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HOUSE BILL 1657

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State of Washington

54th Legislature

1995 Regular Session

By Representatives Cooke, Carrell and Thibaudeau; by request of Governor Lowry and Attorney General

Read first time 02/02/95. Referred to Committee on Children & Family Services.

1 AN ACT Relating to youth in crisis; amending RCW 13.32A.010,  
2 13.32A.020, 13.32A.030, 13.32A.040, 13.32A.050, 13.32A.130, 13.32A.175,  
3 13.32A.194, 70.96A.140, 70.96A.095, 71.34.050, 71.34.070, 71.34.030,  
4 13.32A.090, 13.32A.140, 13.32A.150, 13.32A.160, 13.32A.170, 13.32A.180,  
5 13.32A.190, 13.32A.192, 13.32A.196, 13.50.010, and 28A.225.100; adding  
6 new sections to chapter 13.32A RCW; creating new sections; repealing  
7 RCW 13.32A.100 and 13.32A.120; and prescribing penalties.

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

9 **Sec. 1.** RCW 13.32A.010 and 1979 c 155 s 15 are each amended to  
10 read as follows:

11 The legislature finds that within any group of people there exists  
12 a need for guidelines for acceptable behavior and that, presumptively,  
13 experience and maturity are better qualifications for establishing  
14 guidelines beneficial to and protective of individual members and the  
15 group as a whole than are youth and inexperience. The legislature  
16 further finds that it is the right and responsibility of adults to  
17 establish laws for the benefit and protection of the society; and that,  
18 in the same manner, the right and responsibility for establishing  
19 reasonable guidelines for the family unit belongs to the adults within

1 that unit. The legislature reaffirms its position stated in RCW  
2 13.34.020 that the family unit is the fundamental resource of American  
3 life which should be nurtured and that it should remain intact in the  
4 absence of compelling evidence to the contrary.

5 The legislature recognizes that the public is concerned about the  
6 growing problem with runaways. The legislature further recognizes that  
7 children have run away from home, have substance abuse, or have serious  
8 acting out behaviors and their parents have sought help. The  
9 legislature recognizes that families with children who are endangering  
10 themselves and others by their behavior also need services.

11 The legislature finds that many parents do not know their rights  
12 regarding their adolescent children and law enforcement, parents and  
13 courts feel they have insufficient legal recourse for the chronic  
14 runaway child who is endangering himself or herself through his or her  
15 behavior. The legislature further finds that the juvenile justice  
16 reform enacted in 1977 does not adequately protect youth and families  
17 and that chronic runaways with substantial problems are left without  
18 adequate protection or legal recourse.

19 The legislature further recognizes that for chronic runaways whose  
20 behavior puts them in serious danger of harming themselves or others,  
21 secure facilities must be provided to assist parents and protect their  
22 children. The legislature intends, in chapter . . ., Laws of 1995  
23 (this act), to give tools to law enforcement, courts, and parents to  
24 keep families together and reunite them whenever possible. It is also  
25 the intent of the legislature to provide additional resources to local  
26 communities and law enforcement to assist them in picking up and  
27 dealing with runaways. It is further the intent of the legislature to  
28 assist local communities in this task by providing immediate placement  
29 resources for those children defined under chapter . . ., Laws of 1995  
30 (this act) who are at greatest risk.

31 The legislature recognizes that some children run away to protect  
32 themselves from abuse or neglect in their homes. Abused and neglected  
33 children should be dealt with pursuant to chapter 13.34 RCW and it is  
34 not the intent of the legislature to handle dependency matters under  
35 chapter . . ., Laws of 1995 (this act).

36 The legislature recognizes that many of these children have  
37 treatment needs that are either unmet by the current system or are  
38 dealt with inappropriately in the dependency system. It is the  
39 legislature's intent to create an intensive treatment system for

1 children whose behaviors put them at serious risk of harm. The  
2 legislature recognizes that the success of any treatment program  
3 depends upon the involvement of the parents, unless the parents choose  
4 not to be involved. In those cases, the legislature intends a  
5 reconfiguration of resources for children who can no longer live at  
6 home.

7 The legislature further recognizes that the existing court process  
8 is not sufficient to address the intensive treatment needs of these  
9 troubled youth. It is the legislature's intent to require the  
10 department and the counties to devise an intensive treatment system  
11 drawing upon existing state and community resources and to revise the  
12 current court process to assist families in accessing treatment for  
13 their children. The legislature intends that treatment services be  
14 offered on a voluntary basis to affected children and that the courts  
15 be used as a last resort to access services and only when a parent is  
16 uninvolved or reasonably unavailable.

17 **Sec. 2.** RCW 13.32A.020 and 1990 c 276 s 2 are each amended to read  
18 as follows:

19 This chapter shall be known and may be cited as the ((family  
20 reconciliation)) at-risk youth and children in need of services act.

21 **Sec. 3.** RCW 13.32A.030 and 1990 c 276 s 3 are each amended to read  
22 as follows:

23 As used in this chapter the following terms have the meanings  
24 indicated unless the context clearly requires otherwise:

25 (1) "Department" means the department of social and health  
26 services;

27 (2) "Child," "juvenile," and "youth" mean any individual who is  
28 under the chronological age of eighteen years;

29 (3) "Parent" means ((the legal custodian(s) or guardian(s) of a  
30 child)) parent as defined in RCW 13.04.011;

31 (4) "Semi-secure facility" means any facility, including but not  
32 limited to crisis residential centers or specialized foster family  
33 homes, operated in a manner to reasonably assure that youth placed  
34 there will not run away: PROVIDED, That such facility shall not be a  
35 secure institution or facility as defined by the federal juvenile  
36 justice and delinquency prevention act of 1974 (P.L. 93-415; 42 U.S.C.  
37 Sec. 5634 et seq.) and regulations and clarifying instructions

1 promulgated thereunder. Pursuant to rules established by the  
2 department, the facility administrator shall establish reasonable hours  
3 for residents to come and go from the facility such that no residents  
4 are free to come and go at all hours of the day and night. To prevent  
5 residents from taking unreasonable actions, the facility administrator,  
6 where appropriate, may condition a resident's leaving the facility upon  
7 the resident being accompanied by the administrator or the  
8 administrator's designee and the resident may be required to notify the  
9 administrator or the administrator's designee of any intent to leave,  
10 his or her intended destination, and the probable time of his or her  
11 return to the center. The facility administrator shall notify a parent  
12 and the appropriate law enforcement agency within four hours of all  
13 unauthorized leaves;

14 (5) "Perimeter secure facility" means a regional crisis residential  
15 center that is capable of having a portion of its premises or its  
16 entire perimeter physically secured. No child shall be placed in a  
17 perimeter secure facility except as provided in RCW 13.32A.130.

18 (6) "At-risk youth" means ((an individual under the chronological  
19 age of eighteen years)) a juvenile who:

20 (a) Is absent from home for more than seventy-two consecutive hours  
21 without consent of his or her parent;

22 (b) Is beyond the control of his or her parent such that the  
23 child's behavior substantially endangers the health, safety, or welfare  
24 of the child or any other person; or

25 (c) ~~((Has a serious substance abuse problem for which there are no~~  
26 ~~pending criminal charges related to the substance abuse))~~ Has  
27 repeatedly been in circumstances that constitute a danger to the  
28 juvenile's safety or that has repeatedly violated a local curfew  
29 ordinance.

30 (7) "Child in need of services" means a juvenile who:

31 (a) Is beyond the control of his or her parent such that the  
32 child's behavior substantially endangers the health, safety, or welfare  
33 of the child or any other person; or

34 (b) Has been absent from the home of his or her parent or guardian  
35 or custodian or from a crisis residential center on two separate  
36 occasions without the consent of the parent or guardian or custodian;  
37 and

38 (i) Has exhibited a serious substance abuse problem; or

1 (ii) Has exhibited behaviors that create a serious risk of harm to  
2 the health, safety, or welfare of the child or any other person; and

3 (c) Has been offered appropriate voluntary services pursuant to  
4 this chapter through the multidisciplinary team and those services have  
5 been unsuccessful in rectifying the conditions which have led to the  
6 family conflict.

7 (8) "Multidisciplinary team" means those persons involved in  
8 helping a child who meets the definition of an at-risk youth or a child  
9 in need of services. This group shall include the parent, guardian or  
10 custodian, a department case worker, a representative of the counties,  
11 and a member from the following disciplines: Mental health and  
12 substance abuse. This group may include, but is not limited to the  
13 following persons: Educators, law enforcement personnel, probation  
14 officers, employers, church persons, tribal members, a member of the  
15 child's cultural community, therapists, medical personnel, social  
16 service providers, placement providers, and extended family members.  
17 Team members shall be volunteers who do not receive compensation for  
18 team activities unless an individual team member's employer chooses to  
19 provide such compensation.

20 (9) "Custodian" means custodian as defined in RCW 13.04.011(5).

21 (10) "Guardian" means that person or agency that (a) has been  
22 appointed as the guardian of a child in a legal proceeding other than  
23 a proceeding under chapter 13.34 RCW, and (b) has the right to legal  
24 custody of the child pursuant to such appointment. The term "guardian"  
25 does not include a "dependency guardian" appointed pursuant to a  
26 proceeding under chapter 13.34 RCW.

