
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2217

State of Washington

54th Legislature

1996 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Carrell, Mitchell, Thompson, Cooke, Boldt, Backlund and Johnson)

Read first time 02/05/96.

1 AN ACT Relating to at-risk youth; amending RCW 13.32A.090,
2 13.32A.130, 13.32A.030, 13.32A.050, 13.32A.060, 13.32A.065, 13.32A.070,
3 13.32A.082, 13.32A.095, 13.32A.100, 13.32A.110, 13.32A.120, 13.32A.140,
4 13.32A.150, 13.32A.152, 13.32A.160, 13.32A.170, 13.32A.179, 13.32A.190,
5 13.32A.192, 13.32A.194, 13.32A.250, 13.34.165, 28A.225.030,
6 28A.225.035, 28A.225.090, 70.96A.095, and 71.34.035; adding new
7 sections to chapter 13.32A RCW; adding new sections to chapter 70.96A
8 RCW; adding new sections to chapter 71.34 RCW; adding a new section to
9 chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a
10 new section to chapter 48.44 RCW; adding a new section to chapter 48.46
11 RCW; adding a new section to chapter 74.13 RCW; creating new sections;
12 and prescribing penalties.

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

14 NEW SECTION. **Sec. 1.** The legislature finds that no children
15 should be exposed to the dangers inherent in living on the streets.
16 The legislature further finds that there are children who are not
17 mentally ill or chemically dependent who are living on the street in
18 dangerous situations. These children through their at-risk behavior
19 place themselves at great personal risk and danger. The legislature

1 further finds that these children with at-risk behaviors should receive
2 treatment for their problems that result in excessive opposition to
3 parental authority. Such treatment should only be authorized through
4 court order and should be in addition to any options available to meet
5 the needs of these children.

6 NEW SECTION. **Sec. 2.** This act shall be known and cited as the
7 "Becca Too" bill.

8 NEW SECTION. **Sec. 3.** A new section is added to chapter 13.32A RCW
9 to read as follows:

10 (1) In disposition proceedings involving a child in need of
11 services or an at-risk youth, the court may adopt the additional orders
12 authorized under this section if it finds that the child involved in
13 those proceedings is not eligible for inpatient treatment for a
14 psychiatric or substance abuse condition and requires specialized
15 treatment. The court may include in its dispositional orders a
16 requirement that the child be placed in a staff secure facility that
17 will provide for the child's participation in a program designed to
18 remedy his or her behavior difficulties. The court may not include
19 this requirement unless, at the disposition hearing, it finds that the
20 placement is clearly necessary in order to protect the child and that
21 less restrictive orders not requiring such placement would be
22 inadequate to protect the child, given the child's age, maturity,
23 propensity to run away from home, past exposure to serious risk when
24 the child ran away from home, and possible future exposure to serious
25 risk should the child run away from home again. The orders shall also
26 contain provisions providing for periodic court review of the
27 placement, with the first review hearing conducted not more than thirty
28 days after the date of the placement. Before each review hearing, the
29 court shall advise the parents of their rights under RCW
30 13.32A.160(1)(e). At each review hearing the court shall review the
31 orders to determine the progress of the child, whether the orders are
32 still necessary for the protection of the child, and whether a less
33 restrictive order of placement would be adequate. The court shall make
34 such modifications in its orders as it finds necessary to protect the
35 child. Review hearings of orders adopted under this section are
36 subject to the review provisions applicable under this chapter to

1 disposition orders pertaining to a child in need of services or to at-
2 risk youth.

3 (2) Placements in staff secure facilities under this section shall
4 be limited to children who meet the statutory definition of a child in
5 need of services or an at-risk youth as defined in RCW 13.32A.030.

6 (3) State funds may only be used to pay for placements under this
7 section if, and to the extent that, such funds are appropriated to
8 expressly pay for them.

9 NEW SECTION. **Sec. 4.** A new section is added to chapter 13.32A RCW
10 to read as follows:

11 (1) A violation of RCW 13.32A.082 by a licensed child-serving
12 agency shall be addressed as a licensing violation under chapter 74.15
13 RCW.

14 (2) A violation of RCW 13.32A.082 by any other person is a
15 misdemeanor.

16 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.96A RCW
17 to read as follows:

18 (1) Any provider of treatment in an approved inpatient treatment
19 program who provides treatment to a minor under RCW 70.96A.095(1) shall
20 provide notice of the request for treatment to the minor's parents.
21 The provider shall provide notice only if (a) the minor signs a written
22 consent authorizing the disclosure in accordance with sections 523 and
23 527 of the public health services act (42 U.S.C. Sec. 290dd-3, 290ee-3)
24 as implemented by 42 C.F.R. Sec. 2.31 (1994) and as hereafter amended,
25 or (b) the consent of the minor's parent, parents, custodian, or
26 guardian is unnecessary for the minor to receive treatment and the
27 program or facility director determines that the minor lacks capacity
28 to make a rational choice regarding consenting to disclosure. The
29 notice shall be made within forty-eight hours of the request for
30 treatment, excluding Saturdays, Sundays, and holidays, and shall
31 contain the same information as required under RCW 71.34.030(2)(b).

32 (2) Any provider of outpatient treatment who provides outpatient
33 treatment to a minor shall provide notice of the minor's request for
34 treatment to the minor's parents if (a) the minor signs a written
35 consent authorizing the disclosure in accordance with sections 523 and
36 527 of the public health services act (42 U.S.C. Sec. 290dd-3, 290ee-3)
37 as implemented by 42 C.F.R. Sec. 2.31 (1994) and as hereafter amended,

1 or (b) if the minor is less than thirteen years of age and the program
2 or facility director determines that the minor lacks capacity to make
3 a rational choice regarding consenting to disclosure. The notice shall
4 be made within seven days of the request for treatment, excluding
5 Saturdays, Sundays, and holidays, and shall contain the same
6 information as required under RCW 71.34.030(2)(b).

7 (3) A parent, parents, custodian, or guardian of a minor is not
8 obligated to pay for any services provided to the minor under RCW
9 70.96A.095(1) if within seven working days of the minor's request for
10 treatment, the provider did not notify the minor's parent, parents,
11 custodian, or guardian that those services were being provided.
12 Notwithstanding any provision of any insurance contract or agreement
13 entered into after the effective date of this act, benefits shall not
14 be provided under the contract or agreement for the treatment of a
15 minor if within seven working days of the minor's request for
16 treatment, the provider did not notify the minor's parent, custodian,
17 or guardian that services were being provided. This section shall not
18 apply if the treatment provider has made reasonable attempts to notify
19 the minor's parent, parents, custodian, or guardian but has not been
20 able to contact them within seven days of the minor's request for
21 treatment. In accordance with sections 523 and 527 of the public
22 health services act (42 U.S.C. Sec. 290dd-3, 290ee-3) as implemented by
23 42 C.F.R. Sec. 2.14 (1994) and hereafter amended, a treatment provider
24 may refuse to provide treatment until a minor patient consents to
25 disclosure necessary to obtain reimbursement.

26 NEW SECTION. **Sec. 6.** A new section is added to chapter 70.96A RCW
27 to read as follows:

28 Nothing in this chapter authorizes school district personnel to
29 refer minors to any inpatient treatment program or inpatient treatment
30 provider without providing notice of the referral within forty-eight
31 hours to the parent, parents, or guardians.

