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**HOUSE BILL 2870**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Representatives Orwall, Kagi, and Slatter

AN ACT Relating to families in need of services; adding new sections to chapter 74.15 RCW; adding a new chapter to Title 13 RCW; repealing RCW 13.32A.010, 13.32A.015, 13.32A.020, 13.32A.030, 13.32A.040, 13.32A.080, 13.32A.082, 13.32A.084, 13.32A.085, 13.32A.086, 13.32A.100, 13.32A.110, 13.32A.120, 13.32A.125, 13.32A.128, 13.32A.140, 13.32A.150, 13.32A.152, 13.32A.160, 13.32A.170, 13.32A.175, 13.32A.177, 13.32A.178, 13.32A.179, 13.32A.180, 13.32A.190, 13.32A.191, 13.32A.192, 13.32A.194, 13.32A.196, 13.32A.197, 13.32A.198, 13.32A.200, 13.32A.205, 13.32A.210, 13.32A.250, 13.32A.270, and 13.32A.300; prescribing penalties; providing an effective date; and providing a contingent expiration date.

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

NEW SECTION. **Sec.**  SHORT TITLE. This act may be known and cited as the family in need of services act.

NEW SECTION. **Sec.**  LEGISLATIVE FINDINGS AND INTENT. (1) The legislature recognizes that there is a need to provide support to youth and families who are experiencing severe conflict. In 1995, the state legislature amended the family reconciliation act in a bill commonly referred to as the Becca bill, authorizing certain civil petitions to be filed in state juvenile courts to serve youth and families at risk. Under the family reconciliation act, at-risk youth petitions and child in need of services petitions were available for youth and families to request assistance. The legislature finds that this system was established to recognize early warning signs of risk for young people and their families, and provide an avenue through the juvenile court system to request crisis intervention and services to stabilize the family.

(2) The legislature intends to build upon the goals and infrastructure of the Becca bill and family reconciliation act by creating an early public system response designed to address family crisis by: (a) Merging the at-risk youth petitions and child in need of services petitions into the family in need of services petition; (b) preserving and strengthening family resiliency; (c) promoting family and community resources; and (d) measuring the impact of enhanced support to families.

(3) Through the family in need of services act, the legislature intends to offer a public system response that provides the following:

(a) A legal process by which families that are experiencing crisis can request and receive prompt assistance from juvenile courts;

(b) Assessment, case management, and interventions to preserve, strengthen, and reconcile families experiencing crisis;

(c) Residential placement and therapeutic support for youth in need of basic assistance;

(d) Services and interventions for the parent if issues prevent safe reconciliation of the family; and

(e) Ongoing assessment of the effectiveness of the family in need of services program.

(4) The legislature intends that the family in need of services system will be an accessible, statewide resource for families that are in need of crisis intervention. The legislature further intends to use the family in need of services system to reduce youth homelessness by strengthening the public system response for youth and their families in coordination with the homeless youth prevention and protection act. The legislature finds that family crisis can lead to issues such as youth running away or being expelled from the family home. The legislature further finds that youth homelessness is linked to higher instances of substance abuse, mental health challenges, domestic violence, or other behaviors that endanger members of a family.

(5) The legislature intends for the family in need of services system to establish reliable and prompt services and support for youth and families requesting relief, through a series of supports available to youth and families in their communities and authorized by the juvenile court.

NEW SECTION. **Sec.**  DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a youth by any person under circumstances that include the youth's health, welfare, and safety being harmed, excluding conduct permitted under RCW 9A.16.100. An "abused child" is a child who has been subjected to child abuse or neglect.

(2) "Child," "juvenile," "youth," and "minor" mean any unemancipated individual who is under the chronological age of eighteen years.

(3) "Department" means the department of children, youth, and families.

(4) "Extended family member" means an adult who is a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, first cousin; or is kin, as defined by the youth's tribe, with whom the youth has a relationship and is comfortable, and who is willing and available to care for the youth.

(5) "Family in need of services petition" is a civil petition filed in juvenile court by a youth, custodial parent, or other suitable adult, who is seeking support through case management, assessment, intervention, and possible placement of the youth.

(6) "Family services plan" is a case plan that outlines placement of the youth, interventions for the youth and family, and conduct for all members of the family who are under the jurisdiction of a family in need of services petition. The family services plan must be entered in the court record and reflected in the disposition order.

(7) "HOPE centers," "crisis residential centers," or "providers" are placement options for youth in accordance with chapter 43.185C RCW, except as described in section 11(1) of this act.

(8) "Juvenile services case manager" is an employee of the juvenile court hired to provide support and case management services to youth and families under the jurisdiction of a family in need of services order.

(9) "Licensed facility" means placement that is licensed by the department of children, youth, and families.