27 **Sec. 4.** RCW 13.32A.040 and 1994 c 304 s 3 are each amended to read  
28 as follows:

29 Families who are in conflict or who are experiencing problems with  
30 at-risk youth or a child suspected of being a child in need of services  
31 may request family reconciliation services from the department. The  
32 department shall involve the local multidisciplinary teams in  
33 determining the services to be provided and in providing those  
34 services. Such services shall be provided to alleviate personal or  
35 family situations which present a serious and imminent threat to the  
36 health or stability of the child or family and to maintain families  
37 intact wherever possible. Family reconciliation services shall be  
38 designed to develop skills and supports within families to resolve

1 problems related to at-risk youth, children in need of services, or  
2 family conflicts and may include but are not limited to referral to  
3 services for suicide prevention, psychiatric or other medical care, or  
4 psychological, welfare, legal, educational, or other social services,  
5 as appropriate to the needs of the child and the family. Upon a  
6 referral by a school or other appropriate agency, family reconciliation  
7 services may also include training in parenting, conflict management,  
8 and dispute resolution skills.

9       **Sec. 5.** RCW 13.32A.050 and 1994 sp.s. c 7 s 505 are each amended  
10 to read as follows:

11       A law enforcement officer shall take a child into custody:

12       (1) If a law enforcement agency has been contacted by the parent of  
13 the child that the child is absent from parental custody without  
14 consent; or

15       (2) If a law enforcement officer reasonably believes, considering  
16 the child's age, the location, and the time of day, that a child is in  
17 circumstances which constitute a danger to the child's safety or that  
18 a child is violating a local curfew ordinance; or

19       (3) If an agency legally charged with the supervision of a child  
20 has notified a law enforcement agency that the child has run away from  
21 placement; or

22       (4) If a law enforcement agency has been notified by the juvenile  
23 court that the court finds probable cause exists to believe that the  
24 child has violated a court placement order issued pursuant to chapter  
25 13.32A RCW or that the court has issued an order for law enforcement  
26 pick-up of the child under this chapter.

27       Law enforcement custody shall not extend beyond the amount of time  
28 reasonably necessary to transport the child to a destination authorized  
29 by law and to place the child at that destination.

30       ~~((An officer who takes a child into custody under this section and  
31 places the child in a designated crisis residential center shall inform  
32 the department of such placement within twenty-four hours.))~~

33       If a law enforcement officer takes a child into custody pursuant to  
34 either subsection (1) or (2) of this section and transports the child  
35 to a crisis residential center, the officer shall, within twenty-four  
36 hours of delivering the child to the center, provide to the center a  
37 written report detailing the reasons the officer took the child into  
38 custody.

1       (5) If the police who initially take the juvenile into custody or  
2 the staff of the crisis residential center to which the child is  
3 brought by law enforcement officials determines the reason the juvenile  
4 is absent from home is because he or she is abused or neglected, a  
5 report shall be made immediately to the department.

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

9       (~~(6)~~) (7) If a law enforcement officer has a reasonable suspicion  
10 that a child is being unlawfully harbored under RCW 13.32A.080, the  
11 officer shall remove the child from the custody of the person harboring  
12 the child and shall transport the child to one of the locations  
13 specified in RCW 13.32A.060.

14       **Sec. 6.** RCW 13.32A.130 and 1994 sp.s. c 7 s 508 are each amended  
15 to read as follows:

16       (1) A child admitted to a crisis residential center under this  
17 chapter who is not returned to the home of his or her parent (~~or who~~  
18 ~~is not placed in an alternative residential placement under an~~  
19 ~~agreement between the parent and child, shall, except as provided for~~  
20 ~~by RCW 13.32A.140 and 13.32A.160(2)~~), guardian, or custodian, or to an  
21 alternative placement agreed to by the child and the child's parent,  
22 guardian, or custodian shall reside in the placement under the rules  
23 established for the center for a period not to exceed five consecutive  
24 days from the time of intake, except as otherwise provided by this  
25 chapter. The five-day limit shall apply whether the juvenile is  
26 admitted to a perimeter secure or semi-secure crisis residential  
27 center.

28       (2) A child shall not be admitted to or placed in a perimeter  
29 secure facility unless the facility administrator or his or her  
30 designee determines that there is reasonable cause to believe that a  
31 child is a child in need of services as defined in RCW 13.32A.030(7).

32       (3) Crisis residential center staff shall make (~~a concerted~~)  
33 every reasonable effort to protect the child and achieve a  
34 reconciliation of the family. If a reconciliation, using family  
35 reconciliation services, and voluntary return of the child has not been  
36 achieved within forty-eight hours from the time of intake, and if the  
37 person in charge of the center does not consider it likely that  
38 reconciliation will be achieved within the five-day period, then the

1 ((person in charge shall inform the parent and child of (1) the  
2 availability of counseling services; (2) the right to file a petition  
3 for an alternative residential placement, the right of a parent to file  
4 an at risk youth petition, and the right of the parent and child to  
5 obtain assistance in filing the petition; and (3) the right to request  
6 a review of any alternative residential placement)) facility  
7 administrator or his or her designee shall immediately convene the  
8 multidisciplinary team.

9 At no time shall information regarding a parent's or child's rights  
10 be withheld if requested. The department shall develop and distribute  
11 to all law enforcement agencies and to each crisis residential center  
12 administrator a written statement delineating the services and rights.  
13 Every officer taking a child into custody shall provide the child and  
14 his or her parent(s) or responsible adult with whom the child is placed  
15 with a copy of the statement. In addition, the administrator of the  
16 facility or his or her designee shall provide every resident and parent  
17 with a copy of the statement.

18 **Sec. 7.** RCW 13.32A.175 and 1987 c 435 s 13 are each amended to  
19 read as follows:

20 In any proceeding in which the court approves ((an alternative  
21 residential)) placement pursuant to a children in need of services  
22 petition, the court shall inquire into the ability of parents to  
23 contribute to the child's support, including treatment services. If  
24 the court finds that the parents are able to contribute to the support  
25 of the child, the court shall order them to make such support payments  
26 as the court deems equitable. The court may enforce such an order by  
27 execution or in any way in which a court of equity may enforce its  
28 orders. However, payments shall not be required of a parent who has  
29 both opposed the placement and continuously sought reconciliation with,  
30 and the return of, the child. All orders entered in a proceeding  
31 approving ((alternative residential)) a placement pursuant to a  
32 children in need of services petition shall be in compliance with the  
33 provisions of RCW 26.23.050.

34 **Sec. 8.** RCW 13.32A.194 and 1990 c 276 s 13 are each amended to  
35 read as follows:

36 (1) The court shall hold a fact-finding hearing to consider a  
37 proper at-risk youth petition. The court may grant the petition and

1 enter an order finding the child to be an at-risk youth if the  
2 allegations in the petition are established by a preponderance of the  
3 evidence. The court shall not enter such an order (~~if the court has~~  
4 ~~approved an alternative residential placement petition regarding the~~  
5 ~~child or~~) if the child is the subject of a proceeding under chapter  
6 13.34 RCW or is the subject of a pending child in need of services  
7 proceeding. If the petition is granted, the court shall enter an order  
8 requiring the child to reside in the home of his or her parent (~~or in~~  
9 ~~an alternative residential placement approved by the parent~~)).

10 (2) The court may order the department to submit a dispositional  
11 plan if such a plan would assist the court in ordering a suitable  
12 disposition in the case. If the court orders the department to prepare  
13 a plan, the department shall provide copies of the plan to the parent,  
14 the child, and the court. If the parties or the court desire the  
15 department to be involved in any future proceedings or case plan  
16 development, the department shall be provided timely notification of  
17 all court hearings.

18 (3) A dispositional hearing shall be held no later than fourteen  
19 days after the court has granted an at-risk youth petition. Each party  
20 shall be notified of the time and date of the hearing.

21 (4) If the court grants or denies an at-risk youth petition, a  
22 statement of the written reasons shall be entered into the records. If  
23 the court denies an at-risk youth petition, the court shall verbally  
24 advise the parties that the child is required to remain within the  
25 care, custody, and control of his or her parent.

26 NEW SECTION. Sec. 9. A new section is added to chapter 13.32A RCW  
27 to read as follows:

28 (1) Each county shall have the authority to assemble a  
29 multidisciplinary team. To the extent possible, the multidisciplinary  
30 team shall draw upon existing community resources. Each county shall  
31 work closely with its community public health and safety networks in  
32 establishing the multidisciplinary team. If there is more than one  
33 community public health and safety network in a county, the county  
34 shall work with all of its networks in assembling the team.