32 NEW SECTION. **Sec. 7.** A new section is added to chapter 71.34 RCW
33 to read as follows:

34 (1) Any provider of treatment at an inpatient evaluation and
35 treatment facility who provides treatment to a minor under RCW
36 71.34.030(1) shall provide notice of the request for treatment to the
37 minor's parents. The notice shall be made within forty-eight hours of

1 the request for treatment, excluding Saturdays, Sundays, and holidays,
2 and shall contain the same information as required under RCW
3 71.34.030(2)(b).

4 (2) Any provider of outpatient treatment shall provide notice of
5 the request for treatment to the minor's parents. The notice shall be
6 made within seven days of the request for treatment, excluding
7 Saturdays, Sundays, and holidays, and shall contain the same
8 information as required under RCW 71.34.030(2)(b).

9 NEW SECTION. **Sec. 8.** A new section is added to chapter 71.34 RCW
10 to read as follows:

11 Nothing in this chapter authorizes school district personnel to
12 refer minors to any inpatient evaluation and treatment program without
13 providing notice of the referral within forty-eight hours to the
14 minor's parent.

15 NEW SECTION. **Sec. 9.** A new section is added to chapter 48.20 RCW
16 to read as follows:

17 Notwithstanding any provision of any disability insurance contract
18 entered into after the effective date of this act, benefits shall not
19 be provided under the contract to a minor by an "approved treatment
20 program" under RCW 70.96A.020(3) if the treatment provider did not
21 notify the minor's parent, parents, custodian, or guardian of the
22 minor's treatment within seven days of the minor's request for
23 treatment. This section shall not apply if the provider has made
24 reasonable attempts to notify the minor's parent, parents, custodian,
25 or guardian but has not been able to contact them within seven days of
26 the minor's request for treatment.

27 NEW SECTION. **Sec. 10.** A new section is added to chapter 48.21 RCW
28 to read as follows:

29 Notwithstanding the provisions in RCW 48.21.180 or any provision of
30 any group or blanket disability insurance contract entered into after
31 the effective date of this act, benefits shall not be provided under
32 the contract to a minor by an "approved treatment program" under RCW
33 70.96A.020(3) if the treatment provider did not notify the minor's
34 parent, parents, custodian, or guardian of the minor's treatment within
35 seven days of the minor's request for treatment. This section shall
36 not apply if the provider has made reasonable attempts to notify the

1 minor's parent, parents, custodian, or guardian but has not been able
2 to contact them within seven days of the minor's request for treatment.

3 NEW SECTION. **Sec. 11.** A new section is added to chapter 48.44 RCW
4 to read as follows:

5 Notwithstanding the provisions in RCW 48.44.240, or any provision
6 of any individual or group contract for health care services entered
7 into after the effective date of this act, benefits shall not be
8 provided under the contract to a minor by an "approved treatment
9 program" under RCW 70.96A.020(3) if the treatment provider did not
10 notify the minor's parent, parents, custodian, or guardian of the
11 minor's treatment within seven days of the minor's request for
12 treatment. This section shall not apply if the provider has made
13 reasonable attempts to notify the minor's parent, parents, custodian,
14 or guardian but has not been able to contact them within seven days of
15 the minor's request for treatment.

16 NEW SECTION. **Sec. 12.** A new section is added to chapter 48.46 RCW
17 to read as follows:

18 Notwithstanding the provisions in RCW 48.46.350, or any provision
19 of any health maintenance agreement entered into after the effective
20 date of this act, benefits shall not be provided under the agreement to
21 a minor by an "approved treatment program" under RCW 70.96A.020(3) if
22 the treatment provider did not notify the minor's parent, parents,
23 custodian, or guardian of the minor's treatment within seven days of
24 the minor's request for treatment. This section shall not apply if the
25 provider has made reasonable attempts to notify the minor's parent,
26 parents, custodian, or guardian but has not been able to contact them
27 within seven days of the minor's request for treatment.

28 NEW SECTION. **Sec. 13.** Section 10 of this act shall not be
29 codified between RCW 48.21.160 through 48.21.197 as it is the intent of
30 section 10 of this act to have the provisions of that section included
31 within basic group disability insurance policies as described in RCW
32 48.21.045.

33 **Sec. 14.** RCW 13.32A.090 and 1995 c 312 s 10 are each amended to
34 read as follows:

1 (1) The ((~~person in charge~~)) administrator of a designated crisis
2 residential center or the department shall perform the duties under
3 subsection (2) of this section:

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

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

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

10 (d) Upon learning that a child has been placed with a responsible
11 adult pursuant to RCW 13.32A.060.

12 (2) When any of the circumstances under subsection (1) of this
13 section are present, the ((~~person in charge~~)) administrator of a center
14 or the department shall perform the following duties:

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

18 (b) Initially notify the parent that it is the paramount concern of
19 the family reconciliation service personnel to achieve a reconciliation
20 between the parent and child to reunify the family and inform the
21 parent as to the procedures to be followed under this chapter;

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

26 (d) Arrange transportation for the child to the residence of the
27 parent, as soon as practicable, at the latter's expense to the extent
28 of his or her ability to pay, with any unmet transportation expenses to
29 be assumed by the department, when the child and his or her parent
30 agrees to the child's return home or when the parent produces a copy of
31 a court order entered under this chapter requiring the child to reside
32 in the parent's home;

33 (e) Arrange transportation for the child to (i) an out-of-home
34 placement which may include a licensed group care facility or foster
35 family when agreed to by the child and parent or (ii) a certified or
36 licensed mental health or chemical dependency program of the parent's
37 choice at the latter's expense to the extent of his or her ability to
38 pay, with any unmet transportation expenses assumed by the
39 department((+)

1 ~~(f) Immediately notify the department of the placement)).~~

2 (3) If the administrator of the crisis residential center performs
3 the duties listed in subsection (1) of this section, he or she shall
4 also notify the department that a child has been admitted to the crisis
5 residential center.

6 **Sec. 15.** RCW 13.32A.130 and 1995 c 312 s 12 are each amended to
7 read as follows:

8 (1) A child admitted to a secure facility within a crisis
9 residential center shall remain in the facility for not more than five
10 consecutive days, but for at least twenty-four hours after admission.
11 If the child is transferred between centers or between secure and semi-
12 secure facilities, the aggregate length of time spent in all such
13 centers or facilities may not exceed five consecutive days.

14 (2)(a)(i) The facility administrator shall determine within twenty-
15 four hours after a child's admission to a secure facility whether the
16 child ~~((can be safely admitted to))~~ is likely to remain in a semi-
17 secure facility and may transfer the child to a semi-secure facility or
18 release the child to the department. The determination shall be based
19 on: (A) The need for continued assessment, protection, and treatment
20 of the child in a secure facility; and (B) the likelihood the child
21 would remain at a semi-secure facility until his or her parents can
22 take the child home or a petition can be filed under this title.

23 (ii) In making the determination the administrator shall ~~((include~~
24 ~~consideration of))~~ consider the following information if known: (A)
25 ~~((A))~~ The child's age and maturity; (B) the child's condition upon
26 arrival at the center; (C) the circumstances that led to the child's
27 being taken to the center; (D) whether the child's behavior endangers
28 the health, safety, or welfare of the child or any other person; (E)
29 the child's history of running away which has endangered the health,
30 safety, and welfare of the child; and (F) the child's willingness to
31 cooperate in ~~((conducting))~~ the assessment.

32 (b) If the administrator of a secure facility determines the child
33 is unlikely to remain in a semi-secure facility, the administrator
34 shall keep the child in the secure facility pursuant to this chapter
35 and in order to provide for space for the child may transfer another
36 child who has been in the facility for at least seventy-two hours to a
37 semi-secure facility. The administrator shall only make a transfer of

1 a child after determining that the child who may be transferred is
2 likely to remain at the semi-secure facility.

