
SUBSTITUTE SENATE BILL 6646

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long and Franklin; by request of Department of Social and Health Services)

Read first time 02/02/96.

1 AN ACT Relating to technical and clarifying amendments to the Becca
2 bill; amending RCW 13.32A.030, 13.32A.050, 13.32A.060, 13.32A.065,
3 13.32A.070, 13.32A.082, 13.32A.090, 13.32A.095, 13.32A.100, 13.32A.110,
4 13.32A.120, 13.32A.130, 13.32A.140, 13.32A.150, 13.32A.152, 13.32A.160,
5 13.32A.170, 13.32A.179, 13.32A.190, 13.32A.192, 13.32A.194, 13.32A.250,
6 13.34.165, 28A.225.030, 28A.225.035, 28A.225.090, 70.96A.020,
7 70.96A.095, 71.34.035, and 74.13.036; and creating a new section.

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

9 **Sec. 1.** RCW 13.32A.030 and 1995 c 312 s 3 are each amended to read
10 as follows:

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

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

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

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

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

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

6 ~~((+2))~~ (3) "Child," "juvenile," and "youth" mean any unemancipated
7 individual who is under the chronological age of eighteen years.

8 ~~((+3))~~ (4) "Child in need of services" means a juvenile:

9 (a) Who is beyond the control of his or her parent such that the
10 child's behavior endangers the health, safety, or welfare of the child
11 or other person;

12 (b) Who has been reported to law enforcement as absent without
13 consent for at least twenty-four consecutive hours from the parent's
14 home, a crisis residential center, an out-of-home placement, or a
15 court-ordered placement on two or more separate occasions; and

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

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

19 (c)(i) Who is in need of necessary services, including food,
20 shelter, health care, clothing, educational, or services designed to
21 maintain or reunite the family;

22 (ii) Who lacks access, or has declined, to utilize these services;
23 and

24 (iii) Whose parents have evidenced continuing but unsuccessful
25 efforts to maintain the family structure or are unable or unwilling to
26 continue efforts to maintain the family structure.

27 ~~((+4))~~ (5) "Child in need of services petition" means a petition
28 filed in juvenile court by a parent, child, or the department seeking
29 adjudication of placement of the child.

30 ~~((+5))~~ (6) "Crisis residential center" or "center" means a secure
31 or semi-secure facility established pursuant to chapter 74.13 RCW.

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

34 ~~((+6))~~ (8) "Department" means the department of social and health
35 services.

36 ~~((+7))~~ (9) "Extended family member" means an adult who is a
37 grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or
38 first cousin with whom the child has a relationship and is comfortable,
39 and who is willing and available to care for the child.

1 (~~(8)~~) (10) "Guardian" means that person or agency that (a) has
2 been appointed as the guardian of a child in a legal proceeding other
3 than a proceeding under chapter 13.34 RCW, and (b) has the right to
4 legal custody of the child pursuant to such appointment. The term
5 "guardian" does not include a "dependency guardian" appointed pursuant
6 to a proceeding under chapter 13.34 RCW.

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

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

26 (~~(11)~~) (13) "Parent" means the parent or parents who have the
27 legal right to custody of the child. "Parent" includes custodian or
28 guardian.

29 (~~(12)~~) (14) "Secure facility" means a crisis residential center,
30 or portion thereof, that has locking doors, locking windows, or a
31 secured perimeter, designed and operated to prevent a child from
32 leaving without permission of the facility staff.

33 (~~(13)~~) (15) "Semi-secure facility" means any facility, including
34 but not limited to crisis residential centers or specialized foster
35 family homes, operated in a manner to reasonably assure that youth
36 placed there will not run away. Pursuant to rules established by the
37 department, the facility administrator shall establish reasonable hours
38 for residents to come and go from the facility such that no residents
39 are free to come and go at all hours of the day and night. To prevent

1 residents from taking unreasonable actions, the facility administrator,
2 where appropriate, may condition a resident's leaving the facility upon
3 the resident being accompanied by the administrator or the
4 administrator's designee and the resident may be required to notify the
5 administrator or the administrator's designee of any intent to leave,
6 his or her intended destination, and the probable time of his or her
7 return to the center.