(10) "Multidisciplinary team" means a group formed to provide assistance and support to a family in need of services that is convened by the juvenile services case manager. The multidisciplinary team participants are prioritized as follows: The youth and parent, and when appropriate, members from the mental health and substance abuse disciplines, educators, law enforcement, probation counselor, case workers, employers, coaches, religious persons, tribal members, therapists, medical personnel, social service providers, placement providers, and extended family members. The attorney for the youth or the attorney's designee must participate in the multidisciplinary team.

(11) "Other suitable adult" means:

(a) For purposes of filing a family in need of services petition, an adult with whom the youth or family has a preexisting relationship; or

(b) For purposes of placement, a person with whom the court orders placement of the youth after background checks as described in section 10 of this act.

(12) "Out-of-home placement" means placement of a youth in a residence or group care facility other than with the parent.

(13) "Parent" means the parent or parents who have the legal right to custody of the child. "Parent" includes custodian or guardian.

(14) "Party" means the youth, parent, or other suitable adult involved in a family in need of services petition.

(15) "Secure crisis residential center" is a crisis residential center, or portion thereof, that has locking doors, locking windows, or a secured perimeter, designed and operational to prevent a youth from leaving without permission of the facility staff.

(16) "Temporary out-of-home placement" means an out-of-home placement of the youth authorized by a juvenile court judicial officer upon request at the filing of the family in need of services petition. The temporary out-of-home placement is not to exceed fourteen days at which time the judicial officer must review and consider the need for continued out-of-home placement pursuant to section 10 of this act.

NEW SECTION. **Sec.**  FAMILY IN NEED OF SERVICES PETITION. (1) A family in need of services petition may be filed by a youth, parent, or other suitable adult. If the family in need of services petition is filed by an other suitable adult, the court must enter a finding that approves the person as the petitioner in the proceeding.

(2) The petition must be filed in the county juvenile court where the petitioner physically resides.

(3) The juvenile court has original jurisdiction. A family in need of services petition may not be filed if the youth is the subject of a dependency proceeding under chapter 13.34 RCW.

(4) The public must be excluded from a family in need of services hearing if the judicial officer finds that it is in the best interest of the family.

(5) Any orders that are agreed upon by the parties can be presented ex parte to a judicial officer.

NEW SECTION. **Sec.**  CIRCUMSTANCES FOR FILING FAMILY IN NEED OF SERVICES PETITION. (1) The family in need of services petition must set forth facts that support the allegations and request relief available under this chapter. The filing of a family in need of services petition confers upon the court the special jurisdiction to assist the parent in maintaining parental responsibility for the youth and to provide basic residential services, interventions, and case management support that are in the best interest of the youth and family. Once a family in need of services petition is filed, the petitioner and parties must cooperate with the family assessment and multidisciplinary team to develop a family services plan.

(2) A family in need of services petition may be filed by a parent or other suitable adult under the following set of circumstances:

(a) The youth is at risk because the youth's behavior poses imminent risk to the youth's health, safety, or welfare;

(b) Intervention and case management support are necessary to assist the family and maintain parental responsibility; and

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

(3) A family in need of services petition may be filed by a youth under any of the following sets of circumstances:

(a) The youth has basic immediate needs such as residential placement, interventions, and case management support;

(b) The youth has been admitted to a HOPE or crisis residential center and has no suitable place to live, and, after notifying the parent, there is no agreement between the youth and parent as to where the youth will reside:

(i) The agreement between the youth and parent is no longer acceptable; or

(ii) The placement arrangement for the youth is no longer acceptable and no new agreement has been reached; or

(c) The youth has been admitted to a HOPE or crisis residential center and has no suitable place to live after best efforts to notify the parent within seventy-two hours, pursuant to chapter 43.185C RCW, and any of the following:

(i) Notification was not successful because no parent could be located;

(ii) No new agreement between the youth and parent as to where the youth will reside has been reached; or

(iii) Any of the circumstances in (a), (b), or (c) of this subsection exist, residing in the family home is not safe for the youth or the family members, and there is no agreement between the youth and parent as to where the youth will reside.

(4) At any time the court may order the department to be a party to the case to:

(a) Screen the youth for child protective services investigation for purposes of filing a dependency petition under chapter 13.34 RCW; or

(b) Place the youth in licensed care only if the court finds that all other options for placement have been exhausted and have not resulted in placement.

NEW SECTION. **Sec.**  FILING A FAMILY IN NEED OF SERVICES PETITION. (1) When a family in need of services petition is filed by a parent or other suitable adult, the petitioner must have a copy of the petition served on the responding party. When a family in need of services petition is filed by a youth, the court must have a copy of the petition served on the responding party. Service must first be attempted in person, but if unsuccessful, by certified mail with return receipt. The petition must request relief pursuant to section 4 of this act, and the notice and summons must contain notice of:

(a) Any hearings scheduled in the underlying matter before the court;

(b) The right to be represented by an attorney if the petitioner is a parent or other suitable adult; and

(c) The right to present evidence at the fact-finding hearing or any subsequent hearings in the family in need of services case.