35 (2) The multidisciplinary team shall make every reasonable effort  
36 to protect the child and achieve a reconciliation of the family  
37 whenever possible. If a crisis residential center administrator or his  
38 or her designee makes a referral, the team must respond as soon as

1 possible but no later than twelve hours after the referral is made.  
2 The team shall have the authority to assess the juvenile, and family  
3 members, if appropriate and agreed to, and shall:

4 (a) With parental input, develop a plan of appropriate available  
5 services and assist the family in obtaining those services;

6 (b) Make a referral to the designated chemical dependency  
7 specialist or the county designated mental health professional, if  
8 appropriate;

9 (c) Recommend no further intervention because the juvenile and his  
10 or her family have resolved the problem causing the family conflict; or

11 (d) With the family's consent, work with them on a longer-term  
12 basis to achieve reconciliation of the child and family, whenever  
13 possible.

14 (3) To the maximum extent possible, the members of the  
15 multidisciplinary team shall include members who are representative of  
16 the cultures in the family's community.

17 NEW SECTION. **Sec. 10.** A new section is added to chapter 13.32A  
18 RCW to read as follows:

19 (1) The purpose of the multidisciplinary team is to coordinate and  
20 communicate about services offered to the child and family.

21 (2) At the first meeting of the multidisciplinary team, it shall  
22 choose a member to act as case manager for the family. The parent  
23 member of the multidisciplinary team must agree with the choice of case  
24 manager. Thereafter, the team shall meet periodically.

25 NEW SECTION. **Sec. 11.** A new section is added to chapter 13.32A  
26 RCW to read as follows:

27 A petition alleging that a juvenile is a child in need of services  
28 may be filed by a parent, the juvenile, the juvenile's guardian, the  
29 juvenile's custodian, or the case manager of the multidisciplinary  
30 team. The case manager of the multidisciplinary team cannot file a  
31 petition unless the majority of team members, including the parent  
32 member, agree that the petition is necessary. The petition shall be  
33 filed in the county in which the parent or guardian or custodian  
34 resides.

35 NEW SECTION. **Sec. 12.** The department of social and health  
36 services shall develop a plan for the development of an intensive

1 treatment system for children whose behavior puts them at serious risk  
2 of harm to themselves or others. In developing this plan, the  
3 department shall work with families, local service providers, community  
4 leaders, representatives of different cultural communities, businesses,  
5 educational institutions, local public health and safety networks, and  
6 others to develop, within available funds, a continuum of services,  
7 including placement alternatives, for children who might otherwise be  
8 on the street.

9 In developing this plan, the department shall identify existing  
10 local and state services and barriers to those services for children.  
11 The plan for intensive treatment services, to the extent possible,  
12 shall build upon those existing resources.

13 The plan shall be presented to the legislature and the governor no  
14 later than December 1, 1995.

15 **Sec. 13.** RCW 70.96A.140 and 1993 c 362 s 1 are each amended to  
16 read as follows:

17 (1) When a designated chemical dependency specialist receives  
18 information alleging that a person is incapacitated as a result of  
19 chemical dependency, the designated chemical dependency specialist,  
20 after investigation and evaluation of the specific facts alleged and of  
21 the reliability and credibility of the information, may file a petition  
22 for commitment of such person with the superior court or district  
23 court. If a petition for commitment is not filed in the case of a  
24 minor, the parent, guardian, or custodian who has custody of the minor  
25 may seek review of that decision made by the designated chemical  
26 dependency specialist in superior or district court for the county in  
27 which the parent or guardian or custodian resides. If the court finds  
28 reasonable grounds to believe that a petition for commitment could be  
29 successfully pursued under this chapter, the court shall order the  
30 specialist to file such petition. If the designated chemical  
31 dependency specialist finds that the initial needs of such person would  
32 be better served by placement within the mental health system, the  
33 person shall be referred to an evaluation and treatment facility as  
34 defined in RCW 71.05.020 or 71.34.020. If placement in a chemical  
35 dependency program is available and deemed appropriate, the petition  
36 shall allege that: The person is chemically dependent and is  
37 incapacitated by alcohol or drug addiction, or that the person has  
38 twice before in the preceding twelve months been admitted for

1 detoxification or chemical dependency treatment pursuant to RCW  
2 70.96A.110, and is in need of a more sustained treatment program, or  
3 that the person is chemically dependent and has threatened, attempted,  
4 or inflicted physical harm on another and is likely to inflict physical  
5 harm on another unless committed. A refusal to undergo treatment, by  
6 itself, does not constitute evidence of lack of judgment as to the need  
7 for treatment. The petition shall be accompanied by a certificate of  
8 a licensed physician who has examined the person within five days  
9 before submission of the petition, unless the person whose commitment  
10 is sought has refused to submit to a medical examination, in which case  
11 the fact of refusal shall be alleged in the petition. The certificate  
12 shall set forth the licensed physician's findings in support of the  
13 allegations of the petition. A physician employed by the petitioning  
14 program or the department is eligible to be the certifying physician.

15 (2) Upon filing the petition, the court shall fix a date for a  
16 hearing no less than two and no more than seven days after the date the  
17 petition was filed unless the person petitioned against is presently  
18 being detained in a program, pursuant to RCW 70.96A.120, 71.05.210, or  
19 71.34.050, as now or hereafter amended, in which case the hearing shall  
20 be held within seventy-two hours of the filing of the petition:  
21 PROVIDED, HOWEVER, That the above specified seventy-two hours shall be  
22 computed by excluding Saturdays, Sundays, and holidays: PROVIDED  
23 FURTHER, That, the court may, upon motion of the person whose  
24 commitment is sought, or upon motion of petitioner with written  
25 permission of the person whose commitment is sought, or his or her  
26 counsel and, upon good cause shown, extend the date for the hearing.  
27 A copy of the petition and of the notice of the hearing, including the  
28 date fixed by the court, shall be served by the designated chemical  
29 dependency specialist on the person whose commitment is sought, his or  
30 her next of kin, a parent or his or her legal guardian if he or she is  
31 a minor, and any other person the court believes advisable. A copy of  
32 the petition and certificate shall be delivered to each person  
33 notified.

34 (3) At the hearing the court shall hear all relevant testimony,  
35 including, if possible, the testimony, which may be telephonic, of at  
36 least one licensed physician who has examined the person whose  
37 commitment is sought. Communications otherwise deemed privileged under  
38 the laws of this state are deemed to be waived in proceedings under  
39 this chapter when a court of competent jurisdiction in its discretion

1 determines that the waiver is necessary to protect either the detained  
2 person or the public. The waiver of a privilege under this section is  
3 limited to records or testimony relevant to evaluation of the detained  
4 person for purposes of a proceeding under this chapter. Upon motion by  
5 the detained person, or on its own motion, the court shall examine a  
6 record or testimony sought by a petitioner to determine whether it is  
7 within the scope of the waiver.

8 The record maker shall not be required to testify in order to  
9 introduce medical, nursing, or psychological records of detained  
10 persons so long as the requirements of RCW 5.45.020 are met, except  
11 that portions of the record that contain opinions as to whether the  
12 detained person is chemically dependent shall be deleted from the  
13 records unless the person offering the opinions is available for cross-  
14 examination. The person shall be present unless the court believes  
15 that his or her presence is likely to be injurious to him or her; in  
16 this event the court may deem it appropriate to appoint a guardian ad  
17 litem to represent him or her throughout the proceeding. If deemed  
18 advisable, the court may examine the person out of courtroom. If the  
19 person has refused to be examined by a licensed physician, he or she  
20 shall be given an opportunity to be examined by a court appointed  
21 licensed physician. If he or she refuses and there is sufficient  
22 evidence to believe that the allegations of the petition are true, or  
23 if the court believes that more medical evidence is necessary, the  
24 court may make a temporary order committing him or her to the  
25 department for a period of not more than five days for purposes of a  
26 diagnostic examination.

27 (4) If after hearing all relevant evidence, including the results  
28 of any diagnostic examination, the court finds that grounds for  
29 involuntary commitment have been established by clear, cogent, and  
30 convincing proof, it shall make an order of commitment to an approved  
31 treatment program. It shall not order commitment of a person unless it  
32 determines that an approved treatment program is available and able to  
33 provide adequate and appropriate treatment for him or her.

34 (5) A person committed under this section shall remain in the  
35 program for treatment for a period of sixty days unless sooner  
36 discharged. At the end of the sixty-day period, he or she shall be  
37 discharged automatically unless the program, before expiration of the  
38 period, files a petition for his or her recommitment upon the grounds  
39 set forth in subsection (1) of this section for a further period of

1 ninety days unless sooner discharged. If a person has been committed  
2 because he or she is chemically dependent and likely to inflict  
3 physical harm on another, the program shall apply for recommitment if  
4 after examination it is determined that the likelihood still exists.

5 (6) Upon the filing of a petition for recommitment under subsection  
6 (5) of this section, the court shall fix a date for hearing no less  
7 than two and no more than seven days after the date the petition was  
8 filed: PROVIDED, That, the court may, upon motion of the person whose  
9 commitment is sought and upon good cause shown, extend the date for the  
10 hearing. A copy of the petition and of the notice of hearing,  
11 including the date fixed by the court, shall be served by the treatment  
12 program on the person whose commitment is sought, his or her next of  
13 kin, the original petitioner under subsection (1) of this section if  
14 different from the petitioner for recommitment, one of his or her  
15 parents or his or her legal guardian if he or she is a minor, and his  
16 or her attorney and any other person the court believes advisable. At  
17 the hearing the court shall proceed as provided in subsection (3) of  
18 this section.