3 (c) A crisis residential center administrator is authorized to
4 transfer a child to a crisis residential center in the area where the
5 child's parents reside or where the child's lawfully prescribed
6 residence is located.

7 (d) An administrator may transfer a child from a semi-secure
8 facility to a secure facility whenever (~~the administrator~~) he or she
9 reasonably believes that the child is likely to leave the semi-secure
10 facility and not return and after full consideration of all factors in
11 (a)(i) and (ii) of this subsection.

12 (3) If no parent is available or willing to remove the child during
13 the five-day period, the department shall consider the filing of a
14 petition under RCW 13.32A.140.

15 (4) The requirements of this section shall not apply to a child who
16 is: (a) Returned to the home of his or her parent; (b) placed in a
17 semi-secure facility within a crisis residential center pursuant to a
18 temporary out-of-home placement order authorized under RCW 13.32A.125;
19 (c) placed in an out-of-home placement; or (d) (~~is subject to a~~
20 ~~petition under RCW 13.32A.191~~) the subject of an at-risk youth
21 petition.

22 (5) Notwithstanding the provisions of subsection (1) of this
23 section, the parents may remove the child at any time during the five-
24 day period unless the staff of the crisis residential center has
25 reasonable cause to believe that the child is absent from the home
26 because he or she is abused or neglected or if allegations of abuse or
27 neglect have been made against the parents. (~~The department may~~
28 ~~remove the child whenever a dependency petition is filed under chapter~~
29 ~~13.34 RCW.~~) Any agency legally charged with the supervision of a
30 child or the department may remove a child from a crisis residential
31 center at any time after the first twenty-four-hour period after
32 admission has elapsed and only after full consideration by all parties
33 of the factors in subsection (2)(a) of this section.

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

1 the (~~person in charge~~) administrator shall inform the parent and
2 child of (a) the availability of counseling services; (b) the right to
3 file a child in need of services petition for an out-of-home placement,
4 the right of a parent to file an at-risk youth petition, and the right
5 of the parent and child to obtain assistance in filing the petition;
6 (c) the right to request the facility administrator or his or her
7 designee to form a multidisciplinary team; (~~and~~) (d) the right to
8 request a review of any out-of-home placement; (e) the right to request
9 a mental health or chemical dependency evaluation; and (f) the right to
10 request treatment in a program to address the child's at-risk behavior
11 under section 3 of this act.

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

21 (8) A crisis residential center and its administrator or his or her
22 designee acting in good faith in carrying out the provisions of this
23 section are immune from criminal or civil liability for such actions.

24 **Sec. 16.** RCW 13.32A.030 and 1995 c 312 s 3 are each amended to
25 read as follows:

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

28 (1) "Administrator" means the individual who has the daily
29 administrative responsibility of a crisis residential center, or his or
30 her designee.

31 (2) "At-risk youth" means a juvenile:

32 (a) Who is absent from home for at least seventy-two consecutive
33 hours without consent of his or her parent;

34 (b) Who is beyond the control of his or her parent such that the
35 child's behavior endangers the health, safety, or welfare of the child
36 or any other person; or

37 (c) Who has a substance abuse problem for which there are no
38 pending criminal charges related to the substance abuse.

1 ~~((+2+))~~ (3) "Child," "juvenile," and "youth" mean any unemancipated
2 individual who is under the chronological age of eighteen years.

3 ~~((+3+))~~ (4) "Child in need of services" means a juvenile:
4 (a) Who is beyond the control of his or her parent such that the
5 child's behavior endangers the health, safety, or welfare of the child
6 or other person;
7 (b) Who has been reported to law enforcement as absent without
8 consent for at least twenty-four consecutive hours from the parent's
9 home, a crisis residential center, an out-of-home placement, or a
10 court-ordered placement on two or more separate occasions; and
11 (i) Has exhibited a serious substance abuse problem; or
12 (ii) Has exhibited behaviors that create a serious risk of harm to
13 the health, safety, or welfare of the child or any other person; or
14 (c)(i) Who is in need of necessary services, including food,
15 shelter, health care, clothing, educational, or services designed to
16 maintain or reunite the family;
17 (ii) Who lacks access, or has declined, to utilize these services;
18 and
19 (iii) Whose parents have evidenced continuing but unsuccessful
20 efforts to maintain the family structure or are unable or unwilling to
21 continue efforts to maintain the family structure.

22 ~~((+4+))~~ (5) "Child in need of services petition" means a petition
23 filed in juvenile court by a parent, child, or the department seeking
24 adjudication of placement of the child.

25 ~~((+5+))~~ (6) "Crisis residential center" means a secure or semi-
26 secure facility established pursuant to RCW 74.13.032.

27 (7) "Custodian" means the person or entity who has the legal right
28 to the custody of the child.

29 ~~((+6+))~~ (8) "Department" means the department of social and health
30 services.

31 ~~((+7+))~~ (9) "Extended family member" means an adult who is a
32 grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or
33 first cousin with whom the child has a relationship and is comfortable,
34 and who is willing and available to care for the child.

35 ~~((+8+))~~ (10) "Guardian" means that person or agency that (a) has
36 been appointed as the guardian of a child in a legal proceeding other
37 than a proceeding under chapter 13.34 RCW, and (b) has the right to
38 legal custody of the child pursuant to such appointment. The term

1 "guardian" does not include a "dependency guardian" appointed pursuant
2 to a proceeding under chapter 13.34 RCW.

3 ~~((9))~~ (11) "Multidisciplinary team" means a group formed to
4 provide assistance and support to a child who is an at-risk youth or a
5 child in need of services and his or her parent. The team shall
6 include the parent, a department case worker, a local government
7 representative when authorized by the local government, and when
8 appropriate, members from the mental health and substance abuse
9 disciplines. The team may also include, but is not limited to, the
10 following persons: Educators, law enforcement personnel, probation
11 officers, employers, church persons, tribal members, therapists,
12 medical personnel, social service providers, placement providers, and
13 extended family members. The team members shall be volunteers who do
14 not receive compensation while acting in a capacity as a team member,
15 unless the member's employer chooses to provide compensation or the
16 member is a state employee.

17 ~~((10))~~ (12) "Out-of-home placement" means a placement in a foster
18 family home or group care facility licensed pursuant to chapter 74.15
19 RCW or placement in a home, other than that of the child's parent,
20 guardian, or legal custodian, not required to be licensed pursuant to
21 chapter 74.15 RCW.

22 ~~((11))~~ (13) "Parent" means the parent or parents who have the
23 legal right to custody of the child. "Parent" includes custodian or
24 guardian.

25 ~~((12))~~ (14) "Secure facility" means a crisis residential center,
26 or portion thereof, that has locking doors, locking windows, or a
27 secured perimeter, designed and operated to prevent a child from
28 leaving without permission of the facility staff.

29 ~~((13))~~ (15) "Semi-secure facility" means any facility, including
30 but not limited to crisis residential centers or specialized foster
31 family homes, operated in a manner to reasonably assure that youth
32 placed there will not run away. Pursuant to rules established by the
33 department, the facility administrator shall establish reasonable hours
34 for residents to come and go from the facility such that no residents
35 are free to come and go at all hours of the day and night. To prevent
36 residents from taking unreasonable actions, the facility administrator,
37 where appropriate, may condition a resident's leaving the facility upon
38 the resident being accompanied by the administrator or the
39 administrator's designee and the resident may be required to notify the

1 administrator or the administrator's designee of any intent to leave,
2 his or her intended destination, and the probable time of his or her
3 return to the center.