(2) When a family in need of services petition is filed, and the court or the petitioning party knows or has reason to know that an Indian child is involved, chapter 13.38 RCW applies.

(3) When a family in need of services petition is filed under this chapter, the juvenile court must:

(a) Appoint a juvenile services case manager;

(b) Appoint legal counsel for the youth;

(c) Pursuant to section 7 of this act, if temporary placement outside the family home in a home not licensed by the department is requested by a youth and contested by the parent, review the sworn statement, petition, request for temporary placement, and background check provided by the juvenile services case manager. The background check must include a Washington state court database history and child protective services screening for referrals. The juvenile services case manager must make a good faith attempt to notify the parent or other suitable adult when a youth who is the petitioner requests temporary placement outside the home under section 7 of this act; and

(d) Schedule a fact-finding hearing to be held within fourteen days excluding holidays and weekends and notify the parties of such date.

NEW SECTION. **Sec.**  TEMPORARY PLACEMENT ORDER—LIMITED CIRCUMSTANCES. (1) At the time of filing, if the youth is the petitioner, the youth may request a temporary order authorizing placement outside the family home. The request for temporary out-of-home placement is only necessary if the youth and parent do not agree on placement.

(2) For the court to consider the request, the youth must file a sworn statement about the nature of the family conflict and show a copy of the filed family in need of services petition.

(3) Prior to the request to the court, the youth must meet with a juvenile services case manager and provide options for potential placement, if applicable. If the youth proposes a placement, the youth must provide the names and birthdates of adults in the home of the potential placement if possible. The juvenile services case manager must complete a background check as described in section 6(3)(c) of this act.

(4) After considering the request, sworn statement, potential placement information, and response from the responding party when available, the court must issue one of the following orders regarding the request for temporary out-of-home placement:

(a) The court may grant the request for temporary out-of-home placement, in which case the temporary out-of-home placement order is valid for fourteen days pending the fact-finding hearing and approval of placement of the youth; or

(b) The court may deny the motion.

NEW SECTION. **Sec.**  FAMILY SERVICES PLAN WITH PREFERENCE TO MULTIDISCIPLINARY TEAM. (1) The family services plan must be designed to alleviate personal or family situations that present a threat to the health, safety, or welfare of the child or family and to maintain families intact wherever possible. The family services plan must include services that assist families and communities to develop skills and supports to resolve problems related to families in need of services or family conflicts. These services must also target individual issues or family crises and include, but are not limited to, referral to services for suicide prevention, psychiatric or other medical care, or psychological, mental health, drug or alcohol treatment, welfare, legal, educational, or other social services as appropriate to the needs of the youth and the family, and training in parenting, conflict management, and dispute resolution skills.

(2) The juvenile services case manager is an employee of the juvenile court unless the court decides to contract out the services through funds provided by the state. The case manager must make attempts to:

(a) Initiate in-person contact with the youth if possible;

(b) Initiate in-person contact with the parent or other suitable adult if possible;

(c) Determine, after consultation with any attorneys of record, if a local multidisciplinary team should be convened to facilitate the family services plan, and schedule a multidisciplinary team when appropriate. Preference must be given to multidisciplinary teams to reach agreement on the elements of a family services plan; and

(d) Facilitate the multidisciplinary team discussion with the purpose of reaching agreement on the family services plan.

(3) The family services plan, whether or not based on the convening of a multidisciplinary team, must include at a minimum:

(a) A residential plan for the youth pending further multidisciplinary team or court review;

(b) A family-focused or individual service plan, including assessments and counseling; and

(c) The general conduct of parties as outlined in the plan or at the direction of the juvenile services case manager.

NEW SECTION. **Sec.**  FACT-FINDING AND ORDER ON DISPOSITION. (1) When a properly filed family in need of services petition is before the juvenile court, the court must enter an order on fact-finding to accept jurisdiction of the case and issue a disposition to determine the family services plan. The fact-finding and disposition review hearings can be held simultaneously or separately. To approve a properly filed family in need of services petition, the court must find beyond a preponderance of the evidence that support and intervention is in the best interest of the family.

(2) The juvenile court must enter an order on the family in need of services petition on or before the date of the scheduled fact-finding hearing. The order on fact-finding, granting the petition and accepting jurisdiction, may be done on the record in open court or presented ex parte if agreement was reached between the parties.

(3) The order to accept or deny the family in need of services petition may be done in any of the following ways:

(a) Ex parte, if there is agreement by the parties to enter a fact-finding order on the family in need of services petition and agreement on the family services plan such that the disposition orders are presented simultaneously to the court;

(b) Ex parte, if there is agreement to continue or dismiss the family in need of services petition and the order is presented to the court;

(c) If there is agreement to entering a fact-finding order on the family in need of services petition but no agreement on the family services plan, the court must hold a fact-finding hearing within fourteen days after the family in need of services petition is filed to consider records, testimony, and evidence on the family services plan and disposition order. The decision must be entered into the court record. If the youth is under a temporary out-of-home placement order, the order may be continued until the court enters a disposition order; or

(d) If there is no agreement on the merits of the petition and family services plan, the court must conduct a fact-finding hearing. The court must make a decision based on the record, testimony, and evidence, and the decision must be entered into the court record. When making the decision, the court must recognize that: (i) Families have the right to fulfill parental responsibility appropriate to the individual child's developmental level; and (ii) some youth are in need of basic support, including placement and interventions.