8 ~~((14))~~ (16) "Temporary out-of-home placement" means an out-of-
9 home placement of not more than fourteen days ordered by the court at
10 a fact-finding hearing on a child in need of services petition.

11 **Sec. 2.** RCW 13.32A.050 and 1995 c 312 s 6 are each amended to read
12 as follows:

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

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

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

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

24 (d) If a law enforcement agency has been notified by the juvenile
25 court that the court finds probable cause exists to believe that the
26 child has violated a court placement order issued pursuant to chapter
27 13.32A or 13.34 RCW or that the court has issued an order for law
28 enforcement pick-up of the child under this chapter or chapter 13.34
29 RCW.

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

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

1 the child into custody. The center shall provide the department with
2 a copy of the officer's report.

3 (4) If the law enforcement officer who initially takes the juvenile
4 into custody or the staff of the crisis residential center have
5 reasonable cause to believe that the child is absent from home because
6 he or she is abused or neglected, a report shall be made immediately to
7 the department.

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

11 (6) If a law enforcement officer receives a report that causes the
12 officer to have reasonable suspicion that a child is being harbored
13 under RCW 13.32A.080 or for other reasons has a reasonable suspicion
14 that a child is being harbored under RCW 13.32A.080, the officer shall
15 remove the child from the custody of the person harboring the child and
16 shall transport the child to one of the locations specified in RCW
17 13.32A.060.

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

20 **Sec. 3.** RCW 13.32A.060 and 1995 c 312 s 7 are each amended to read
21 as follows:

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

25 (a) Transport the child to his or her home or to a parent at his or
26 her place of employment, if no parent is at home. ~~((The officer~~
27 ~~releasing a child into the custody of the parent shall inform the~~
28 ~~parent of the reason for the taking of the child into custody and shall~~
29 ~~inform the child and the parent of the nature and location of~~
30 ~~appropriate services available in their community.))~~ The parent may
31 ~~((direct))~~ request that the officer ~~((to))~~ take the child to the home
32 of an adult extended family member, responsible adult, crisis
33 residential center, the department, or a licensed youth shelter. In
34 responding to the request of the parent, the officer shall take the
35 child to a requested place which, in the officer's belief, is within a
36 reasonable distance of the parent's home. The officer releasing a
37 child into the custody of a parent, an adult extended family member,
38 responsible adult, or a licensed youth shelter shall inform ~~((the child~~

1 ~~and~~) the person receiving the child of the reason for taking the child
2 into custody and inform all parties of the nature and location of
3 appropriate services available in the community; or

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

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

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

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

16 (c) After attempting to notify the parent, if a crisis residential
17 center is full, not available, or not located within a reasonable
18 distance, the officer may request the department to accept custody of
19 the child. If the department determines that an appropriate placement
20 is currently available, the department shall accept custody and place
21 the child in an out-of-home placement. If the department declines to
22 accept custody of the child, the officer may release the child after
23 attempting to take the child to the following, in the order listed:
24 The home of an adult extended family member; a responsible adult; a
25 licensed youth shelter and shall immediately notify the department if
26 no placement option is available and the child is released.

27 (2) An officer taking a child into custody under RCW 13.32A.050(1)
28 (c) or (d) shall inform the child of the reason for custody. An
29 officer taking a child into custody under RCW 13.32A.050(1)(c)
30 ~~((shall))~~ may release the child to the supervising agency, or shall
31 take the child to a designated crisis residential center's secure
32 facility ~~((or,))~~. If the secure facility is not available ~~((or))~~, not
33 located within a reasonable distance, or full, the officer shall take
34 the child to a semi-secure ~~((facility within a))~~ crisis residential
35 center ~~((, licensed by the department and established pursuant to~~
36 chapter 74.13 RCW)). An officer taking a child into custody under RCW
37 13.32A.050(1)(d) may place the child in a juvenile detention facility
38 as provided in RCW 13.32A.065 or a secure facility, except that the
39 child shall be taken to detention whenever the officer has been

1 notified that a juvenile court has entered a detention order under this
2 chapter or chapter 13.34 RCW.