4 (~~(14)~~) (16) "Temporary out-of-home placement" means an out-of-
5 home placement of not more than fourteen days ordered by the court at
6 a fact-finding hearing on a child in need of services petition.

7 **Sec. 17.** RCW 13.32A.050 and 1995 c 312 s 6 are each amended to
8 read as follows:

9 (1) A law enforcement officer shall take a child into custody:

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

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

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

20 (d) If a law enforcement agency has been notified by the juvenile
21 court that the court finds probable cause exists to believe that the
22 child has violated a court placement order issued pursuant to chapter
23 13.32A or 13.34 RCW or that the court has issued an order for law
24 enforcement pick-up of the child under this chapter or chapter 13.34
25 RCW.

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

29 (3) If a law enforcement officer takes a child into custody
30 pursuant to either subsection (1)(a) or (b) of this section and
31 transports the child to a crisis residential center, the officer shall,
32 within twenty-four hours of delivering the child to the center, provide
33 to the center a written report detailing the reasons the officer took
34 the child into custody. The center shall provide the department with
35 a copy of the officer's report.

36 (4) If the law enforcement officer who initially takes the juvenile
37 into custody or the staff of the crisis residential center have
38 reasonable cause to believe that the child is absent from home because

1 he or she is abused or neglected, a report shall be made immediately to
2 the department.

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

6 (6) If a law enforcement officer receives a report that causes the
7 officer to have reasonable suspicion that a child is being harbored
8 under RCW 13.32A.080 or for other reasons has a reasonable suspicion
9 that a child is being harbored under RCW 13.32A.080, the officer shall
10 remove the child from the custody of the person harboring the child and
11 shall transport the child to one of the locations specified in RCW
12 13.32A.060.

13 (7) No child may be placed in a secure facility except as provided
14 in this chapter.

15 **Sec. 18.** RCW 13.32A.060 and 1995 c 312 s 7 are each amended to
16 read as follows:

17 (1) An officer taking a child into custody under RCW 13.32A.050(1)
18 (a) or (b) shall inform the child of the reason for such custody and
19 shall ~~((either))~~:

20 (a) Transport the child to his or her home or to a parent at his or
21 her place of employment, if no parent is at home and if it is within
22 reasonable proximity to the officer's location. The officer releasing
23 a child into the custody of the parent shall inform the parent of the
24 reason for the taking of the child into custody and shall inform the
25 child and the parent of the nature and location of appropriate services
26 available in their community. The parent may ~~((direct))~~ request that
27 the officer ~~((to))~~ take the child to the home of an adult extended
28 family member, responsible adult, crisis residential center, or a
29 licensed youth shelter that is located within reasonable proximity to
30 the officer's location. The officer releasing a child into the custody
31 of an adult extended family member, responsible adult, or a licensed
32 youth shelter shall inform the child and the person receiving the child
33 of the nature and location of appropriate services available in the
34 community; or

35 (b) After attempting to notify the parent, take the child to a
36 designated crisis residential center's secure facility or a center's
37 semi-secure facility if a secure facility is full, not available, or
38 not located within a reasonable distance:

1 (i) If the child expresses fear or distress at the prospect of
2 being returned to his or her home which leads the officer to believe
3 there is a possibility that the child is experiencing some type of
4 child abuse or neglect, as defined in RCW 26.44.020; or

5 (ii) If it is not practical to transport the child to his or her
6 home or place of the parent's employment; or

7 (iii) If there is no parent available to accept custody of the
8 child; or

9 (c) If a crisis residential center is full, not available, or not
10 located within a reasonable distance, the officer may request the
11 department to accept custody of the child. If the department
12 determines that an appropriate placement is currently available, the
13 department may accept custody and place the child in an out-of-home
14 placement. If the department declines to accept custody of the child,
15 the officer may release the child after taking the child to the home of
16 an adult extended family member or a responsible adult or a licensed
17 youth shelter.

18 (2) An officer taking a child into custody under RCW 13.32A.050(1)
19 (c) or (d) shall inform the child of the reason for custody. An
20 officer taking a child into custody under RCW 13.32A.050(1)(c)
21 ~~((shall))~~ may release the child to the supervising agency, or shall
22 take the child to a designated crisis residential center's secure
23 facility ~~((or,))~~. If the secure facility is not available ~~((or)),~~, not
24 located within a reasonable distance, or full, the officer shall take
25 the child to a semi-secure ~~((facility within a))~~ crisis residential
26 center, licensed by the department and established pursuant to chapter
27 74.13 RCW. An officer taking a child into custody under RCW
28 13.32A.050(1)(d) may place the child in a juvenile detention facility
29 as provided in RCW 13.32A.065 or a secure facility, except that the
30 child shall be taken to detention whenever the officer has been
31 notified that a juvenile court has entered a detention order under this
32 chapter or chapter 13.34 RCW.

33 (3) The department shall ensure that all law enforcement
34 authorities are informed on a regular basis as to the location of all
35 designated secure and semi-secure facilities within crisis residential
36 center or centers in their jurisdiction, where children taken into
37 custody under RCW 13.32A.050 may be taken.

1 **Sec. 19.** RCW 13.32A.065 and 1981 c 298 s 4 are each amended to
2 read as follows:

3 (1) A child may be placed in detention after being taken into
4 custody pursuant to RCW 13.32A.050(~~((+4))~~) (1)(d). The court shall hold
5 a detention review hearing within twenty-four hours, excluding
6 Saturdays, Sundays, and holidays. The court shall release the child
7 after twenty-four hours, excluding Saturdays, Sundays, and holidays,
8 unless:

9 (a) A motion and order to show why the child should not be held in
10 contempt has been filed and served on the child at or before the
11 detention hearing; and

12 (b) The court believes that the child would not appear at a hearing
13 on contempt.

14 (2) If the court orders the child to remain in detention, the court
15 shall set the matter for a hearing on contempt within seventy-two
16 hours, excluding Saturdays, Sundays, and holidays.

17 **Sec. 20.** RCW 13.32A.070 and 1995 c 312 s 8 are each amended to
18 read as follows:

19 (1) A law enforcement officer acting in good faith pursuant to this
20 chapter in failing to take a child into custody, in taking a child into
21 custody, in placing a child in a crisis residential center, in
22 releasing the child to the department or a supervising agency, or in
23 releasing a child to a person at the request of a parent is immune from
24 civil or criminal liability for such action.

25 (2) A person with whom a child is placed pursuant to this chapter
26 and who acts reasonably and in good faith is immune from civil or
27 criminal liability for the act of receiving the child. The immunity
28 does not release the person from liability under any other law.

29 **Sec. 21.** RCW 13.32A.082 and 1995 c 312 s 34 are each amended to
30 read as follows:

31 (1) Any person who, without legal authorization, provides shelter
32 to a minor and who knows at the time of providing the shelter that the
33 minor is away from the parent's home, or other lawfully prescribed
34 residence, without the permission of the parent, shall promptly report
35 the location of the child to the parent, the law enforcement agency of
36 the jurisdiction in which the person lives, or the department. The
37 report may be made by telephone or any other reasonable means.

1 (2) Unless the context clearly requires otherwise, the definitions
2 in this subsection apply throughout this section.

3 (a) "Shelter" means the person's home or any structure over which
4 the person has any control.

5 (b) "Promptly report" means to report within eight hours after the
6 person has knowledge that the minor is away from home without parental
7 permission.

8 (c) "Parent" means any parent having legal custody of the child,
9 whether individually or jointly.