(4) The court must approve or deny a family in need of services petition and issue written findings.

(5) The court may not grant the petition if the youth is the subject of a proceeding under chapter 13.34 RCW.

(6) If the order on disposition of the family services plan was not entered simultaneously with the order on fact-finding, a disposition review hearing must be held no later than fourteen days after approval of the family in need of services petition. Notice of the time and location of the disposition review hearing must be given to the parties by the juvenile services case manager or designee.

(7) If an agreement to a family services plan is successfully facilitated with the parties, and reviewed by the multidisciplinary team if one exists, an order on disposition may be entered as an agreed order ex parte and the parties do not need to be present in court. The family services plan, at a minimum, must authorize placement, compel conduct of the parties, and provide interventions to the family.

(8) The disposition order must include provisions for case management support of the disposition order, assistance in coordinating the provision of court-ordered services, and provide updates at subsequent family in need of services hearings regarding the status of the case. The order may also include a requirement that the parent and youth participate in counseling services or any other services directed in the family services plan.

(9) The disposition order must schedule the matter on the calendar for review within three months and advise the parties of such date on the disposition order.

NEW SECTION. **Sec.**  PLACEMENT AND BACKGROUND CHECKS. (1) The court must enter an order on placement of the youth as part of the family services plan at the disposition review hearing and subsequent family in need of services hearings. The court must make a finding if it is proven by a preponderance of the evidence that placement of the youth in or outside the family home is in the best interest of the family. Placement of the youth must be discussed as part of the multidisciplinary team, if one exists, at the disposition review hearing and any subsequent family in need of services hearings.

(2) In approving a family in need of services petition under this chapter, the court may approve an order continuing an out-of-home placement if it is proven by a preponderance of the evidence that the family is unable to safely reside together while participating in case management and interventions designed to resolve family conflict. Placement must be included in the disposition order entered into the court record.

(a) If placement outside of the family home is authorized by the court, a youth may be placed in a HOPE or crisis residential center if no other suitable out-of-home placement is available for as long as the court order authorizes.

(b) If placement outside of the family home is agreed, and the parent has given permission, no background check is required.

(c) If the parent fails to respond, or cannot be found, the court must authorize out-of-home placement as part of the disposition order.

(d) If there is no agreement on out-of-home placement for the youth, the court may:

(i) Direct the youth to return to the home of the family;

(ii) Place the youth in a licensed facility; or

(iii) Place the youth in temporary placement outside the family home after reviewing background checks on adults residing in the potential placement and referral history from child protective services, as described in section 6(3)(c) of this act. The juvenile services case manager must compile the background check and child protective services referral history and provide the information to the judicial officer and parties to the case;

(e) The court may also order the department to be a party to the case under circumstances identified in section 5(4) of this act.

(3) The court may order out-of-home placement of the youth if it finds by a preponderance of the evidence that:

(a) The family is unable to safely reside together while participating in case management and interventions designed to resolve family conflict;

(b) Problems cannot be resolved by delivery of services to the family during continued placement of the youth in the family home;

(c) Reasonable efforts have been made to prevent or eliminate the need for removal of the youth from the family home;

(d) A suitable out-of-home placement resource is authorized under the family in need of services order; and

(e) The order is in the best interest of the youth and family.

(4) If the court orders out-of-home placement in the disposition order:

(a) The court must specify the person or agency with whom the youth is placed and the parental powers that are temporarily awarded to the agency or person including, but not limited to, the right to authorize medical, dental, educational, and optical treatment, and parental visitation rights;

(b) The court may extend out-of-home placement not to exceed ninety days from the date of the disposition order. The youth may be ordered to reside in a HOPE or crisis residential center under a family in need of services order pursuant to section 11 of this act;

(c) The court must give preference to the wishes of the parent regarding placement outside the family home and attempt to retain parental responsibility when appropriate. Preferences such as family constellation, ethnicity, and religion must be given consideration when matching youth to placements that encourage family centered case management and participation in the multidisciplinary team. Parental preference is appropriate in areas that are not connected with abuse or neglect;

(d) Placement made pursuant to this section may not be made in a secure residence as defined by the federal juvenile justice and delinquency act of 1974; and

(e) A disposition order or condition of supervision ordered by a court pursuant to this section may not include involuntary commitment of a youth for substance abuse or mental health treatment pursuant to chapters 71.34 and 70.96A RCW.

(5) Any placement outside the family home must be reviewed by the judicial officer within three judicial days upon request of the parties, attorneys of record, or the juvenile services case manager.

