
36 permitted by the family educational and privacy rights act of 1974, 20
37 U.S.C. Sec. 1232g. When directed by court order or pursuant to any

1 lawfully issued subpoena, a school district shall make student records
2 and information available to law enforcement officials, probation
3 officers, court personnel, and others legally entitled to the
4 information. Except as provided in section 11 of this act, parents and
5 students shall be notified by the school district of all such orders or
6 subpoenas in advance of compliance with them.

7 NEW SECTION. **Sec. 11.** A new section is added to chapter 13.40 RCW
8 to read as follows:

9 Pursuant to RCW 28A.600.475, and to the extent permitted by the
10 family educational and privacy rights act of 1974, 20 U.S.C. Sec.
11 1232g(b), and in order to serve the juvenile while in detention and to
12 prepare any postconviction services, schools shall make all student
13 records and information necessary for risk assessment, security
14 classification, and placement available to court personnel and the
15 department within three working days of a request under this section.

16 When a juvenile has one or more prior convictions, a request for
17 records shall be made by the county prosecuting attorney, or probation
18 department if available, to the school not more than ten days following
19 the juvenile's arrest or detention, whichever occurs later, and prior
20 to trial. The request may be made by subpoena.

21 Where a juvenile has no prior conviction, a request to release
22 records shall be made by subpoena upon the juvenile's conviction. When
23 the request for a juvenile's student records and information is made by
24 subpoena following conviction, the court or other issuing agency shall
25 order the school on which the subpoena is served not to disclose to any
26 person the existence or contents of the subpoena or any information
27 furnished in response to the subpoena. When the court or issuing
28 agency so orders, the school shall not provide notice to the juvenile
29 or his or her parents.

30 NEW SECTION. **Sec. 12.** A new section is added to chapter 72.05 RCW
31 to read as follows:

32 (1) The department shall establish by rule, in consultation with
33 the office of the superintendent of public instruction, those student
34 records and information necessary to conduct a risk assessment, make a
35 security classification, and ensure proper placement. Those records
36 shall include:

37 (a) Any history of placement in special education programs;

- 1 (b) Any past, current, or pending disciplinary action;
- 2 (c) Any history of violent or disruptive behavior, or gang
- 3 membership, or behavior listed in RCW 13.04.155;
- 4 (d) Any referrals for drug or alcohol abuse; and
- 5 (e) Any health conditions affecting the juvenile's placement needs.
- 6 (2) For purposes of this section "gang" has the meaning defined in
- 7 RCW 28A.225.225.

8 NEW SECTION. **Sec. 13.** A new section is added to chapter 72.05 RCW

9 to read as follows:

10 (1) Whenever the department operates, or the secretary enters a

11 contract to operate, a community facility, the placement and

12 supervision of juveniles must be accomplished in accordance with this

13 section.

14 (2) The secretary shall require that any juvenile placed in a

15 community facility and who is employed or regularly assigned as a

16 volunteer be subject to monitoring for compliance with requirements for

17 attendance at his or her job or assignment. The monitoring

18 requirements shall be included in a written agreement between the

19 employer or supervisor, the secretary or chief operating officer of the

20 contracting agency, and the juvenile. The requirements shall include,

21 at a minimum, the following:

- 22 (a) Acknowledgment of the juvenile's offender status;
- 23 (b) The name, address, and telephone number of the community
- 24 facility at which the juvenile resides;
- 25 (c) The name and work telephone number of all persons responsible
- 26 for the supervision of the juvenile;
- 27 (d) A prohibition on the juvenile's departure from the work or
- 28 volunteer site without prior approval of the person in charge of the
- 29 community facility;
- 30 (e) A prohibition on personal telephone calls except to the
- 31 community facility;
- 32 (f) A prohibition on receiving compensation in any form other than
- 33 a negotiable instrument;
- 34 (g) A requirement that rest breaks during work hours be taken only
- 35 in those areas at the location which are designated for such breaks;
- 36 (h) A prohibition on visits from persons not approved in advance by
- 37 the person in charge of the community facility;

1 (i) A requirement that any unexcused absence, tardiness, or
2 departure by the juvenile be reported immediately to the person in
3 charge of the community facility;

4 (j) A requirement that any notice from the juvenile that he or she
5 will not report to the work or volunteer site be verified as legitimate
6 by contacting the person in charge of the community facility; and

7 (k) An agreement that the community facility will conduct and
8 document random visits to determine compliance by the juvenile with the
9 terms of this section.