10 (3) When the department receives a report under subsection (1) of
11 this section, it shall make a reasonable attempt to notify the parent
12 that a report has been received and may offer services designed to
13 resolve the conflict and accomplish a reunification of the family
14 between the parent and the child.

15 **Sec. 22.** RCW 13.32A.095 and 1995 c 312 s 21 are each amended to
16 read as follows:

17 The ~~((crisis residential center))~~ administrator of the crisis
18 residential center shall notify parents and the appropriate law
19 enforcement agency immediately as to any unauthorized leave from the
20 center by a child placed at the center.

21 **Sec. 23.** RCW 13.32A.100 and 1981 c 298 s 8 are each amended to
22 read as follows:

23 Where a child is placed in ~~((a residence other than that of his or~~
24 ~~her parent))~~ an out-of-home placement pursuant to RCW 13.32A.090(2)(e),
25 the department shall make available family reconciliation services in
26 order to facilitate the reunification of the family. Any such
27 placement may continue as long as there is agreement by the child and
28 parent.

29 **Sec. 24.** RCW 13.32A.110 and 1979 c 155 s 25 are each amended to
30 read as follows:

31 If a child who has a legal residence outside the state of
32 Washington is admitted to a crisis residential center or is ~~((placed))~~
33 released by a law enforcement officer ~~((with a responsible person other~~
34 ~~than the child's parent))~~ to the department, and the child refuses to
35 return home, the provisions of RCW 13.24.010 shall apply.

1 **Sec. 25.** RCW 13.32A.120 and 1995 c 312 s 11 are each amended to
2 read as follows:

3 (1) Where either a child or the child's parent or the person or
4 facility currently providing shelter to the child notifies the center
5 that such individual or individuals cannot agree to the continuation of
6 an out-of-home placement arrived at pursuant to RCW 13.32A.090(2)(e),
7 the administrator of the center shall immediately contact the remaining
8 party or parties to the agreement and shall attempt to bring about the
9 child's return home or to an alternative living arrangement agreeable
10 to the child and the parent as soon as practicable.

11 (2) If a child and his or her parent cannot agree to an out-of-home
12 placement under RCW 13.32A.090(2)(e), either the child or parent may
13 file with the juvenile court a child in need of services petition to
14 approve an out-of-home placement or the parent may file with the
15 juvenile court a petition in the interest of a child alleged to be an
16 at-risk youth under this chapter.

17 (3) If a child and his or her parent cannot agree to the
18 continuation of an out-of-home placement arrived at under RCW
19 13.32A.090(2)(e), either the child or parent may file with the juvenile
20 court a child in need of services petition to approve an out-of-home
21 placement or the parent may file with the juvenile court a petition in
22 the interest of a child alleged to be an at-risk youth under this
23 chapter.

24 **Sec. 26.** RCW 13.32A.140 and 1995 c 312 s 15 are each amended to
25 read as follows:

26 Unless the department files a dependency petition, the department
27 shall file a child in need of services petition to approve an out-of-
28 home placement on behalf of a child under any of the following sets of
29 circumstances:

30 (1) The child has been admitted to a crisis residential center or
31 has been placed (~~with a responsible person other than his or her~~
32 ~~parent~~) by the department in an out-of-home placement, and:

33 (a) The parent has been notified that the child was so admitted or
34 placed;

35 (b) Seventy-two hours, including Saturdays, Sundays, and holidays,
36 have passed since such notification;

37 (c) No agreement between the parent and the child as to where the
38 child shall live has been reached;

1 (d) No child in need of services petition has been filed by either
2 the child or parent;

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

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

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

7 (a) Seventy-two hours, including Saturdays, Sundays, and holidays,
8 have passed since such placement;

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

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

13 (3) An agreement between parent and child made pursuant to RCW
14 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer
15 acceptable to parent or child, and:

16 (a) The party to whom the arrangement is no longer acceptable has
17 so notified the department;

18 (b) Seventy-two hours, including Saturdays, Sundays, and holidays,
19 have passed since such notification;

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

22 (d) No child in need of services petition has been filed by either
23 the child or the parent;

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

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

27 Under the circumstances of subsections (1), (2), or (3) of this
28 section, the child shall remain in an out-of-home placement until a
29 child in need of services petition filed by the department on behalf of
30 the child is reviewed by the juvenile court and is resolved by ~~((such))~~
31 the court. The department may authorize emergency medical or dental
32 care for a child ~~((placed under this section))~~ admitted to a crisis
33 residential center or placed in an out-of-home placement by the
34 department. The state, when the department files a child in need of
35 services petition under this section, shall be represented as provided
36 for in RCW 13.04.093.

37 ~~((If the department files a petition under this section, the~~
38 ~~department shall submit in a supporting affidavit any information~~
39 ~~provided under section 38 of this act.))~~

1 **Sec. 27.** RCW 13.32A.150 and 1995 c 312 s 16 are each amended to
2 read as follows:

3 (1) Except as otherwise provided in this chapter, the juvenile
4 court shall not accept the filing of a child in need of services
5 petition by the child or the parents or the filing of an at-risk youth
6 petition by the parent, unless verification is provided that a family
7 assessment has been completed by the department. The family assessment
8 provided by the department shall involve the multidisciplinary team as
9 provided in RCW 13.32A.040, if one exists. The family assessment or
10 plan of services developed by the multidisciplinary team shall be aimed
11 at family reconciliation, reunification, and avoidance of the out-of-
12 home placement of the child. If the department is unable to complete
13 an assessment within two working days following a request for
14 assessment the child or the parents may proceed under subsection (2) of
15 this section or the parent may proceed under RCW 13.32A.191.

16 (2) A child or a child's parent may file with the juvenile court a
17 child in need of services petition to approve an out-of-home placement
18 for the child. The department shall, when requested, assist either a
19 parent or child in the filing of the petition. The petition must be
20 filed in the county where the parent resides. The petition shall
21 ~~((only))~~ allege that the child is a child in need of services and shall
22 ask only that the placement of a child outside the home of his or her
23 parent be approved. The filing of a petition to approve the placement
24 is not dependent upon the court's having obtained any prior
25 jurisdiction over the child or his or her parent, and confers upon the
26 court a special jurisdiction to approve or disapprove an out-of-home
27 placement.

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

30 **Sec. 28.** RCW 13.32A.152 and 1995 c 312 s 4 are each amended to
31 read as follows:

32 (1) Whenever a child in need of services petition is filed by a
33 youth pursuant to RCW ~~((13.32A.130))~~ 13.32A.150, or the department
34 pursuant to RCW ~~((13.32A.150))~~ 13.32A.140, the ~~((youth or the~~
35 ~~department))~~ filing party shall have a copy of the petition served on
36 the parents of the youth. Service shall first be attempted in person
37 and if unsuccessful, then by certified mail with return receipt.

1 (2) Whenever a child in need of services petition is filed by a
2 youth or parent pursuant to RCW 13.32A.150, the court shall immediately
3 notify the department that a petition has been filed.