NEW SECTION. **Sec.**  PLACEMENT IN HOPE OR CRISIS RESIDENTIAL CENTERS—TRANSITIONAL SUCCESS PROGRAM. (1) If the court authorizes placement of the youth in a HOPE or crisis residential center under this chapter, the placement may continue as long as permitted by the court in the best interest of the family. During placement under this chapter, the court must ensure that the parties are participating in the family services plan. Any party to the case may make a motion for the court to consider a change in placement. If a motion to consider placement of the youth is properly filed, the matter must be scheduled within three judicial days.

(2) Youth under the jurisdiction of a family in need of services petition may be eligible for placement in a transitional success program pursuant to section 13 of this act if authorized by the court. Transitional success program placements are intended as placement alternatives for youth for whom no other services or alternative placements have been successful or are appropriate. The transitional success program may be offered as part of a HOPE center.

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

The director of the department of commerce must establish transitional success programs by contract, within funds appropriated by the legislature specifically for this purpose. Transitional success programs must have the following:

(1) A license issued by the secretary;

(2) A professional with a master's degree in counseling, social work, or related field and at least one year of experience working with street youth available to serve residents or a bachelor of arts degree in social work or a related field and five years of experience working with street youth. The professional must provide counseling services and interface with other relevant resources and systems to prepare the minor for adult living. Preference must be given to those professionals cross-credentialed in mental health and chemical dependency;

(3) Staff trained in the development needs of older adolescents eligible to participate in transitional success programs;

(4) Transitional living services and a therapeutic model of service delivery that provides necessary program supervision of residents and at the same time includes a philosophy, program structure, and treatment planning that emphasizes achievement of competency in independent living skills. Independent living skills include achieving basic educational requirements such as a high school equivalency certificate as provided in RCW 28B.50.536, enrollment in vocational and technical training programs offered at the community and vocational colleges, and obtaining and maintaining employment; and accomplishing basic life skills such as money management, nutrition, preparing meals, and cleaning house. A baseline skill level in ability to function productively and independently shall be determined at entry. Performance must be measured and must demonstrate improvement from involvement in the program. Each resident must have a plan for achieving independent living skills by the time the resident leaves the placement. The plan must be written within the first thirty days of placement and reviewed every ninety days. A resident who fails to consistently adhere to the elements of the plan is subject to reassessment by the professional staff of the program and may be placed outside the program; and

(5) A data collection system that measures outcomes for the population served, and enables research and evaluation that can be used for future program development and service delivery. Data collection systems must have confidentiality rules and protocols developed by the department of commerce.

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

Minors who are not dependent under chapter 13.24 RCW may be eligible for the transitional success program pursuant to court authorization under chapter 13.--- RCW (the new chapter created in section 21 of this act). Transitional success program centers are intended as a placement alternative for youth because no other services or alternative placements have been successful.

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

The secretary may license transitional success programs that meet statutory and rule requirements created by the secretary. The secretary and the director of the department of commerce may adopt rules as necessary to carry out sections 12 and 13 of this act. The secretary may rely upon existing licensing provisions in the development of licensing requirements for transitional success programs. Transitional success programs must adhere to departmental rules prohibiting the use of alcohol, tobacco, controlled substances, violence, and sexual activity between residents.

NEW SECTION. **Sec.**  DISPOSITION REVIEW HEARINGS. (1) Before the scheduled disposition review hearing, the juvenile services case manager must consult with the attorneys of record before determining if a multidisciplinary team should be convened, pursuant to section 8(2)(c) of this act, to review the status of the family and consider changes to the family services plan.

(2)(a) If the juvenile services case manager, after consultation with the attorneys of record, determines that a multidisciplinary team should be convened, the juvenile services case manager must consult with the parties to decide which individuals to invite to the multidisciplinary team. The team must consider the status of the youth and family and discuss modifications to the family services plan, including placement, services, and conduct of the parties. If the parties agree to the family services plan, as discussed by the multidisciplinary team, the disposition review hearing may be canceled and the order on review presented ex parte by the juvenile services case manager to a judicial officer in juvenile court.

(b) If the parties do not agree to the family services plan at the multidisciplinary team meeting, the disposition review hearing must proceed and the court must determine whether the youth and family are complying with the family services plan. If support through the family in need of services petition is continued, the court may modify the family services plan. The court must make a decision based on the records and evidence, and the decision must be entered into the court record.

(3)(a) If the juvenile services case manager, after consultation with the attorneys of record, determines that a multidisciplinary team should not be convened, the juvenile services case manager, and attorneys of record if available, must meet with the parties to review the status of the youth and family and discuss modifications to the family services plan, including placement, services, and conduct of the parties. If the parties agree to the family services plan, the disposition review hearing must be canceled and the order or review presented ex parte to a judicial officer in juvenile court.

(b) If the parties do not agree to the family services plan, the disposition review hearing must proceed and the court must determine whether the youth and family are complying with the family services plan. If support through the family in need of services petition is continued, the court may modify the family services plan. The court must make a decision based on records and evidence and the decision must be entered into the court record.