19 (7) The approved treatment program shall provide for adequate and  
20 appropriate treatment of a person committed to its custody. A person  
21 committed under this section may be transferred from one approved  
22 public treatment program to another if transfer is medically advisable.

23 (8) A person committed to the custody of a program for treatment  
24 shall be discharged at any time before the end of the period for which  
25 he or she has been committed and he or she shall be discharged by order  
26 of the court if either of the following conditions are met:

27 (a) In case of a chemically dependent person committed on the  
28 grounds of likelihood of infliction of physical harm upon himself,  
29 herself, or another, the likelihood no longer exists; or further  
30 treatment will not be likely to bring about significant improvement in  
31 the person's condition, or treatment is no longer adequate or  
32 appropriate.

33 (b) In case of a chemically dependent person committed on the  
34 grounds of the need of treatment and incapacity, that the incapacity no  
35 longer exists.

36 (9) The court shall inform the person whose commitment or  
37 recommitment is sought of his or her right to contest the application,  
38 be represented by counsel at every stage of any proceedings relating to  
39 his or her commitment and recommitment, and have counsel appointed by

1 the court or provided by the court, if he or she wants the assistance  
2 of counsel and is unable to obtain counsel. If the court believes that  
3 the person needs the assistance of counsel, the court shall require, by  
4 appointment if necessary, counsel for him or her regardless of his or  
5 her wishes. The person shall, if he or she is financially able, bear  
6 the costs of such legal service; otherwise such legal service shall be  
7 at public expense. The person whose commitment or recommitment is  
8 sought shall be informed of his or her right to be examined by a  
9 licensed physician of his or her choice. If the person is unable to  
10 obtain a licensed physician and requests examination by a physician,  
11 the court shall employ a licensed physician.

12 (10) A person committed under this chapter may at any time seek to  
13 be discharged from commitment by writ of habeas corpus in a court of  
14 competent jurisdiction.

15 (11) The venue for proceedings under this section is the county in  
16 which person to be committed resides or is present.

17 (12) When in the opinion of the professional person in charge of  
18 the program providing involuntary treatment under this chapter, the  
19 committed patient can be appropriately served by less restrictive  
20 treatment before expiration of the period of commitment, then the less  
21 restrictive care may be required as a condition for early release for  
22 a period which, when added to the initial treatment period, does not  
23 exceed the period of commitment. If the program designated to provide  
24 the less restrictive treatment is other than the program providing the  
25 initial involuntary treatment, the program so designated must agree in  
26 writing to assume such responsibility. A copy of the conditions for  
27 early release shall be given to the patient, the designated chemical  
28 dependency specialist of original commitment, and the court of original  
29 commitment. The program designated to provide less restrictive care  
30 may modify the conditions for continued release when the modifications  
31 are in the best interests of the patient. If the program providing  
32 less restrictive care and the designated chemical dependency specialist  
33 determine that a conditionally released patient is failing to adhere to  
34 the terms and conditions of his or her release, or that substantial  
35 deterioration in the patient's functioning has occurred, then the  
36 designated chemical dependency specialist shall notify the court of  
37 original commitment and request a hearing to be held no less than two  
38 and no more than seven days after the date of the request to determine  
39 whether or not the person should be returned to more restrictive care.

1 The designated chemical dependency specialist shall file a petition  
2 with the court stating the facts substantiating the need for the  
3 hearing along with the treatment recommendations. The patient shall  
4 have the same rights with respect to notice, hearing, and counsel as  
5 for the original involuntary treatment proceedings. The issues to be  
6 determined at the hearing are whether the conditionally released  
7 patient did or did not adhere to the terms and conditions of his or her  
8 release to less restrictive care or that substantial deterioration of  
9 the patient's functioning has occurred and whether the conditions of  
10 release should be modified or the person should be returned to a more  
11 restrictive program. The hearing may be waived by the patient and his  
12 or her counsel and his or her guardian or conservator, if any, but may  
13 not be waived unless all such persons agree to the waiver. Upon  
14 waiver, the person may be returned for involuntary treatment or  
15 continued on conditional release on the same or modified conditions.

16 **Sec. 14.** RCW 70.96A.095 and 1991 c 364 s 9 are each amended to  
17 read as follows:

18 (1) Any person ((fourteen)) thirteen years of age or older may give  
19 consent for himself or herself to the furnishing of counseling, care,  
20 treatment, or rehabilitation by a treatment program or by any person.  
21 Consent of the parent, parents, or legal guardian of a person less than  
22 eighteen years of age is not necessary to authorize the care, except  
23 that the person shall not become a resident of the treatment program  
24 without such permission except as provided in RCW 70.96A.120 or  
25 70.96A.140. The parent, parents, or legal guardian of a person less  
26 than eighteen years of age are not liable for payment of care for such  
27 persons pursuant to this chapter, unless they have joined in the  
28 consent to the counseling, care, treatment, or rehabilitation.

29 (2) The parent of any minor child may apply to an approved  
30 treatment program for the admission of his or her minor child for  
31 purposes authorized in this chapter. The consent of the minor child  
32 shall not be required for the application or admission. The ability of  
33 a parent to apply to an approved treatment program for the involuntary  
34 admission of his or her minor child does not create a right to obtain  
35 or benefit from any funds or resources of the state.

36 **Sec. 15.** RCW 71.34.050 and 1985 c 354 s 5 are each amended to read  
37 as follows:

1 (1) When a county-designated mental health professional receives  
2 information that a minor, thirteen years or older, as a result of a  
3 mental disorder presents a likelihood of serious harm or is gravely  
4 disabled, has investigated the specific facts alleged and of the  
5 credibility of the person or persons providing the information, and has  
6 determined that voluntary admission for inpatient treatment is not  
7 possible, the county-designated mental health professional may take the  
8 minor, or cause the minor to be taken, into custody and transported to  
9 an evaluation and treatment facility providing inpatient treatment.

10 If the minor is not taken into custody for evaluation and  
11 treatment, the parent, guardian, or custodian who has custody of the  
12 minor may seek review of that decision made by the county-designated  
13 mental health professional in superior or district court for the county  
14 in which the parent, guardian, or custodian resides. If the court  
15 finds reasonable grounds to believe that the child shall be taken into  
16 custody for evaluation and treatment, the court shall order the mental  
17 health professional to take the minor into custody.

18 (2) Within twelve hours of the minor's arrival at the evaluation  
19 and treatment facility, the county-designated mental health  
20 professional shall serve on the minor a copy of the petition for  
21 initial detention, notice of initial detention, and statement of  
22 rights. The county-designated mental health professional shall file  
23 with the court on the next judicial day following the initial detention  
24 the original petition for initial detention, notice of initial  
25 detention, and statement of rights along with an affidavit of service.  
26 The county-designated mental health professional shall commence service  
27 of the petition for initial detention and notice of the initial  
28 detention on the minor's parent and the minor's attorney as soon as  
29 possible following the initial detention.

30 (3) At the time of initial detention, the county-designated mental  
31 health professional shall advise the minor both orally and in writing  
32 that if admitted to the evaluation and treatment facility for inpatient  
33 treatment, a commitment hearing shall be held within seventy-two hours  
34 of the minor's provisional acceptance to determine whether probable  
35 cause exists to commit the minor for further mental health treatment.

36 The minor shall be advised that he or she has a right to  
37 communicate immediately with an attorney and that he or she has a right  
38 to have an attorney appointed to represent him or her before and at the  
39 hearing if the minor is indigent.

1 (4) Whenever the county designated mental health professional  
2 petitions for detention of a minor under this chapter, an evaluation  
3 and treatment facility providing seventy-two hour evaluation and  
4 treatment must immediately accept on a provisional basis the petition  
5 and the person. Within twenty-four hours of the minor's arrival, the  
6 facility must evaluate the minor's condition and either admit or  
7 release the minor in accordance with this chapter.

8 (5) If a minor is not approved for admission by the inpatient  
9 evaluation and treatment facility, the facility shall make such  
10 recommendations and referrals for further care and treatment of the  
11 minor as necessary.

12 **Sec. 16.** RCW 71.34.070 and 1985 c 354 s 7 are each amended to read  
13 as follows:

14 (1) The professional person in charge of an evaluation and  
15 treatment facility where a minor has been admitted involuntarily for  
16 the initial seventy-two hour treatment period under this chapter may  
17 petition to have a minor committed to an evaluation and treatment  
18 facility for fourteen-day diagnosis, evaluation, and treatment.

19 If the professional person in charge of the treatment and  
20 evaluation facility does not petition to have the minor committed, the  
21 parent, guardian, or custodian who has custody of the minor may seek  
22 review of that decision in superior or district court for the county in  
23 which the parent, guardian, or custodian resides. If the court finds  
24 reasonable grounds to believe that a petition for commitment could be  
25 successfully pursued, the court shall order the professional person to  
26 file such a petition.

27 (2) A petition for commitment of a minor under this section shall  
28 be filed with the superior court in the county where the minor is  
29 residing or being detained.