4 **Sec. 29.** RCW 13.32A.160 and 1995 c 312 s 17 are each amended to
5 read as follows:

6 (1) When a proper child in need of services petition to approve an
7 out-of-home placement is filed under RCW 13.32A.120, 13.32A.140, or
8 13.32A.150 the juvenile court shall: (a) Schedule a fact-finding
9 hearing to be held within ~~((three judicial))~~ five calendar days unless
10 the last calendar day is a Saturday, Sunday, or holiday, in which case
11 the hearing shall be held on the next judicial day; notify the parent,
12 child, and the department of such date; (b) notify the parent of the
13 right to be represented by counsel and, if indigent, to have counsel
14 appointed for him or her by the court; (c) appoint legal counsel for
15 the child; (d) inform the child and his or her parent of the legal
16 consequences of the court approving or disapproving ~~((an out-of-home~~
17 ~~placement))~~ a child in need of services petition; (e) notify the
18 parents of their rights under this chapter and chapters 11.88, 13.34,
19 70.96A, and 71.34 RCW, including the right to file an at-risk youth
20 petition, the right to submit ~~((on {an}))~~ an application for admission
21 of their child to a treatment facility for alcohol, chemical
22 dependency, or mental health treatment, and the right to file a
23 guardianship petition; and (f) notify all parties, including the
24 department, of their right to present evidence at the fact-finding
25 hearing. The court may place a child in a crisis residential center
26 for a temporary out-of-home placement as long as the requirements of
27 RCW 13.32A.125 are met.

28 (2) Upon filing of a child in need of services petition, the child
29 may be placed, if not already placed, by the department in a ~~((crisis~~
30 ~~residential center,))~~ foster family home, group home facility licensed
31 under chapter 74.15 RCW, or any other suitable residence to be
32 determined by the department. The court may place a child in a crisis
33 residential center for a temporary out-of-home placement as long as the
34 requirements of RCW 13.32A.125 are met.

35 (3) If the child has been placed in a foster family home or group
36 care facility under chapter 74.15 RCW, the child shall remain there, or
37 in any other suitable residence as determined by the department,
38 pending resolution of the petition by the court. Any placement may be

1 reviewed by the court within three judicial days upon the request of
2 the juvenile or the juvenile's parent.

3 **Sec. 30.** RCW 13.32A.170 and 1995 c 312 s 18 are each amended to
4 read as follows:

5 (1) The court shall hold a fact-finding hearing to consider a
6 proper child in need of services petition, giving due weight to the
7 intent of the legislature that families have the right to place
8 reasonable restrictions and rules upon their children, appropriate to
9 the individual child's developmental level. The court may appoint
10 legal counsel and/or a guardian ad litem to represent the child and
11 advise parents of their right to be represented by legal counsel. At
12 the commencement of the hearing, the court shall advise the parents of
13 their rights as set forth in RCW 13.32A.160(1)(e). If the court
14 approves or denies a child in need of services petition, a written
15 statement of the reasons must be filed.

16 (2) The court may approve an order stating that the child shall be
17 placed in a residence other than the home of his or her parent only if
18 it is established by a preponderance of the evidence, including a
19 departmental recommendation for approval or dismissal of the petition,
20 that:

21 (a) ~~((The petition is not capricious;~~

22 ~~(b) The petitioner, if a child, has made a reasonable effort to~~
23 ~~resolve the conflict;~~

24 ~~(c) The conflict cannot be resolved by delivery of services to the~~
25 ~~family during continued placement of the child in the parental home;~~

26 ~~(d))~~ The child is a child in need of services as defined in RCW
27 13.32A.030(4);

28 (b) If the petitioner is a child, he or she has made a reasonable
29 effort to resolve the conflict;

30 (c) Reasonable efforts have been made to prevent or eliminate the
31 need for removal of the child from the child's home and to make it
32 possible for the child to return home; and

33 ~~((+e))~~ (d) A suitable out-of-home placement resource is available.

34 The court may not grant a petition filed by the child or the
35 department if it is established that the petition is based only upon a
36 dislike of reasonable rules or reasonable discipline established by the
37 parent. The court may not grant the petition if the child is the
38 subject of a proceeding under chapter 13.34 RCW.

1 ~~((2))~~ (3) Following the fact-finding hearing the court shall:
2 (a) Approve a child in need of services petition and, if appropriate,
3 enter a temporary out-of-home placement for a period not to exceed
4 fourteen days pending approval of a disposition decision to be made
5 under RCW 13.32A.179(2); (b) approve an at-risk youth petition filed by
6 the parents and dismiss the child in need of services petition; (c)
7 dismiss the petition; or (d) order the department to review the case to
8 determine whether the case is appropriate for a dependency petition
9 under chapter 13.34 RCW.

10 **Sec. 31.** RCW 13.32A.179 and 1995 c 312 s 20 are each amended to
11 read as follows:

12 (1) A disposition hearing shall be held no later than fourteen days
13 after the approval of the temporary out-of-home placement. The
14 parents, child, and department shall be notified by the court of the
15 time and place of the hearing.

16 (2) ~~((At the commencement of the hearing the court shall advise the~~
17 ~~parents of their rights as set forth in RCW 13.32A.160(1)(e). If the~~
18 ~~court approves or denies a child in need of services petition, a~~
19 ~~written statement of the reasons shall be filed.))~~ At the conclusion
20 of the disposition hearing, the court may: (a) Reunite the family and
21 dismiss the petition; (b) approve an at-risk youth petition filed by
22 the parents and dismiss the child in need of services petition; (c)
23 approve ~~((a voluntary))~~ an out-of-home placement requested in the child
24 in need of services petition by the parents; (d) order ~~((any conditions~~
25 ~~set forth in RCW 13.32A.196(2))~~ an out-of-home placement at the
26 request of the child or the department not to exceed ninety days; or
27 (e) order the department to ~~((file a petition))~~ review the matter for
28 purposes of filing a dependency petition under chapter 13.34 RCW.
29 Whether or not the court approves or orders an out-of-home placement,
30 the court may also order any conditions of supervision as set forth in
31 RCW 13.32A.196(2).

32 (3) ~~((At the conclusion of the hearing, if the court has not taken~~
33 ~~action under subsection (2) of this section it may, at the request of~~
34 ~~the child or department, enter an order for out-of-home placement for~~
35 ~~not more than ninety days.))~~ The court may only enter an order under
36 ~~((this))~~ subsection (2)(d) of this section if it finds by clear,
37 cogent, and convincing evidence that: (a)(i) The order is in the best
38 interest of the family; (ii) the parents have not requested an out-of-

1 home placement; (iii) the parents have not exercised any other right
2 listed in RCW 13.32A.160(1)(e); (iv) the child has made reasonable
3 efforts to resolve the ~~((conflict))~~ problems that led to the filing of
4 the petition; (v) the ~~((conflict))~~ problem cannot be resolved by
5 delivery of services to the family during continued placement of the
6 child in the parental home; (vi) reasonable efforts have been made to
7 prevent or eliminate the need for removal of the child from the child's
8 home and to make it possible for the child to return home; and (vii) a
9 suitable out-of-home placement resource is available; (b)(i) the order
10 is in the best interest of the child; and (ii) the parents are
11 unavailable; or (c) the parent's actions cause an imminent threat to
12 the child's health or safety. ~~((If the court has entered an order~~
13 ~~under this section, it may order any conditions set forth in RCW~~
14 ~~13.32A.196(2).))~~ The court shall review a placement order entered
15 under this subsection within ninety days in accordance with RCW
16 13.32A.190.

17 (4) The court may order the department to submit a dispositional
18 plan if such a plan would assist the court in ordering a suitable
19 disposition in the case. The plan, if ordered, shall address only the
20 needs of the child and shall not address the perceived needs of the
21 parents, unless specifically agreed to by the parents. If the court
22 orders the department to prepare a plan, the department shall provide
23 copies of the plan to the parent, the child, and the court. If the
24 parties or the court desire the department to be involved in any future
25 proceedings or case plan development, the department shall be provided
26 with timely notification of all court hearings.