(4) If at any time there is disagreement between the parties regarding the family services plan, a court hearing on review must be scheduled to determine whether reasonable efforts have been made to reunify the family and make it possible for the youth to return home in cases when the youth was placed outside the family home. The court must discontinue the placement and order the youth to return home if the court has reasonable grounds to believe that the parents have made reasonable efforts to resolve the conflict and the court has reason to believe that the child's refusal to return home is capricious.

NEW SECTION. **Sec.**  VIOLATIONS AND CONTEMPT HEARINGS. Any party that fails to comply with a family in need of services order is subject to contempt proceedings, as provided in this section:

(1) In all family in need of services proceedings under this chapter, the parties must be notified in the family services plan and disposition order of the possibility of a finding of contempt for failure to comply with the terms of the court order entered pursuant to this chapter. Except as otherwise provided in this section, the court must treat the parents and youth equally for the purposes of applying contempt of court processes and penalties under this section.

(2) If a party fails to comply with the family services plan authorized in the disposition order, the juvenile services case manager must be notified and must:

(a) Attempt to address the alleged violation and determine if it can be resolved with the parties directly; and

(b) Consult with the attorneys appointed in the case to determine if a multidisciplinary team should be convened to review the alleged violations and consider consequences. If a multidisciplinary team is convened, the members must review the allegations, make a determination whether the violation is actual, and suggest a remedy or consequence. If all other avenues to resolve conflict are exhausted and the alleged violation has not been remedied, the juvenile services case manager must inform the parties about the process to file a civil contempt of court motion as provided in RCW 7.21.030(2)(e), subject to the limitations in subsection (3) of this section.

(3) A motion for contempt can only be filed by a party, the case manager, or on the court's own motion.

(4)(a) The court may impose the following sanctions:

(i) For noncompliance of a parent, a fine of up to one hundred dollars;

(ii) For noncompliance of the youth, the court may impose sanctions that include: Placement in a secure crisis residential center; electronic home monitoring; community service; evaluations; services; or treatment.

(b) Secure confinement in a juvenile detention center is not authorized under this chapter as a sanction for a contempt finding under this section.

NEW SECTION. **Sec.**  SECURE JUVENILE DETENTION. (1) When the court finds probable cause to believe, based upon consideration of a motion for contempt and the information set forth in a supporting declaration, that a youth has violated a placement order entered under this chapter or failed to appear for a scheduled hearing after proper notification, the court may only issue an order directing law enforcement to find and take the youth to a secure juvenile detention facility operated by or pursuant to a contract with a county if the order contains written findings that the youth's behavior poses imminent risk to the youth's health, safety, or welfare. The order may be entered ex parte without prior notice to the youth or other parties.

(2) Following the youth's admission to detention, a detention review hearing must be held within twenty-four hours excluding Saturdays, Sundays, and holidays, in accordance with RCW 43.185C.270. At the detention review hearing, a judicial officer must make a determination to hold or release a youth based on: (a) How likely the youth is to appear for the next hearing or appointment; and (b) the youth's risk to self.

(3) At the detention review hearing, if the court orders the youth to be held based on subsection (2)(a) or (b) of this section pending the contempt hearing, the hearing must be held within seventy-two hours.

NEW SECTION. **Sec.**  DISMISSAL. (1) The court may retain jurisdiction over the family in need of services proceeding as it finds necessary to assist the family to resolve conflict so that the family can be safely reunited, or to continue to provide residential placement and individual intervention and support to the youth. Juvenile court support through the family in need of services petition may not exceed one hundred eighty days from the date that the disposition review hearing is commenced unless the court finds that there are compelling reasons for an extension. Any extension granted under this subsection may not exceed ninety days.

(2) The court may dismiss the family in need of services proceeding at any time if the court finds good cause to believe that continued support would serve no useful purpose, subject to subsection (7) of this section.

(3) Nine months from the date that the court grants jurisdiction over the family in need of services proceeding, the court must hold a review hearing to:

(a) Consider the family services plan, including placement of the youth, services, and conduct of the parties;

(b) Evaluate housing stability for the youth; and

(c) Consider recommendations on the long-term plan for youth.

(4) Based on review of the factors in subsection (3)(a) through (c) of this section, the court must determine if dismissal of the court's jurisdiction is in the best interest of the youth. The court must document the long-term plan for the youth in the one hundred eighty-day order.

(5) If there is no long-term plan or placement for the youth, the court may continue jurisdiction for up to three additional months to obtain stable housing for the youth.

(6) The court may grant concurrent jurisdiction to another court for the purpose of establishing the identified long-term plan for the youth.

(7) The court may extend jurisdiction up until the youth reaches the age of eighteen under the following, limited circumstances:

(a) The court finds that it is not safe or in the best interest of the youth to return home;

(b) No dependency has been established; and

(c) No alternative legal and physical custody has been established.