30 (a) A petition for a fourteen-day commitment shall be signed either  
31 by two physicians or by one physician and a mental health professional  
32 who have examined the minor and shall contain the following:

33 (i) The name and address of the petitioner;

34 (ii) The name of the minor alleged to meet the criteria for  
35 fourteen-day commitment;

36 (iii) The name, telephone number, and address if known of every  
37 person believed by the petitioner to be legally responsible for the  
38 minor;

1 (iv) A statement that the petitioner has examined the minor and  
2 finds that the minor's condition meets required criteria for fourteen-  
3 day commitment and the supporting facts therefor;

4 (v) A statement that the minor has been advised of the need for  
5 voluntary treatment but has been unwilling or unable to consent to  
6 necessary treatment;

7 (vi) A statement recommending the appropriate facility or  
8 facilities to provide the necessary treatment; and

9 (vii) A statement concerning whether a less restrictive alternative  
10 to inpatient treatment is in the best interests of the minor.

11 (b) A copy of the petition shall be personally delivered to the  
12 minor by the petitioner or petitioner's designee. A copy of the  
13 petition shall be sent to the minor's attorney and the minor's parent.

14 **Sec. 17.** RCW 71.34.030 and 1985 c 354 s 3 are each amended to read  
15 as follows:

16 (1) Any minor thirteen years or older may request and receive  
17 outpatient treatment without the consent of the minor's parent.  
18 Parental authorization is required for outpatient treatment of a minor  
19 under the age of thirteen.

20 (2) When in the judgment of the professional person in charge of an  
21 evaluation and treatment facility there is reason to believe that a  
22 minor is in need of inpatient treatment because of a mental disorder,  
23 and the facility provides the type of evaluation and treatment needed  
24 by the minor, and it is not feasible to treat the minor in any less  
25 restrictive setting or the minor's home, the minor may be admitted to  
26 an evaluation and treatment facility in accordance with the following  
27 requirements:

28 (a) ~~((A minor under thirteen years of age may only be admitted on  
29 the application of the minor's parent.~~

30 ~~((b)))~~ A minor ~~((thirteen years or older))~~ may be voluntarily  
31 admitted by application of the parent. ~~((Such application must be  
32 accompanied by the written consent, knowingly and voluntarily given, of  
33 the minor.))~~ The consent of the minor is not required.

34 ~~((c)))~~ (b) A minor thirteen years or older may, with the  
35 concurrence of the professional person in charge of an evaluation and  
36 treatment facility, admit himself or herself without parental consent  
37 to the evaluation and treatment facility, provided that notice is given

1 by the facility to the minor's parent in accordance with the following  
2 requirements:

3 (i) Notice of the minor's admission shall be in the form most  
4 likely to reach the parent within twenty-four hours of the minor's  
5 voluntary admission and shall advise the parent that the minor has been  
6 admitted to inpatient treatment; the location and telephone number of  
7 the facility providing such treatment; and the name of a professional  
8 person on the staff of the facility providing treatment who is  
9 designated to discuss the minor's need for inpatient treatment with the  
10 parent.

11 (ii) The minor shall be released to the parent at the parent's  
12 request for release unless the facility files a petition with the  
13 superior court of the county in which treatment is being provided  
14 setting forth the basis for the facility's belief that the minor is in  
15 need of inpatient treatment and that release would constitute a threat  
16 to the minor's health or safety.

17 (iii) The petition shall be signed by the professional person in  
18 charge of the facility or that person's designee.

19 (iv) The parent may apply to the court for separate counsel to  
20 represent the parent if the parent cannot afford counsel.

21 (v) There shall be a hearing on the petition, which shall be held  
22 within three judicial days from the filing of the petition.

23 (vi) The hearing shall be conducted by a judge, court commissioner,  
24 or licensed attorney designated by the superior court as a hearing  
25 officer for such hearing. The hearing may be held at the treatment  
26 facility.

27 (vii) At such hearing, the facility must demonstrate by a  
28 preponderance of the evidence presented at the hearing that the minor  
29 is in need of inpatient treatment and that release would constitute a  
30 threat to the minor's health or safety. The hearing shall not be  
31 conducted using the rules of evidence, and the admission or exclusion  
32 of evidence sought to be presented shall be within the exercise of  
33 sound discretion by the judicial officer conducting the hearing.

34 ~~((d))~~ (c) Written renewal of voluntary consent must be obtained  
35 from the applicant ~~((and the minor thirteen years or older))~~ no less  
36 than once every twelve months.

37 ~~((e))~~ (d) The minor's need for continued inpatient treatments  
38 shall be reviewed and documented no less than every one hundred eighty  
39 days.

1 (3) A notice of intent to leave shall result in the following:

2 (a) Any minor under the age of thirteen must be discharged  
3 immediately upon written request of the parent.

4 (b) Any minor thirteen years or older voluntarily admitted may give  
5 notice of intent to leave at any time. The notice need not follow any  
6 specific form so long as it is written and the intent of the minor can  
7 be discerned.

8 (c) The staff member receiving the notice shall date it  
9 immediately, record its existence in the minor's clinical record, and  
10 send copies of it to the minor's attorney, if any, the county-  
11 designated mental health professional, and the parent.

12 (d) The professional person in charge of the evaluation and  
13 treatment facility shall discharge the minor, thirteen years or older,  
14 from the facility within twenty-four hours after receipt of the minor's  
15 notice of intent to leave, unless the county-designated mental health  
16 professional files a petition for initial detention within the time  
17 prescribed by this chapter.

18 **Sec. 18.** RCW 13.32A.090 and 1990 c 276 s 6 are each amended to  
19 read as follows:

20 (1) The person in charge of a designated crisis residential center  
21 or the department pursuant to RCW 13.32A.070 shall perform the duties  
22 under subsection (2) of this section:

23 (a) Upon admitting a child who has been brought to the center by a  
24 law enforcement officer under RCW 13.32A.060;

25 (b) Upon admitting a child who has run away from home or has  
26 requested admittance to the center;

27 (c) Upon learning from a person under RCW 13.32A.080(3) that the  
28 person is providing shelter to a child absent from home; or

29 (d) Upon learning that a child has been placed with a responsible  
30 adult pursuant to RCW 13.32A.070.

31 (2) When any of the circumstances under subsection (1) of this  
32 section are present, the person in charge of a center shall perform the  
33 following duties:

34 (a) Immediately notify the child's parent of the child's  
35 whereabouts, physical and emotional condition, and the circumstances  
36 surrounding his or her placement;

37 (b) Initially notify the parent that it is the paramount concern of  
38 the family reconciliation service personnel to achieve a reconciliation

1 between the parent and child to reunify the family and inform the  
2 parent as to the procedures to be followed under this chapter;

3 (c) Inform the parent whether a referral to children's protective  
4 services has been made and, if so, inform the parent of the standard  
5 pursuant to RCW 26.44.020(12) governing child abuse and neglect in this  
6 state;

7 (d) Arrange transportation for the child to the residence of the  
8 parent, as soon as practicable, at the latter's expense to the extent  
9 of his or her ability to pay, with any unmet transportation expenses to  
10 be assumed by the department, when the child and his or her parent  
11 agrees to the child's return home or when the parent produces a copy of  
12 a court order entered under this chapter requiring the child to reside  
13 in the parent's home;

14 (e) Arrange transportation for the child to an alternative  
15 (~~residential~~) placement which may include a licensed group care  
16 facility or foster family when agreed to by the child and parent at the  
17 latter's expense to the extent of his or her ability to pay, with any  
18 unmet transportation expenses assumed by the crisis residential center  
19 pursuant to contract with the department.

20 **Sec. 19.** RCW 13.32A.140 and 1990 c 276 s 9 are each amended to  
21 read as follows:

22 (~~The department shall~~) A juvenile, his or her parent, guardian or  
23 custodian, or the case manager of the multidisciplinary team may file  
24 a children in need of services petition (~~to approve an alternative~~  
25 ~~residential placement on behalf of a child under any of the following~~  
26 ~~sets of circumstances:~~

27 (1) ~~The child has been admitted to a crisis residential center or~~  
28 ~~has been placed with a responsible person other than his or her parent,~~  
29 ~~and:~~

30 (a) ~~The parent has been notified that the child was so admitted or~~  
31 ~~placed;~~

32 (b) ~~Seventy two hours, including Saturdays, Sundays, and holidays,~~  
33 ~~have passed since such notification;~~

34 (c) ~~No agreement between the parent and the child as to where the~~  
35 ~~child shall live has been reached;~~

36 (d) ~~No petition requesting approval of an alternative residential~~  
37 ~~placement has been filed by either the child or parent or legal~~  
38 ~~custodian;~~

1       ~~(e) The parent has not filed an at-risk youth petition; and~~  
2       ~~(f) The child has no suitable place to live other than the home of~~  
3 ~~his or her parent.~~

4       ~~(2) The child has been admitted to a crisis residential center and:~~

5       ~~(a) Seventy-two hours, including Saturdays, Sundays, and holidays,~~  
6 ~~have passed since such placement;~~

7       ~~(b) The staff, after searching with due diligence, have been unable~~  
8 ~~to contact the parent of such child; and~~