27 (5) A child who fails to comply with a court order issued under
28 this section shall be subject to contempt proceedings, as provided in
29 this chapter, but only if the noncompliance occurs within one year
30 after the entry of the order.

31 ~~((+5))~~ (6) After the court approves or orders an out-of-home
32 placement, the parents or the department may request, and the court may
33 grant, dismissal of ~~((a placement order))~~ the child in need of
34 services proceeding when it is not feasible for the department to
35 provide services due to one or more of the following 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 ~~((6))~~ (7) The court shall dismiss a placement made under
7 subsection (2)(c) of this section upon the request of the parents.

8 **Sec. 32.** RCW 13.32A.190 and 1995 c 312 s 24 are each amended to
9 read as follows:

10 (1) Upon making a dispositional order under RCW 13.32A.179, the
11 court shall schedule the matter on the calendar for review within three
12 months, advise the parties of the date thereof, appoint legal counsel
13 and/or a guardian ad litem to represent the child at the review
14 hearing, advise parents of their right to be represented by legal
15 counsel at the review hearing, and notify the parties of their rights
16 to present evidence at the hearing. Where resources are available, the
17 court shall encourage the parent and child to participate in programs
18 for reconciliation of their conflict.

19 (2) At the review hearing, the court shall approve or disapprove
20 the continuation of the dispositional plan in accordance with this
21 chapter. The court shall determine whether reasonable efforts have
22 been made to reunify the family and make it possible for the child to
23 return home. The court shall discontinue the placement and order that
24 the child return home if the court has reasonable grounds to believe
25 that the parents have made reasonable efforts to resolve the conflict
26 and the court has reason to believe that the child's refusal to return
27 home is capricious. If out-of-home placement is continued, the court
28 may modify the dispositional plan.

29 (3) Out-of-home placement may not be continued past one hundred
30 eighty days from the day the review hearing commenced. The court shall
31 order the child to return to the home of the parent at the expiration
32 of the placement. If an out-of-home placement is disapproved prior to
33 one hundred eighty days, the court shall enter an order requiring the
34 child to return to the home of the child's parent.

35 (4) The parents and the department may request, and the juvenile
36 court may grant, dismissal of an out-of-home placement order when it is
37 not feasible for the department to provide services due to one or more
38 of the following circumstances:

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

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

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

8 (5) The court shall terminate a placement made under this section
9 upon the request of a parent unless the placement is made pursuant to
10 RCW 13.32A.179(3).

11 (6) The court may dismiss a child in need of services petition
12 filed by a parent at any time if the court finds good cause to believe
13 that continuation of out-of-home placement would serve no useful
14 purpose.

15 (7) The court shall dismiss a child in need of services proceeding
16 if the child is the subject of a proceeding under chapter 13.34 RCW.

17 **Sec. 33.** RCW 13.32A.192 and 1995 c 312 s 26 are each amended to
18 read as follows:

19 (1) When a proper at-risk youth petition is filed by a child's
20 parent under this chapter, the juvenile court shall:

21 (a) Schedule a fact-finding hearing to be held within ~~((three~~
22 ~~judicial))~~ five calendar days unless the last calendar day is a
23 Saturday, Sunday, or holiday, in which case the hearing shall be held
24 on the next judicial day and notify the parent and the child of such
25 date;

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

28 (c) Appoint legal counsel for the child;

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

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

33 (2) Unless out-of-home placement of the child is otherwise
34 authorized or required by law, the child shall reside in the home of
35 his or her parent or in an out-of-home placement requested by the
36 parent or child and approved by the parent.

37 (3) If upon sworn written or oral declaration of the petitioning
38 parent, the court has reason to believe that a child has willfully and

1 knowingly violated a court order issued pursuant to subsection (2) of
2 this section, the court may issue an order directing law enforcement to
3 take the child into custody and place the child in a juvenile detention
4 facility or in a secure facility within a crisis residential center.
5 If the child is placed in detention, a review shall be held as provided
6 in RCW 13.32A.065.

7 (4) If both a child in need of services petition and an at-risk
8 youth petition have been filed with regard to the same child, the
9 petitions and proceedings shall be consolidated as an at-risk youth
10 petition. Pending a fact-finding hearing regarding the petition, the
11 child may be placed in the parent's home or in an out-of-home placement
12 if not already placed in a temporary out-of-home placement pursuant to
13 a child in need of services petition. The child or the parent may
14 request a review of the child's placement including a review of any
15 court order requiring the child to reside in the parent's home.

16 **Sec. 34.** RCW 13.32A.194 and 1995 c 312 s 27 are each amended to
17 read as follows:

18 (1) The court shall hold a fact-finding hearing to consider a
19 proper at-risk youth petition. The court shall grant the petition and
20 enter an order finding the child to be an at-risk youth if the
21 allegations in the petition are established by a preponderance of the
22 evidence, unless the child is the subject of a proceeding under chapter
23 13.34 RCW. If the petition is granted, the court shall enter an order
24 requiring the child to reside in the home of his or her parent or in an
25 out-of-home placement as provided in RCW 13.32A.192(2).

26 (2) The court may order the department to submit a dispositional
27 plan if such a plan would assist the court in ordering a suitable
28 disposition in the case. If the court orders the department to prepare
29 a plan, the department shall provide copies of the plan to the parent,
30 the child, and the court. If the parties or the court desire the
31 department to be involved in any future proceedings or case plan
32 development, the department shall be provided timely notification of
33 all court hearings.

34 (3) A dispositional hearing shall be held no later than fourteen
35 days after the ~~((court has granted an at-risk youth petition))~~ fact-
36 finding hearing. Each party shall be notified of the time and date of
37 the hearing.

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

6 **Sec. 35.** RCW 13.32A.250 and 1995 c 312 s 29 are each amended to
7 read as follows:

8 (1) In all child in need of services proceedings and at-risk youth
9 proceedings, the court shall verbally notify the parents and the child
10 of the possibility of a finding of contempt for failure to comply with
11 the terms of a court order entered pursuant to this chapter. Except as
12 otherwise provided in this section, the court shall treat the parents
13 and the child equally for the purposes of applying contempt of court
14 processes and penalties under this section.

15 (2) Failure by a party to comply with an order entered under this
16 chapter is a contempt of court as provided in chapter 7.21 RCW, subject
17 to the limitations of subsection (3) of this section.

18 (3) The court may impose a fine of up to one hundred dollars and
19 confinement for up to seven days, or both for contempt of court under
20 this section.

21 (4) A child placed in confinement for contempt under this section
22 shall be placed in confinement only in a secure juvenile detention
23 facility operated by or pursuant to a contract with a county.

24 (5) A motion for contempt may be made by a parent, a child,
25 juvenile court personnel, or by any public agency, organization, or
26 person having custody of the child under a court order adopted pursuant
27 to this chapter.

28 (6) Whenever the court finds probable cause to believe, based upon
29 consideration of a motion for contempt and the information set forth in
30 a supporting declaration, that a child has violated a placement order
31 entered under this chapter, the court may issue an order directing law
32 enforcement to pick up and take the child to detention. The order may
33 be entered ex parte without prior notice to the child or other parties.
34 Following the child's admission to detention, a detention review
35 hearing must be held in accordance with RCW 13.32A.065.

36 **Sec. 36.** RCW 13.34.165 and 1989 c 373 s 17 are each amended to
37 read as follows:

1 (1) Failure by a party to comply with an order entered under this
2 chapter is contempt of court as provided in chapter 7.21 RCW.

3 (2) The maximum term of imprisonment that may be imposed as a
4 punitive sanction for contempt of court under this section is
5 confinement for up to seven days.