10 (3) The secretary shall require that any juvenile placed in a
11 community facility and who is enrolled in a public or private school be
12 subject to monitoring for compliance with requirements for attendance
13 at his or her school. The monitoring requirements shall be included in
14 a written agreement between the school district or appropriate
15 administrative officer, the secretary or chief operating officer of the
16 contracting agency, and the juvenile. The requirements shall include,
17 at a minimum, the following:

18 (a) Acknowledgment of the juvenile's offender status;

19 (b) The name, address, and telephone number of the community
20 facility at which the juvenile resides;

21 (c) The name and work telephone number of at least two persons at
22 the school to contact if issues arise concerning the juvenile's
23 compliance with the terms of his or her attendance at school;

24 (d) A prohibition on the juvenile's departure from the school
25 without prior approval of the appropriate person at the school;

26 (e) A prohibition on personal telephone calls except to the
27 community facility;

28 (f) A requirement that the juvenile remain on school grounds except
29 for authorized and supervised school activities;

30 (g) A prohibition on visits from persons not approved in advance by
31 the person in charge of the community facility;

32 (h) A requirement that any unexcused absence or departure by the
33 juvenile be reported immediately to the person in charge of the
34 community facility;

35 (i) A requirement that any notice from the juvenile that he or she
36 will not attend school be verified as legitimate by contacting the
37 person in charge of the community facility; and

1 (j) An agreement that the community facility will conduct and
2 document random visits to determine compliance by the juvenile with the
3 terms of this section.

4 (4) The secretary shall require that when any juvenile placed in a
5 community facility is employed, assigned as a volunteer, or enrolled in
6 a public or private school:

7 (a) Program staff members shall make periodic and random
8 accountability checks while the juvenile is at the school or work
9 facility;

10 (b) A program counselor assigned to the juvenile shall contact the
11 juvenile's employer, teacher, or school counselor regularly to discuss
12 school or job performance-related issues.

13 (5) The department shall maintain a copy of all agreements executed
14 under this section. The department shall also provide each affected
15 juvenile with a copy of every agreement to which he or she is a party.
16 The service provider shall maintain a copy of every agreement it
17 executes under this section.

18 NEW SECTION. **Sec. 14.** A new section is added to chapter 72.05 RCW
19 to read as follows:

20 (1) The department shall establish by rule a policy for the common
21 use of residential group homes for juvenile offenders under the
22 jurisdiction of the juvenile rehabilitation administration and the
23 children's administration.

24 (2) A juvenile under the jurisdiction of the juvenile
25 rehabilitation administration who is convicted of a class A felony is
26 not eligible for placement in a community facility operated by
27 children's administration that houses juveniles who are not under the
28 jurisdiction of juvenile rehabilitation administration.

29 NEW SECTION. **Sec. 15.** A new section is added to chapter 72.05 RCW
30 to read as follows:

31 (1) A person shall not be eligible for an employed or volunteer
32 position within the juvenile rehabilitation administration or any
33 agency with which it contracts in which the person may have regular
34 access to juveniles under the jurisdiction of the department of social
35 and health services or the department of corrections if the person has
36 been convicted of one or more of the following:

37 (a) Any felony sex offense;

1 (b) Any violent offense, as defined in RCW 9.94A.030.

2 (2) Subsection (1) of this section applies only to persons hired by
3 the department or any of its contracting agencies after the effective
4 date of this act.

5 (3) Any person employed by the juvenile rehabilitation
6 administration, or by any contracting agency, who may have regular
7 access to juveniles under the jurisdiction of the department or the
8 department of corrections and who is convicted of an offense set forth
9 in this section after the effective date of this act, shall report the
10 conviction to his or her supervisor. The report must be made within
11 seven days of conviction. Failure to report within seven days of
12 conviction constitutes misconduct under Title 50 RCW.

13 (4) For purposes of this section "may have regular access to
14 juveniles" means access for more than a nominal amount of time.

15 (5) The department shall adopt rules to implement this section.