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

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

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

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

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

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

24 **Sec. 5.** RCW 13.32A.070 and 1995 c 312 s 8 are each amended to read
25 as follows:

26 (1) A law enforcement officer acting in good faith pursuant to this
27 chapter ~~((in failing to take a child into custody, in taking a child~~
28 ~~into custody, in placing a child in a crisis residential center, or in~~
29 ~~releasing a child to a person at the request of a parent))~~ is immune
30 from civil or criminal liability for such action.

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

35 **Sec. 6.** RCW 13.32A.082 and 1995 c 312 s 34 are each amended to
36 read as follows:

1 (1) Any person who, without legal authorization, provides shelter
2 to a minor and who knows at the time of providing the shelter that the
3 minor is away from the parent's home(~~(7)~~) or other lawfully prescribed
4 residence, without the permission of the parent, shall promptly report
5 the location of the child to the parent, the law enforcement agency of
6 the jurisdiction in which the person lives, or the department. The
7 report may be made by telephone or any other reasonable means.

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

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

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

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

17 (3) When the department receives a report under subsection (1) of
18 this section, it shall make a good faith attempt to notify the parent
19 that a report has been received and offer services designed to resolve
20 the conflict and accomplish a reunification of the family.

21 **Sec. 7.** RCW 13.32A.090 and 1995 c 312 s 10 are each amended to
22 read as follows:

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

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

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

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

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

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

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

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

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

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

19 (e) Arrange transportation for the child to an out-of-home
20 placement which may include a licensed group care facility or foster
21 family when agreed to by the child and parent at the latter's expense
22 to the extent of his or her ability to pay, with any unmet
23 transportation expenses assumed by the department((+
24

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

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

28 **Sec. 8.** RCW 13.32A.095 and 1995 c 312 s 21 are each amended to
29 read as follows:

30 The ~~((crisis residential center))~~ administrator shall notify
31 parents and the appropriate law enforcement agency immediately as to
32 any unauthorized leave from the center by a child placed at the center.

33 **Sec. 9.** RCW 13.32A.100 and 1981 c 298 s 8 are each amended to read
34 as follows:

35 Where a child is placed in ~~((a residence other than that of his or~~
36 ~~her parent))~~ an out-of-home placement pursuant to RCW 13.32A.090(2)(e),
37 the department shall make available family reconciliation services in

1 order to facilitate the reunification of the family. Any such
2 placement may continue as long as there is agreement by the child and
3 parent.

4 **Sec. 10.** RCW 13.32A.110 and 1979 c 155 s 25 are each amended to
5 read as follows:

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

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

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

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

27 (3) If a child and his or her parent cannot agree to the
28 continuation of an out-of-home placement arrived at under RCW
29 13.32A.090(2)(e), either the child or parent may file with the juvenile
30 court a child in need of services petition to approve an out-of-home
31 placement or the parent may file with the juvenile court a petition in
32 the interest of a child alleged to be an at-risk youth under this
33 chapter.

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

1 (1) A child admitted to a secure facility within a crisis
2 residential center shall remain in the facility for not more than five
3 consecutive days, but for at least twenty-four hours after admission.
4 If a child admitted under this section is transferred between centers
5 or between secure and semi-secure facilities, the aggregate length of
6 time spent in all such centers or facilities may not exceed five
7 consecutive days.

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

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

26 (b) If the administrator of a secure facility determines the child
27 is unlikely to remain in a semi-secure facility, the administrator
28 shall keep the child in the secure facility pursuant to this chapter
29 and in order to provide for space for the child may transfer another
30 child who has been in the facility for at least seventy-two hours to a
31 semi-secure facility. The administrator shall only make a transfer of
32 a child after determining that the child who may be transferred is
33 likely to remain at the semi-secure facility.

34 (c) A crisis residential center administrator is authorized to
35 transfer a child to a crisis residential center in the area where the
36 child's parents reside or where the child's lawfully prescribed
37 residence is located.

38 (d) An administrator may transfer a child from a semi-secure
39 facility to a secure facility whenever (~~the administrator~~) he or she

1 reasonably believes that the child is likely to leave the semi-secure
2 facility and not return and after full consideration of all factors in
3 (a) of this subsection.