6 (3) A child imprisoned for contempt under this section shall be
7 confined only in a secure juvenile detention facility operated by or
8 pursuant to a contract with a county.

9 (4) A motion for contempt may be made by a parent, juvenile court
10 personnel, or by any public agency, organization, or person having
11 custody of the child under a court order entered pursuant to this
12 chapter.

13 (5) Whenever the court finds probable cause to believe, based upon
14 consideration of a motion for contempt and the information set forth in
15 a supporting declaration, that a child has violated a placement order
16 entered under this chapter, the court may issue an order directing law
17 enforcement to pick up and take the child to detention. The order may
18 be entered ex parte without prior notice to the child or other parties.
19 Following the child's admission to detention, a detention review
20 hearing must be held in accordance with RCW 13.32A.065.

21 **Sec. 37.** RCW 28A.225.030 and 1995 c 312 s 68 are each amended to
22 read as follows:

23 If the actions taken by a school district under RCW 28A.225.020 are
24 not successful in substantially reducing an enrolled student's absences
25 from school, upon the fifth unexcused absence by a child within any
26 month during the current school year or upon the tenth unexcused
27 absence during the current school year the school district shall file
28 a petition for a civil action with the juvenile court alleging a
29 violation of RCW 28A.225.010: (1) By the parent; (2) by the child; or
30 (3) by the parent and the child.

31 If the school district fails to file a petition under this section,
32 the parent of a child with five or more unexcused absences in any month
33 during the current school year or upon the tenth unexcused absence
34 during the current school year may file a petition with the juvenile
35 court alleging a violation of RCW 28A.225.010.

36 **Sec. 38.** RCW 28A.225.035 and 1995 c 312 s 69 are each amended to
37 read as follows:

1 (1) A petition for a civil action under RCW 28A.225.030 shall
2 consist of a written notification to the court alleging that:

3 (a) The child has five or more unexcused absences within any month
4 during the current school year or ten or more unexcused absences in the
5 current school year;

6 (b) Actions taken by the school district have not been successful
7 in substantially reducing the child's absences from school; and

8 (c) Court intervention and supervision are necessary to assist the
9 school district or parent to reduce the child's absences from school.

10 (2) The petition shall set forth the name, age, school, and
11 residence of the child and the names and residence of the child's
12 parents.

13 (3) The petition shall set forth facts that support the allegations
14 in this section and shall generally request relief available under this
15 chapter.

16 (4) When a petition is filed under RCW 28A.225.030, the juvenile
17 court may:

18 (a) Schedule a fact-finding hearing at which the court shall
19 consider the petition;

20 (b) Separately notify the child, the parent of the child, and the
21 school district of the fact-finding hearing;

22 (c) Notify the parent and the child of their rights to present
23 evidence at the fact-finding hearing; and

24 (d) Notify the parent and the child of the options and rights
25 available under chapter 13.32A RCW.

26 (5) The court may require the attendance of both the child and the
27 parents at any hearing on a petition filed under RCW 28A.225.030.

28 (6) The court shall grant the petition and enter an order assuming
29 jurisdiction to intervene for the remainder of the school year, if the
30 allegations in the petition are established by a preponderance of the
31 evidence.

32 (7) If the court assumes jurisdiction, the school district shall
33 regularly report to the court any additional unexcused absences by the
34 child.

35 **Sec. 39.** RCW 28A.225.090 and 1995 c 312 s 74 are each amended to
36 read as follows:

37 Any person violating any of the provisions of either RCW
38 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five

1 dollars for each day of unexcused absence from school. However, a
2 child found to be in violation of RCW 28A.225.010 shall be required to
3 attend school and shall not be fined. If the child fails to comply
4 with the court order to attend school, the court may: (1) Order the
5 child be punished by detention; or (2) impose alternatives to detention
6 such as community service hours or participation in dropout prevention
7 programs or referral to a community truancy board, if available.
8 Failure by a child to comply with an order issued under this section
9 shall not be punishable by detention for a period greater than that
10 permitted pursuant to a civil contempt proceeding against a child under
11 chapter 13.32A RCW. It shall be a defense for a parent charged with
12 violating RCW 28A.225.010 to show that he or she exercised reasonable
13 diligence in attempting to cause a child in his or her custody to
14 attend school or that the child's school did not perform its duties as
15 required in RCW 28A.225.020. The court may order the parent to provide
16 community service at the child's school instead of imposing a fine.
17 Any fine imposed pursuant to this section may be suspended upon the
18 condition that a parent charged with violating RCW 28A.225.010 shall
19 participate with the school and the child in a supervised plan for the
20 child's attendance at school or upon condition that the parent attend
21 a conference or conferences scheduled by a school for the purpose of
22 analyzing the causes of a child's absence.

23 School districts shall make complaint for violation of the
24 provisions of RCW 28A.225.010 through 28A.225.140 to a judge of the
25 juvenile court.

26 **Sec. 40.** RCW 70.96A.095 and 1995 c 312 s 47 are each amended to
27 read as follows:

28 (1) Any person thirteen years of age or older may give consent for
29 himself or herself to the furnishing of ~~((counseling, care,))~~
30 outpatient treatment~~((, or rehabilitation))~~ by a chemical dependency
31 treatment program ~~((or by any person))~~ certified by the department.
32 Consent of the parent, parents, or legal guardian of a person less than
33 eighteen years of age for inpatient treatment is ~~((not))~~ necessary to
34 authorize the care~~((, except that the person shall not become a~~
35 ~~resident of the treatment program without such permission except as~~
36 ~~provided in RCW 70.96A.120 or 70.96A.140))~~ unless the child does not
37 have a familial relationship, has not resided with either parent for
38 ninety days immediately preceding the request for treatment, and

1 attempts to involve the parents in treatment for the child have been
2 unsuccessful. Parental authorization is required for treatment of a
3 minor under the age of thirteen. The parent, parents, or legal
4 guardian of a person less than eighteen years of age are not liable for
5 payment of care for such persons pursuant to this chapter, unless they
6 have joined in the consent to the ~~((counseling, care,))~~ treatment(~~(, or~~
7 ~~rehabilitation))~~).

8 (2) The parent of any minor child may apply to ~~((an approved))~~ a
9 certified treatment program for the admission of his or her minor child
10 for purposes authorized in this chapter. The consent of the minor
11 child shall not be required for the application or admission. The
12 ~~((approved))~~ certified treatment program shall accept the application
13 and evaluate the child for admission. The ability of a parent to apply
14 to ~~((an approved))~~ a certified treatment program for the
15 ~~((involuntary))~~ admission of his or her minor child does not create a
16 right to obtain or benefit from any funds or resources of the state.
17 However, the state may provide services for indigent minors to the
18 extent that funds are available therefor.

19 **Sec. 41.** RCW 71.34.035 and 1995 c 312 s 58 are each amended to
20 read as follows:

21 The department shall randomly select and review the information on
22 children who are admitted to ~~((in-patient))~~ either a public or private
23 facility for inpatient treatment on application of the child's parent.
24 The review shall determine whether the children reviewed were
25 appropriately admitted into treatment based on an objective evaluation
26 of the child's condition and the outcome of the child's treatment.

27 NEW SECTION. **Sec. 42.** A new section is added to chapter 74.13 RCW
28 to read as follows:

29 Within available funds appropriated for this purpose, the
30 department shall establish, by contracts with private vendors,
31 transitional living programs for youths aged sixteen through eighteen
32 years old who have the ability to live with relative independence, do
33 not have an active addiction, and are actively involved in school or
34 employment. These programs shall be licensed under rules adopted by
35 the department.

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