(8) If the court extends jurisdiction under this section, all parties retain their attorneys.

NEW SECTION. **Sec.**  CONSENT AND NOTIFICATION REQUIREMENTS. (1) A provider may provide shelter and related services to a consenting minor for up to seventy-two hours without the consent of a parent if the provider reasonably believes that:

(a) The minor communicated an informed consent; and

(b) Shelter and services are necessary to ensure the minor's safety and well-being.

(2) The provider must make reasonable efforts to notify a minor's parent every twenty-four hours and document its efforts in writing.

NEW SECTION. **Sec.**  EVALUATION. (1) The center for court research, within the administrative office of the courts, must establish a research plan to determine effectiveness of the family in need of services petition system. The research plan must be reviewed by the Washington association of juvenile court administrators, the superior court judges' association, and the office of homeless youth prevention and protection no later than six months after the effective date of this section. The research plan must include, to the extent possible and practicable: Collection of demographics and relevant characteristics of system-involved youth and families; the system response to these youth and families; the impact of interventions under the family in need of services system; and relevant outcomes such as housing stability across time, educational progress and outcomes, and access to publicly funded services.

(2) To support transparency, accountability, and ongoing improvement of system effectiveness, the center must also make recommendations regarding the data collection required by the family in need of services system, related process and outcomes reporting, and approaches to engaging with local system teams in support of learning from experience and adapting to improve performance.

NEW SECTION. **Sec.**  LEGISLATIVE DIRECTIVE. Sections 1 through 11 and 15 through 20 of this act constitute a new chapter in Title 13 RCW.

NEW SECTION. **Sec.**  REPEALERS. The following acts or parts of acts are each repealed:

(1)RCW 13.32A.010 (Legislative findings and intent) and 2000 c 123 s 1, 1995 c 312 s 1, & 1979 c 155 s 15;

(2)RCW 13.32A.015 (At-risk youth services—Intent) and 1990 c 276 s 1;

(3)RCW 13.32A.020 (Short title) and 1990 c 276 s 2 & 1979 c 155 s 16;

(4)RCW 13.32A.030 (Definitions—Regulating leave from semi-secure facility) and 2017 3rd sp.s. c 6 s 417, 2013 c 4 s 1, 2010 c 289 s 1, 2000 c 123 s 2, 1997 c 146 s 1, 1996 c 133 s 9, 1995 c 312 s 3, 1990 c 276 s 3, 1985 c 257 s 6, & 1979 c 155 s 17;

(5)RCW 13.32A.040 (Family reconciliation services) and 2000 c 123 s 3, 1995 c 312 s 5, 1994 c 304 s 3, 1990 c 276 s 4, 1981 c 298 s 1, & 1979 c 155 s 18;

(6)RCW 13.32A.080 (Unlawful harboring of a minor—Penalty—Defense—Prosecution of adult for involving child in commission of offense) and 2000 c 123 s 9, 1994 sp.s. c 7 s 507, 1981 c 298 s 6, & 1979 c 155 s 22;

(7)RCW 13.32A.082 (Providing shelter to minor—Requirement to notify parent, law enforcement, or department) and 2013 c 4 s 2, 2011 c 151 s 1, 2010 c 229 s 2, 2000 c 123 s 10, 1996 c 133 s 14, & 1995 c 312 s 34;

(8)RCW 13.32A.084 (Providing shelter to minor—Immunity from liability) and 1995 c 312 s 36;

(9)RCW 13.32A.085 (Unlicensed youth shelter or unlicensed runaway and homeless youth program—Private right of action or claim) and 2013 c 4 s 3 & 2010 c 229 s 3;

(10)RCW 13.32A.086 (Duty of law enforcement agencies to identify runaway children under RCW 43.43.510) and 1995 c 312 s 37;

(11)RCW 13.32A.100 (Family reconciliation services for child in out-of-home placement) and 2000 c 123 s 13, 1996 c 133 s 16, 1981 c 298 s 8, & 1979 c 155 s 24;

(12)RCW 13.32A.110 (Interstate compact to apply, when) and 1996 c 133 s 17 & 1979 c 155 s 25;

(13)RCW 13.32A.120 (Out-of-home placement—Agreement, continuation—Petition to approve or continue) and 2000 c 123 s 14, 1996 c 133 s 18, 1995 c 312 s 11, 1990 c 276 s 7, & 1979 c 155 s 26;

(14)RCW 13.32A.125 (Temporary out-of-home placement in semi-secure crisis residential center) and 1995 c 312 s 44;

(15)RCW 13.32A.128 (Child admitted to secure facility—Limitations) and 2009 c 569 s 5;

(16)RCW 13.32A.140 (Out-of-home placement—Child in need of services petition by department—Procedure) and 2000 c 123 s 16, 1997 c 146 s 5, 1996 c 133 s 19, 1995 c 312 s 15, 1990 c 276 s 9, 1981 c 298 s 10, & 1979 c 155 s 28;