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

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

14 (5) Notwithstanding the provisions of subsection (1) of this
15 section, the parents may remove the child at any time during the five-
16 day period unless the staff of the crisis residential center has
17 reasonable cause to believe that the child is absent from the home
18 because he or she is abused or neglected or if allegations of abuse or
19 neglect have been made against the parents. ~~((The department may~~
20 ~~remove the child whenever a dependency petition is filed under chapter~~
21 ~~13.34 RCW-))~~ The department or any agency legally charged with the
22 supervision of a child may remove a child from a crisis residential
23 center at any time after the first twenty-four-hour period after
24 admission has elapsed and only after full consideration by all parties
25 of the factors in subsection (2)(a) of this section.

26 (6) Crisis residential center staff shall make reasonable efforts
27 to protect the child and achieve a reconciliation of the family. If a
28 reconciliation and voluntary return of the child has not been achieved
29 within forty-eight hours from the time of intake, and if the ~~((person~~
30 ~~in charge))~~ administrator of the center does not consider it likely
31 that reconciliation will be achieved within the five-day period, then
32 the ~~((person in charge))~~ administrator shall inform the parent and
33 child of (a) the availability of counseling services; (b) the right to
34 file a child in need of services petition for an out-of-home placement,
35 the right of a parent to file an at-risk youth petition, and the right
36 of the parent and child to obtain assistance in filing the petition;
37 (c) the right to request the facility administrator or his or her
38 designee to form a multidisciplinary team; and (d) the right to request
39 a review of any out-of-home placement.

1 (7) At no time shall information regarding a parent's or child's
2 rights be withheld. The department shall develop and distribute to all
3 law enforcement agencies and to each crisis residential center
4 administrator a written statement delineating the services and rights.
5 Every officer taking a child into custody shall provide the child and
6 his or her parent(s) or responsible adult with whom the child is placed
7 with a copy of the statement. In addition, the administrator of the
8 facility or his or her designee shall provide every resident and parent
9 with a copy of the statement.

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

13 **Sec. 13.** RCW 13.32A.140 and 1995 c 312 s 15 are each amended to
14 read as follows:

15 Unless the department files a dependency petition, the department
16 shall file a child in need of services petition to approve an out-of-
17 home placement on behalf of a child under any of the following sets of
18 circumstances:

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

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

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

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

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

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

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

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

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

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

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

3 (3) An agreement between parent and child made pursuant to RCW
4 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer
5 acceptable to parent or child, and:

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

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

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

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

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

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

17 Under the circumstances of subsections (1), (2), or (3) of this
18 section, the child shall remain in an out-of-home placement until a
19 child in need of services petition filed by the department on behalf of
20 the child is reviewed by the juvenile court and is resolved by ~~((such))~~
21 the court. The department may authorize emergency medical or dental
22 care for a child ~~((placed under this section))~~ admitted to a crisis
23 residential center or placed in an out-of-home placement by the
24 department. The state, when the department files a child in need of
25 services petition under this section, shall be represented as provided
26 for in RCW 13.04.093.

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

30 **Sec. 14.** RCW 13.32A.150 and 1995 c 312 s 16 are each amended to
31 read as follows:

32 (1) Except as otherwise provided in this chapter, the juvenile
33 court shall not accept the filing of a child in need of services
34 petition by the child or the parents or the filing of an at-risk youth
35 petition by the parent, unless verification is provided that a family
36 assessment has been completed by the department. The family assessment
37 provided by the department shall involve the multidisciplinary team as
38 provided in RCW 13.32A.040, if one exists. The family assessment or

1 plan of services developed by the multidisciplinary team shall be aimed
2 at family reconciliation, reunification, and avoidance of the out-of-
3 home placement of the child. If the department is unable to complete
4 an assessment within two working days following a request for
5 assessment the child or the parents may proceed under subsection (2) of
6 this section or the parent may proceed under RCW 13.32A.191.

7 (2) A child or a child's parent may file with the juvenile court a
8 child in need of services petition to approve an out-of-home placement
9 for the child. The department shall, when requested, assist either a
10 parent or child in the filing of the petition. The petition must be
11 filed in the county where the parent resides. The petition shall
12 ((only)) allege that the child is a child in need of services and shall
13 ask only that the placement of a child outside the home of his or her
14 parent be approved. The filing of a petition to approve the placement
15 is not dependent upon the court's having obtained any prior
16 jurisdiction over the child or his or her parent, and confers upon the
17 court a special jurisdiction to approve or disapprove an out-of-home
18 placement.