9       ~~(c) The child has no suitable place to live other than the home of~~  
10 ~~his or her parent.~~

11       ~~(3) An agreement between parent and child made pursuant to RCW~~  
12 ~~13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer~~  
13 ~~acceptable to parent or child, and:~~

14       ~~(a) The party to whom the arrangement is no longer acceptable has~~  
15 ~~so notified the department;~~

16       ~~(b) Seventy-two hours, including Saturdays, Sundays, and holidays,~~  
17 ~~have passed since such notification;~~

18       ~~(c) No new agreement between parent and child as to where the child~~  
19 ~~shall live has been reached;~~

20       ~~(d) No petition requesting approval of an alternative residential~~  
21 ~~placement has been filed by either the child or the parent;~~

22       ~~(e) The parent has not filed an at-risk youth petition; and~~

23       ~~(f) The child has no suitable place to live other than the home of~~  
24 ~~his or her parent.~~

25       ~~Under the circumstances of subsections (1), (2), or (3) of this~~  
26 ~~section, the child shall remain in a licensed child care facility,~~  
27 ~~including but not limited to a crisis residential center, or in any~~  
28 ~~other suitable residence to be determined by the department until an~~  
29 ~~alternative residential placement petition filed by the department on~~  
30 ~~behalf of the child is reviewed by the juvenile court and is resolved~~  
31 ~~by such court. The department may authorize emergency medical or~~  
32 ~~dental care for a child placed under this section. The state, when the~~  
33 ~~department files a petition for alternative residential placement under~~  
34 ~~this section, shall be represented as provided for in RCW 13.04.093.))~~  
35 ~~as provided in section 11 of this act, provided that the requirements~~  
36 ~~of RCW 13.32A.030(7) are met and an at-risk youth petition is not~~  
37 ~~currently pending.~~

38       ~~A children in need of services petition shall not be filed unless~~  
39 ~~the at-risk youth petition process has been attempted and has failed.~~

1 This shall be stated in the petition. The at-risk youth process need  
2 not be attempted if there is no parent reasonably available or  
3 interested in attempting such process.

4 If the petition is filed by the case manager of the  
5 multidisciplinary team, the court shall make a finding before  
6 proceeding to disposition, that the multidisciplinary team made a  
7 substantial effort to work with the family and that in doing so, the  
8 parent's involvement was sought and the parent's wishes considered.

9 **Sec. 20.** RCW 13.32A.150 and 1992 c 205 s 208 are each amended to  
10 read as follows:

11 (1) Except as otherwise provided in this section the juvenile court  
12 shall not accept the filing of an (~~alternative residential placement~~  
13 ~~petition by the child or the parents or the filing of an~~) at-risk  
14 youth petition by the parent, unless verification is provided that a  
15 family assessment has been completed by the department. The family  
16 assessment provided by the department shall involve the  
17 multidisciplinary team as provided in RCW 13.32A.040. Except as  
18 otherwise provided in this section, the juvenile court shall not accept  
19 the filing of a children in need of services petition unless  
20 verification is provided that the requirements of RCW 13.32A.030(7) are  
21 met. The family assessment or plan of services developed by the  
22 multidisciplinary team shall be aimed at family reconciliation,  
23 reunification, and avoidance of the out-of-home placement of the child.  
24 If the department is unable to complete an assessment within two  
25 working days following a request for assessment (~~the child or~~) the  
26 parents may proceed under subsection (2) of this section (~~or the~~  
27 ~~parent may proceed under subsection (3) of this section~~)).

28 (2) (~~A child or a child's parent may file with the juvenile court~~  
29 ~~a petition to approve an alternative residential placement for the~~  
30 ~~child outside the parent's home. The department shall, when requested,~~  
31 ~~assist either a parent or child in the filing of the petition. The~~  
32 ~~petition shall only ask that the placement of a child outside the home~~  
33 ~~of his or her parent be approved. The filing of a petition to approve~~  
34 ~~such placement is not dependent upon the court's having obtained any~~  
35 ~~prior jurisdiction over the child or his or her parent, and confers~~  
36 ~~upon the court a special jurisdiction to approve or disapprove an~~  
37 ~~alternative residential placement.~~

1       (3)) A child's parent may file with the juvenile court a petition  
2 in the interest of a child alleged to be an at-risk youth. The  
3 department shall, when requested, assist the parent in filing the  
4 petition. The petition shall be filed in the county where the  
5 petitioning parent resides. The petition shall set forth the name,  
6 age, and residence of the child and the names and residence of the  
7 child's parents and shall allege that:

8       (a) The child is an at-risk youth as defined in this chapter;

9       (b) The petitioning parent has the right to legal custody of the  
10 child;

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

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

15       The petition shall set forth facts that support the allegations in  
16 this subsection and shall generally request relief available under this  
17 chapter. The petition need not specify any proposed disposition  
18 following adjudication of the petition. The filing of an at-risk youth  
19 petition is not dependent upon the court's having obtained any prior  
20 jurisdiction over the child or his or her parent and confers upon the  
21 court the special jurisdiction to assist the parent in maintaining  
22 parental authority and responsibility for the child. An at-risk youth  
23 petition may not be filed if (~~the court has approved an alternative~~  
24 ~~residential placement petition regarding the child or if~~) the child is  
25 the subject of a child in need of services proceeding under this  
26 chapter or a proceeding under chapter 13.34 RCW. A petition may be  
27 accepted for filing only if alternatives to court intervention have  
28 been attempted. Juvenile court personnel may screen all at-risk youth  
29 petitions and may refuse to allow the filing of any petition that lacks  
30 merit, fails to comply with the requirements of this section, or fails  
31 to allege sufficient facts in support of allegations in the petition.

32       (3)(a) A juvenile, his or her parent, guardian or custodian, or the  
33 case manager of the multidisciplinary team may file with the juvenile  
34 court a petition alleging that the juvenile is a child in need of  
35 services. The county shall have the authority, when requested, to  
36 assist in the filing of the petition. The petition shall be filed in  
37 the county where the parent, guardian, or custodian resides.

1 (b) The petition shall set forth the name, age, and residence of  
2 the juvenile and the names and residences of the parents and the  
3 guardian or custodian, if any. The petition shall allege that:

4 (i) The juvenile is a child in need of services as defined in this  
5 chapter;

6 (ii) Court intervention is necessary to assist the parent or  
7 guardian or custodian to maintain the care, custody, and control of the  
8 juvenile;

9 (iii) An at-risk petition process was attempted and failed or never  
10 attempted as provided in RCW 13.32A.140; and

11 (iv) Alternatives to court intervention have been attempted and  
12 were unsuccessful in the situations in which the at-risk youth process  
13 was not attempted or there is good cause why such alternatives have not  
14 been attempted.

15 (c) The petition shall set forth facts that support the allegations  
16 in the child in need of services petition and shall generally request  
17 relief available under this chapter. The petition need not specify any  
18 proposed disposition following adjudication of the petition. The filing  
19 of a children in need of services petition is not dependent upon the  
20 court's having obtained prior jurisdiction over the child or his or her  
21 parent and confers upon the court the special jurisdiction over the  
22 child and parent to assist the parent in maintaining parental authority  
23 and responsibility for the child.

24 (d) A petition may be accepted only if alternatives to court  
25 intervention have been attempted except as provided in (a)(iv) of this  
26 subsection. Juvenile court personnel may screen all child in need of  
27 services petitions and may refuse to allow the filing of any petition  
28 that lacks merit, fails to comply with the requirements of this  
29 section, or fails to allege sufficient facts in support of allegations  
30 in the petition.

31 **Sec. 21.** RCW 13.32A.160 and 1990 c 276 s 11 are each amended to  
32 read as follows:

33 ~~((1))~~ When a proper children in need of services petition ~~((to~~  
34 ~~approve an alternative residential placement))~~ is filed ~~((under RCW~~  
35 ~~13.32A.120, 13.32A.140, or 13.32A.150))~~ the juvenile court shall:  
36 ~~((a))~~ (1) Schedule a date for a fact-finding hearing; (2) notify the  
37 parent, guardian or custodian, if any, child, and the ~~((department))~~  
38 juvenile court personnel of such date; ~~((b))~~ (3) notify the parent of

1 the right to be represented by counsel and, if indigent, to have  
2 counsel appointed for him or her by the court; ~~((e))~~ (4) appoint  
3 legal counsel for the child; ~~((d))~~ (5) inform the child and his or  
4 her parent or guardian or custodian, if any, of the legal consequences  
5 of the court approving or disapproving ~~((an alternative residential  
6 placement))~~ a children in need of services petition; and ~~((e))~~ (6)  
7 notify all parties ~~((, including the department,))~~ of their right to  
8 present evidence at the fact-finding hearing.