16 NEW SECTION. **Sec. 16.** (1) The department of social and health
17 services, within existing funds, shall conduct a special study of the
18 contracts, operations, and monitoring of community residential
19 facilities that house juvenile offenders who are under the jurisdiction
20 of the department's juvenile rehabilitation administration.

21 (2) The department shall enter into a contract with an independent
22 consultant to conduct the study.

23 (3) The contract must require the independent contractor to consult
24 with nearby residents, local sheriffs and police chiefs, courts,
25 probation departments, schools, and employers in the community in which
26 the community residential facility is located.

27 (4) The independent consultant shall investigate and report on at
28 least the following issues:

29 (a) Community residential security, staffing, and operation:

30 (i) Are the facilities physically secured with door locks, alarms,
31 video monitors, and other security features so that staff are
32 immediately aware of any unauthorized exits or unauthorized visitors?
33 Which homes are not?

34 (ii) What legal barriers exist, if any, that prevent equipping
35 community residential facilities with locks, alarms, video monitors,
36 and other equipment that would make the facilities more physically
37 secure?

1 (iii) How much would it cost to equip community residential
2 facilities with security equipment?

3 (iv) For each facility describe:

4 (A) The staffing level by shift;

5 (B) The times, if any, in which offenders are either locked inside
6 secure rooms or locked inside the facility;

7 (C) What constitutes an escape;

8 (D) How much time must elapse before an unauthorized absence
9 becomes an escape;

10 (E) The escape reporting procedure;

11 (F) Who may visit the offender and at what hours;

12 (G) What is the screening process used to authorize visitors;

13 (H) What controls exist to monitor and regulate persons who visit
14 the facilities; and

15 (I) Whether offenders share bedrooms.

16 (v) Describe the monitoring level by the juvenile rehabilitation
17 administration and specifically address the following:

18 (A) How often does the juvenile rehabilitation staff visit the
19 community residential facilities?

20 (B) How many of these visits are random, unannounced, or conducted
21 at night and on weekends and holidays?

22 (C) What does the juvenile rehabilitation staff person investigate
23 when conducting these visits?

24 (D) How often does the juvenile rehabilitation staff contact
25 neighbors, schools, employers, and law enforcement to determine whether
26 juvenile offenders in the community residential facilities are
27 disruptive or that staff is responsive to community concerns?

28 (b) Offender intake and assessment procedures:

29 (i) Identify procedural and financial barriers to sharing
30 information about juvenile offenders in community residential
31 facilities between the juvenile rehabilitation administration, schools,
32 courts, law enforcement, other department of social and health
33 services' programs including the division of children and family
34 services and the division of alcohol and substance abuse, and the
35 public.

36 (ii) What authority does the state have to remove the barriers?

37 (iii) Identify what entity is responsible for collecting risk
38 assessment data. Describe the process and if it varies in different
39 counties.

1 (iv) What types and sources of data are being collected
2 inconsistently?

3 (v) What types and sources of data are being used inconsistently in
4 performing risk assessments?

5 (vi) What safeguards exist to ensure that assessments are being
6 made with complete information?

7 (c) Violations or infractions committed by juvenile offenders in
8 community residential facilities:

9 (i) How many violations, by type and seriousness level, have
10 occurred or have been reported about juvenile offenders residing in
11 community residential facilities during fiscal year 1997?

12 (ii) What appeals process, if any, exists that governs an
13 offender's appeal from a finding that the offender committed an
14 infraction?

15 (5) The department shall require the independent contractor to
16 recommend changes to existing laws, procedures, and practices governing
17 community residential facilities to increase public safety, community
18 residential facility security, protection of juvenile offenders housed
19 in community residential facilities, and community comment and
20 participation in siting facilities and placement of offenders. The
21 contractor shall also identify costs associated with implementing
22 recommended changes.

23 (6) An initial status report of the progress of the study shall be
24 presented to the senate human services and corrections committee and
25 the house criminal justice and corrections committee no later than May
26 1, 1998. The department shall present a final report to those
27 committees no later than September 1, 1998.

28 NEW SECTION. **Sec. 17.** The code reviser shall alphabetize the
29 definitions in RCW 13.50.010 and 74.15.020 and correct any references.

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