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

21 **Sec. 15.** RCW 13.32A.152 and 1995 c 312 s 4 are each amended to
22 read as follows:

23 (1) Whenever a child in need of services petition is filed by a
24 youth pursuant to RCW ((13.32A.130)) 13.32A.150, or the department
25 pursuant to RCW ((13.32A.150)) 13.32A.140, the ((youth or the
26 department)) filing party shall have a copy of the petition served on
27 the parents of the youth. Service shall first be attempted in person
28 and if unsuccessful, then by certified mail with return receipt.

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

32 **Sec. 16.** RCW 13.32A.160 and 1995 c 312 s 17 are each amended to
33 read as follows:

34 (1) When a proper child in need of services petition to approve an
35 out-of-home placement is filed under RCW 13.32A.120, 13.32A.140, or
36 13.32A.150 the juvenile court shall: (a) Schedule a fact-finding
37 hearing to be held within ((three judicial)) five calendar days unless

1 the last calendar day is a Saturday, Sunday, or holiday, in which case
2 the hearing shall be held on the preceding Friday; notify the parent,
3 child, and the department of such date; (b) notify the parent of the
4 right to be represented by counsel and, if indigent, to have counsel
5 appointed for him or her by the court; (c) appoint legal counsel for
6 the child; (d) inform the child and his or her parent of the legal
7 consequences of the court approving or disapproving ((an-out-of-home
8 placement)) a child in need of services petition; (e) notify the
9 parents of their rights under this chapter and chapters 11.88, 13.34,
10 70.96A, and 71.34 RCW, including the right to file an at-risk youth
11 petition, the right to submit ((en-an)) an application for admission
12 of their child to a treatment facility for alcohol, chemical
13 dependency, or mental health treatment, and the right to file a
14 guardianship petition; and (f) notify all parties, including the
15 department, of their right to present evidence at the fact-finding
16 hearing.

17 (2) Upon filing of a child in need of services petition, the child
18 may be placed, if not already placed, by the department in a crisis
19 residential center, foster family home, group home facility licensed
20 under chapter 74.15 RCW, or any other suitable residence to be
21 determined by the department. The court may place a child in a crisis
22 residential center for a temporary out-of-home placement as long as the
23 requirements of RCW 13.32A.125 are met.

24 (3) If the child has been placed in a foster family home or group
25 care facility under chapter 74.15 RCW, the child shall remain there, or
26 in any other suitable residence as determined by the department,
27 pending resolution of the petition by the court. Any placement may be
28 reviewed by the court within three judicial days upon the request of
29 the juvenile or the juvenile's parent.

30 **Sec. 17.** RCW 13.32A.170 and 1995 c 312 s 18 are each amended to
31 read as follows:

32 (1) The court shall hold a fact-finding hearing to consider a
33 proper child in need of services petition, giving due weight to the
34 intent of the legislature that families have the right to place
35 reasonable restrictions and rules upon their children, appropriate to
36 the individual child's developmental level. The court may appoint
37 legal counsel and/or a guardian ad litem to represent the child and
38 advise parents of their right to be represented by legal counsel. At

1 the commencement of the hearing, the court shall advise the parents of
2 their rights as set forth in RCW 13.32A.160(1). If the court approves
3 or denies a child in need of services petition, a written statement of
4 the reasons must be filed.

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

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

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

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

15 ~~(d))~~ The child is a child in need of services as defined in RCW
16 13.32A.030(4);

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

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

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

23 The court may not grant a petition filed by the child or the
24 department if it is established that the petition is based only upon a
25 dislike of reasonable rules or reasonable discipline established by the
26 parent. The court may not grant the petition if the child is the
27 subject of a proceeding under chapter 13.34 RCW.