9 ~~((2) Upon filing of an alternative residential placement petition,  
10 the child may be placed, if not already placed, by the department in a  
11 crisis residential center, foster family home, group home facility  
12 licensed under chapter 74.15 RCW, or any other suitable residence to be  
13 determined by the department.~~

14 ~~((3) If the child has been placed in a foster family home or group  
15 care facility under chapter 74.15 RCW, the child shall remain there, or  
16 in any other suitable residence as determined by the department,  
17 pending resolution of the alternative residential placement petition by  
18 the court. Any placement may be reviewed by the court within three  
19 court days upon the request of the juvenile or the juvenile's parent.))~~

20 **Sec. 22.** RCW 13.32A.170 and 1989 c 269 s 3 are each amended to  
21 read as follows:

22 (1) The court shall hold a fact-finding hearing to consider a  
23 proper children in need of services petition ~~((and may approve or deny  
24 alternative residential placement))~~, giving due weight to the intent of  
25 the legislature that families have the right to place reasonable  
26 restrictions and rules upon their children, appropriate to the  
27 individual child's developmental level. The court may appoint legal  
28 counsel ~~((and/or a guardian ad litem))~~ to represent the child and  
29 advise parents of their right to be represented by legal counsel. The  
30 court may ~~((approve an order stating that the child shall be placed in  
31 a residence other than the home of his or her parent only if it is  
32 established by a preponderance of the evidence, including a  
33 departmental recommendation for approval or dismissal of the petition,  
34 that:~~

35 (a) The petition is not capricious;

36 (b) The petitioner, if a parent or the child, has made a reasonable  
37 effort to resolve the conflict;

1       ~~(e))~~ grant the petition and enter an order finding the child to be  
2 a child in need of services if the allegations in the petition are  
3 established by a preponderance of evidence. The court shall not enter  
4 an order if the child is the subject of a proceeding under chapter  
5 13.34 RCW. If the petition is granted, the court shall enter an order  
6 either requiring the child to reside in the home of the child's parent  
7 or guardian or custodian or to reside in out-of-home care.

8       If the court enters an order requiring the child to reside in the  
9 home of the child's parent, guardian, or custodian, the court may also  
10 impose the following conditions:

11       (a) Regular school attendance;

12       (b) Counseling; and

13       (c) Participation by the child and/or parent in a substance abuse  
14 or mental health outpatient treatment program.

15       (2) The court may enter an order for out-of-home placement only if  
16 the court determines that:

17       (a) The ~~((conflict which exists))~~ problems that led to the filing  
18 of the petition cannot be resolved by delivery of services to the  
19 family during continued placement of the child in the ~~((parental))~~  
20 home;

21       ~~((d))~~ (b) Reasonable efforts have been made to prevent or  
22 eliminate the need for removal of the child from the child's home and  
23 to make it possible for the child to return home; and

24       ~~((e))~~ (c) A suitable out-of-home placement resource is available.

25       ~~((The court may not grant a petition filed by the child or the~~  
26 ~~department if it is established that the petition is based only upon a~~  
27 ~~dislike of reasonable rules or reasonable discipline established by the~~  
28 ~~parent.~~

29       ~~(2))~~ (3) The order approving ~~((out-of-home placement))~~ the  
30 petition shall direct the department to submit a disposition plan for  
31 a three-month placement of the child that is designed to protect the  
32 child and resolve the problems that led to the filing of the petition  
33 and reunite the family ~~((and resolve the family conflict))~~. Such plan  
34 shall delineate any conditions or limitations on ~~((parental))~~ the  
35 involvement of the parent or guardian or custodian. The plan shall  
36 also state whether or not the multidisciplinary team will continue to  
37 be involved with the family and to what extent. In making the order,  
38 the court shall further direct the department to make recommendations,  
39 as to which agency or person should have physical custody of the child,

1 as to which parental powers should be awarded to such agency or person,  
2 and as to ~~((parental))~~ the visitation rights of parents, guardians, and  
3 custodians. The ~~((court may direct the))~~ department ~~((to))~~ shall  
4 consider the cultural heritage of the child in making its  
5 recommendations.

6 ~~((+3))~~ (4) The hearing to consider the recommendations of the  
7 department for a three-month disposition plan shall be set no later  
8 than fourteen days after the ~~((approval of the court of a petition to~~  
9 ~~approve alternative residential placement))~~ fact-finding hearing is  
10 completed. Each party shall be notified of the time and place of such  
11 disposition hearing. At the hearing, the court shall enter a  
12 dispositional order as provided in this section and RCW 13.32A.180 and  
13 13.32A.196.

14 ~~((+4))~~ (5) If the court approves or denies a children in need of  
15 services petition ~~((for an alternative residential placement)),~~ a  
16 written statement of the reasons shall be filed. If the court denies  
17 a ~~((petition requesting))~~ request that a child be placed in a residence  
18 other than the home of his or her parent, the court shall enter an  
19 order requiring the child to remain at or return to the home of his or  
20 her parent.

21 ~~((+5))~~ (6) If the court denies the petition, the court shall  
22 impress upon the party filing the petition of the legislative intent to  
23 restrict the proceedings to situations where a family conflict is so  
24 great that it cannot be resolved by the provision of in-home services.

25 ~~((+6))~~ (7) A child or parent who fails to comply with a court  
26 order ~~((directing that the child remain at or return to the home of his~~  
27 ~~or her parent))~~ issued in a children in need of services proceeding  
28 shall be subject to contempt proceedings, as provided in this chapter,  
29 but only if the noncompliance occurs within ninety calendar days after  
30 the ~~((day))~~ date of the order.

31 ~~((+7))~~ (8) The department may request, and the juvenile court may  
32 grant, dismissal of ~~((an alternative residential placement order))~~ a  
33 children in need of services petition when it is not feasible for the  
34 department to provide services due to one or more of the following  
35 circumstances:

36 (a) The child has been absent from court approved placement for  
37 thirty consecutive days or more;

1 (b) The parents or the child, or all of them, refuse to cooperate  
2 in available, appropriate intervention aimed at reunifying the family;  
3 or

4 (c) The department has exhausted all available and appropriate  
5 resources that would result in reunification.

6 **Sec. 23.** RCW 13.32A.180 and 1979 c 155 s 32 are each amended to  
7 read as follows:

8 (1) At a dispositional hearing held to consider the three-month  
9 dispositional plan presented by the department the court shall consider  
10 all such recommendations included therein and enter a dispositional  
11 order in accordance with the provisions of this section and RCW  
12 13.32A.170 and 13.32A.196. The court, consistent with the stated goal  
13 of protecting the child, resolving the (~~family conflict~~) problems  
14 that led to the filing of the petition, and reuniting the family, may  
15 modify such plan and shall make its dispositional order for a three-  
16 month out-of-home placement for the child. The court dispositional  
17 order shall specify the person or agency with whom the child shall be  
18 placed, those parental powers which will be temporarily awarded to such  
19 agency or person including but not limited to the right to authorize  
20 medical, dental, and optical treatment, and parental visitation rights.  
21 Any agency or residence at which the child is placed must, at a  
22 minimum, comply with minimum standards for licensed family foster  
23 homes.

24 (2) No placement made pursuant to this section may be in a secure  
25 residence as defined by the federal Juvenile Justice and Delinquency  
26 Prevention Act of 1974 and clarifying interpretations and regulations  
27 promulgated thereunder.

28 **Sec. 24.** RCW 13.32A.190 and 1989 c 269 s 5 are each amended to  
29 read as follows:

30 (1) Upon making a dispositional order under RCW 13.32A.180, the  
31 court shall schedule the matter on the calendar for review within three  
32 months, advise the parties of the date thereof, appoint legal counsel  
33 (~~and/or a guardian ad litem~~) to represent the child at the review  
34 hearing, advise parents of their right to be represented by legal  
35 counsel at the review hearing, and notify the parties of their rights  
36 to present evidence at the hearing. Where resources are available, the

1 court shall encourage the parent and child to participate in mediation  
2 programs for reconciliation of their conflict.

3 (2) At the review hearing, the court shall approve or disapprove  
4 the continuation of the dispositional plan in accordance with the goal  
5 of resolving the conflict and reuniting the family which governed the  
6 initial approval. The court shall determine whether reasonable efforts  
7 have been made to reunify the family and make it possible for the child  
8 to return home. The court is authorized to discontinue the placement  
9 and order that the child return home if the court has reasonable  
10 grounds to believe that the parents have displayed concerted efforts to  
11 utilize services and resolve the conflict and the court has reason to  
12 believe that the child's refusal to return home is capricious. If out-  
13 of-home placement is continued, the court may modify the dispositional  
14 plan.

15 (3) Out-of-home placement may not be continued past one hundred  
16 eighty days from the day the review hearing commenced. The court shall  
17 order that the child return to the home of the parent at the expiration  
18 of the placement. If continued out-of-home placement is disapproved,  
19 the court shall enter an order requiring that the child return to the  
20 home of the child's parent.

21 (4) The department may request, and the juvenile court may grant,  
22 dismissal of (~~(an alternative residential placement order)~~) a children  
23 in need of services petition when it is not feasible for the department  
24 to provide services due to one or more of the following circumstances:

25 (a) The child has been absent from court approved placement for  
26 thirty consecutive days or more;

27 (b) The parents or the child, or all of them, refuse to cooperate  
28 in available, appropriate intervention aimed at reunifying the family;  
29 or

30 (c) The department has exhausted all available and appropriate  
31 resources that would result in reunification.