(17)RCW 13.32A.150 (Out-of-home placement—Child in need of services petition by child or parent) and 2000 c 123 s 17, 1996 c 133 s 20, 1995 c 312 s 16, 1992 c 205 s 208, 1990 c 276 s 10, 1989 c 269 s 1, 1981 c 298 s 11, & 1979 c 155 s 29;

(18)RCW 13.32A.152 (Child in need of services petition—Service on parents—Notice to department—Petitions regarding Indian children) and 2011 c 309 s 21, 2004 c 64 s 5, 2000 c 123 s 18, 1996 c 133 s 21, & 1995 c 312 s 4;

(19)RCW 13.32A.160 (Out-of-home placement—Court action upon filing of child in need of services petition—Child placement) and 2000 c 123 s 19, 1997 c 146 s 6, 1996 c 133 s 22, 1995 c 312 s 17, 1990 c 276 s 11, 1989 c 269 s 2, & 1979 c 155 s 30;

(20)RCW 13.32A.170 (Out-of-home placement—Fact-finding hearing) and 2000 c 123 s 20, 1996 c 133 s 23, 1995 c 312 s 18, 1989 c 269 s 3, 1987 c 524 s 1, 1985 c 257 s 10, 1984 c 188 s 1, 1981 c 298 s 12, & 1979 c 155 s 31;

(21)RCW 13.32A.175 (Out-of-home placement—Contribution to child's support—Enforcement of order) and 1995 c 312 s 19, 1987 c 435 s 13, & 1981 c 298 s 15;

(22)RCW 13.32A.177 (Out-of-home placement—Determination of support payments) and 1995 c 312 s 22 & 1988 c 275 s 14;

(23)RCW 13.32A.178 (Out-of-home placement—Child support—Exceptions) and 2017 3rd sp.s. c 6 s 418 & 2001 c 332 s 8;

(24)RCW 13.32A.179 (Out-of-home placement—Disposition hearing—Court order—Dispositional plan—Child subject to contempt proceedings—Dismissal of order at request of department or parent) and 2000 c 123 s 21, 1997 c 146 s 7, 1996 c 133 s 24, & 1995 c 312 s 20;

(25)RCW 13.32A.180 (Out-of-home placement—Court order—No placement in secure residence) and 1995 c 312 s 23 & 1979 c 155 s 32;

(26)RCW 13.32A.190 (Out-of-home placement dispositional order—Review hearings—Time limitation on out-of-home placement—Termination of placement at request of parent) and 1996 c 133 s 25, 1995 c 312 s 24, 1989 c 269 s 5, 1984 c 188 s 2, 1981 c 298 s 13, & 1979 c 155 s 33;

(27)RCW 13.32A.191 (At-risk youth—Petition by parent) and 2000 c 123 s 22 & 1995 c 312 s 25;

(28)RCW 13.32A.192 (At-risk youth petition—Prehearing procedures) and 1997 c 146 s 8, 1996 c 133 s 26, 1995 c 312 s 26, & 1990 c 276 s 12;

(29)RCW 13.32A.194 (At-risk youth petition—Court procedures) and 2000 c 123 s 23, 1996 c 133 s 27, 1995 c 312 s 27, & 1990 c 276 s 13;

(30)RCW 13.32A.196 (At-risk youth petition—Dispositional hearing) and 2000 c 123 s 24, 1995 c 312 s 28, 1991 c 364 s 14, & 1990 c 276 s 14;

(31)RCW 13.32A.197 (Disposition hearing—Additional orders for specialized treatment—Review hearings—Limitation—Use of state funds) and 1996 c 133 s 3;

(32)RCW 13.32A.198 (At-risk youth—Review by court) and 1990 c 276 s 15;

(33)RCW 13.32A.200 (Hearings under chapter—Time or place—Public excluded) and 2007 c 213 s 1, 2000 c 123 s 25, & 1979 c 155 s 34;

(34)RCW 13.32A.205 (Acceptance of petitions by court—Damages) and 1995 c 312 s 32;

(35)RCW 13.32A.210 (Foster home placement—Parental preferences) and 1990 c 284 s 24;

(36)RCW 13.32A.250 (Failure to comply with order as civil contempt—Motion—Penalties) and 2000 c 162 s 14, 2000 c 162 s 4, 1998 c 296 s 37, 1996 c 133 s 28, 1995 c 312 s 29, & 1990 c 276 s 16;

(37)RCW 13.32A.270 (Youth who have been diverted—Alleged prostitution or prostitution loitering offenses—Services and treatment) and 2010 c 289 s 3; and

(38)RCW 13.32A.300 (No entitlement to services created by chapter) and 1995 c 312 s 43.

NEW SECTION. **Sec.**  This act takes effect July 1, 2018.

NEW SECTION. **Sec.**  Section 17 of this act expires July 1, 2019, if chapter . . . (Substitute Senate Bill No. 5596), Laws of 2018 is enacted into law.

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