32 **Sec. 25.** RCW 13.32A.192 and 1990 c 276 s 12 are each amended to  
33 read as follows:

34 (1) When a proper at-risk youth petition is filed by a child's  
35 parent under RCW (~~(13.32A.120 or)~~) 13.32A.150, the juvenile court  
36 shall:

37 (a) Schedule a fact-finding hearing and notify the parent and the  
38 child of such date;

1 (b) Notify the parent of the right to be represented by counsel at  
2 the parent's own expense;

3 (c) Appoint legal counsel for the child;

4 (d) Inform the child and his or her parent of the legal  
5 consequences of the court finding the child to be an at-risk youth; and

6 (e) Notify the parent and the child of their rights to present  
7 evidence at the fact-finding hearing.

8 (2) Unless out-of-home placement of the child is otherwise  
9 authorized or required by law, the child shall reside in the home of  
10 his or her parent (~~(or in an alternative residential placement approved  
11 by the parent)~~). Upon request by the parent, the court may enter a  
12 court order requiring the child to reside in the home of his or her  
13 parent (~~(or an alternative residential placement approved by the  
14 parent)~~).

15 (3) If upon sworn written or oral declaration of the petitioning  
16 parent, the court has reason to believe that a child has willfully and  
17 knowingly violated a court order issued pursuant to subsection (2) of  
18 this section, the court may issue an order directing law enforcement to  
19 take the child into custody and place the child in a juvenile detention  
20 facility or in a crisis residential center licensed by the department  
21 and established pursuant to chapter 74.13 RCW. If the child is placed  
22 in detention, a review shall be held as provided in RCW 13.32A.065.

23 (~~((4) If both an alternative residential placement petition and an  
24 at-risk youth petition have been filed with regard to the same child,  
25 the proceedings shall be consolidated for purposes of fact finding.  
26 Pending a fact finding hearing regarding the petition, the child may be  
27 placed, if not already placed, in an alternative residential placement  
28 as provided in RCW 13.32A.160 unless the court has previously entered  
29 an order requiring the child to reside in the home of his or her  
30 parent. The child or the parent may request a review of the child's  
31 placement including a review of any court order requiring the child to  
32 reside in the parent's home. At the review the court, in its  
33 discretion, may order the child placed in the parent's home or in an  
34 alternative residential placement pending the hearing.))~~)

35 **Sec. 26.** RCW 13.32A.196 and 1991 c 364 s 14 are each amended to  
36 read as follows:

37 (1) At the dispositional hearing regarding an adjudicated at-risk  
38 youth, the court shall consider the recommendations of the parties and

1 the recommendations of any dispositional plan submitted by the  
2 department. The court may enter a dispositional order that will assist  
3 the parent in maintaining the care, custody, and control of the child  
4 and assist the family to resolve family conflicts or problems.

5 (2) The court may set conditions of supervision for the child that  
6 include:

7 (a) Regular school attendance;

8 (b) Counseling;

9 (c) Participation in a substance abuse or mental health outpatient  
10 treatment program;

11 (d) Reporting on a regular basis to the department or any other  
12 designated person or agency; and

13 (e) Any other condition the court deems an appropriate condition of  
14 supervision including but not limited to: Employment, participation in  
15 an anger management program, and refraining from using alcohol or  
16 drugs.

17 (3) No dispositional order or condition of supervision ordered by  
18 a court pursuant to this section shall include involuntary commitment  
19 of a child for substance abuse or mental health treatment.

20 (4) The court may order the parent to participate in counseling  
21 services or any other services for the child requiring parental  
22 participation. The parent shall cooperate with the court-ordered case  
23 plan and shall take necessary steps to help implement the case plan.  
24 Except as otherwise provided in RCW 13.32A.175, the parent shall be  
25 financially responsible for costs related to the court-ordered plan;  
26 however, this requirement shall not affect the eligibility of the  
27 parent or child for public assistance or other benefits to which the  
28 parent or child may otherwise be entitled. The parent may request  
29 dismissal of an at-risk youth proceeding at any time and upon such a  
30 request, the court shall dismiss the matter and cease court supervision  
31 of the child unless a contempt action is pending in the case. The  
32 court may retain jurisdiction over the matter for the purpose of  
33 concluding any pending contempt proceedings, including the full  
34 satisfaction of any penalties imposed as a result of a contempt  
35 finding.

36 (5) The court may order the department to monitor compliance with  
37 the dispositional order, assist in coordinating the provision of court-  
38 ordered services, and submit reports at subsequent review hearings  
39 regarding the status of the case.

1        NEW SECTION.    **Sec. 27.**    A new section is added to chapter 13.32A  
2    RCW to read as follows:

3        Nothing in this chapter shall be construed to create an entitlement  
4    to services nor to create judicial authority to order the provision at  
5    public expense of services to any person or family where the department  
6    has determined that such services are unavailable or unsuitable or that  
7    the child or family are not eligible for such services.

8        **Sec. 28.**    RCW 13.50.010 and 1994 sp.s. c 7 s 541 are each amended  
9    to read as follows:

10        (1) For purposes of this chapter:

11        (a) "Juvenile justice or care agency" means any of the following:  
12    Police, diversion units, court, prosecuting attorney, defense attorney,  
13    detention center, attorney general, the multidisciplinary team formed  
14    under chapter 13.32A RCW, the department of social and health services  
15    and its contracting agencies, schools; and, in addition, persons or  
16    public or private agencies having children committed to their custody;

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

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

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

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

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

31        (a) The agency may never knowingly record inaccurate information.  
32    Any information in records maintained by the department of social and  
33    health services relating to a petition filed pursuant to chapter 13.34  
34    RCW that is found by the court, upon proof presented, to be false or  
35    inaccurate shall be corrected or expunged from such records by the  
36    agency;

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

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

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

7 (5) Any person who has reasonable cause to believe information  
8 concerning that person is included in the records of a juvenile justice  
9 or care agency and who has been denied access to those records by the  
10 agency may make a motion to the court for an order authorizing that  
11 person to inspect the juvenile justice or care agency record concerning  
12 that person. The court shall grant the motion to examine records  
13 unless it finds that in the interests of justice or in the best  
14 interests of the juvenile the records or parts of them should remain  
15 confidential.

16 (6) A juvenile, or his or her parents, or any person who has  
17 reasonable cause to believe information concerning that person is  
18 included in the records of a juvenile justice or care agency may make  
19 a motion to the court challenging the accuracy of any information  
20 concerning the moving party in the record or challenging the continued  
21 possession of the record by the agency. If the court grants the  
22 motion, it shall order the record or information to be corrected or  
23 destroyed.

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

28 (8) The court may permit inspection of records by, or release of  
29 information to, any clinic, hospital, or agency which has the subject  
30 person under care or treatment. The court may also permit inspection  
31 by or release to individuals or agencies, including juvenile justice  
32 advisory committees of county law and justice councils, engaged in  
33 legitimate research for educational, scientific, or public purposes.  
34 The court may also permit inspection of, or release of information  
35 from, records which have been sealed pursuant to RCW 13.50.050(11).  
36 Access to records or information for research purposes shall be  
37 permitted only if the anonymity of all persons mentioned in the records  
38 or information will be preserved. Each person granted permission to  
39 inspect juvenile justice or care agency records for research purposes

1 shall present a notarized statement to the court stating that the names  
2 of juveniles and parents will remain confidential.

3 (9) Juvenile detention facilities shall release records to the  
4 juvenile disposition standards commission under RCW 13.40.025 upon  
5 request. The commission shall not disclose the names of any juveniles  
6 or parents mentioned in the records without the named individual's  
7 written permission.

8 **Sec. 29.** RCW 28A.225.100 and 1990 c 33 s 227 are each amended to  
9 read as follows:

10 Any school district superintendent, educational service district  
11 superintendent, teacher, or attendance officer who shall fail or refuse  
12 to perform the duties prescribed by RCW 28A.225.010 through  
13 ((28A.225.140)) 28A.225.150 shall be deemed guilty of a misdemeanor  
14 and, upon conviction thereof, be fined not less than twenty nor more  
15 than one hundred dollars: PROVIDED, That in case of a school district  
16 employee, such fine shall be paid to the appropriate county treasurer  
17 and by the county treasurer placed to the credit of the school district  
18 in which said employee is employed, and in case of all other officers  
19 such fine shall be paid to the county treasurer of the county in which  
20 the educational service district headquarters is located and by the  
21 county treasurer placed to the credit of the general school fund of the  
22 educational service district: PROVIDED, That all fees, fines,  
23 forfeitures and penalties collected or assessed by a district court  
24 because of the violation of a state law shall be remitted as provided  
25 in chapter 3.62 RCW as now exists or is later amended.

26 NEW SECTION. **Sec. 30.** The provisions of this act relating to  
27 child in need of services shall not take effect until July 1, 1996.

28 NEW SECTION. **Sec. 31.** The following acts or parts of acts are  
29 each repealed:

30 (1) RCW 13.32A.100 and 1981 c 298 s 8 & 1979 c 155 s 24; and

31 (2) RCW 13.32A.120 and 1990 c 276 s 7 & 1979 c 155 s 26.

--- END ---