28 ~~((+2))~~ (3) Following the fact-finding hearing the court shall:

29 (a) Approve a child in need of services petition and, if appropriate,
30 enter a temporary out-of-home placement for a period not to exceed
31 fourteen days pending approval of a disposition decision to be made
32 under RCW 13.32A.179(2); (b) approve an at-risk youth petition filed by
33 the parents and dismiss the child in need of services petition; (c)
34 dismiss the petition; or (d) order the department to review the case to
35 determine whether the case is appropriate for a dependency petition
36 under chapter 13.34 RCW.

37 **Sec. 18.** RCW 13.32A.179 and 1995 c 312 s 20 are each amended to
38 read as follows:

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

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

21 (3) ~~((At the conclusion of the hearing, if the court has not taken
22 action under subsection (2) of this section it may, at the request of
23 the child or department, enter an order for out of home placement for
24 not more than ninety days.))~~ The court may only enter an order under
25 ~~((this))~~ subsection (2)(d) of this section if it finds by clear,
26 cogent, and convincing evidence that: (a)(i) The order is in the best
27 interest of the family; (ii) the parents have not requested an out-of-
28 home placement; (iii) the parents have not exercised any other right
29 listed in RCW 13.32A.160(1)(e); (iv) the child has made reasonable
30 efforts to resolve the ~~((conflict))~~ problems that led to the filing of
31 the petition; (v) the ~~((conflict))~~ problems cannot be resolved by
32 delivery of services to the family during continued placement of the
33 child in the parental home; (vi) reasonable efforts have been made to
34 prevent or eliminate the need for removal of the child from the child's
35 home and to make it possible for the child to return home; and (vii) a
36 suitable out-of-home placement resource is available; (b)(i) the order
37 is in the best interest of the child; and (ii) the parents are
38 unavailable; or (c) the parent's actions cause an imminent threat to
39 the child's health or safety. ~~((If the court has entered an order~~

1 ~~under this section, it may order any conditions set forth in RCW~~
2 ~~13.32A.196(2).))~~

3 (4) The court may order the department to submit a dispositional
4 plan if such a plan would assist the court in ordering a suitable
5 disposition in the case. The plan, if ordered, shall address only the
6 needs of the child and shall not address the perceived needs of the
7 parents, unless specifically agreed to by the parents. If the court
8 orders the department to prepare a plan, the department shall provide
9 copies of the plan to the parent, the child, and the court. If the
10 parties or the court desire the department to be involved in any future
11 proceedings or case plan development, the department shall be provided
12 with timely notification of all court hearings.

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

17 ~~((+5))~~ (6) After the court approves or orders an out-of-home
18 placement, the parents or the department may request, and the court may
19 grant, dismissal of ~~((a placement order))~~ the child in need of
20 services proceeding when it is not feasible for the department to
21 provide services due to one or more of the following circumstances:

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

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

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

29 ~~((+6))~~ (7) The court shall dismiss a placement made under
30 subsection (2)(c) of this section upon the request of the parents.

31 **Sec. 19.** RCW 13.32A.190 and 1995 c 312 s 24 are each amended to
32 read as follows:

33 (1) Upon making a dispositional order under RCW 13.32A.179, the
34 court shall schedule the matter on the calendar for review within three
35 months, advise the parties of the date thereof, appoint legal counsel
36 and/or a guardian ad litem to represent the child at the review
37 hearing, advise parents of their right to be represented by legal
38 counsel at the review hearing, and notify the parties of their rights

1 to present evidence at the hearing. Where resources are available, the
2 court shall encourage the parent and child to participate in programs
3 for reconciliation of their conflict.

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

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

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

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

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

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

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

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

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

1 **Sec. 20.** RCW 13.32A.192 and 1995 c 312 s 26 are each amended to
2 read as follows:

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

5 (a) Schedule a fact-finding hearing to be held within (~~three~~
6 ~~judicial~~) five calendar days unless the last calendar day is a
7 Saturday, Sunday, or holiday, in which case the hearing shall be held
8 on the preceding Friday and notify the parent and the child of such
9 date;

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

12 (c) Appoint legal counsel for the child;

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

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

17 (2) Unless out-of-home placement of the child is otherwise
18 authorized or required by law, the child shall reside in the home of
19 his or her parent or in an out-of-home placement requested by the
20 parent or child and approved by the parent.

21 (3) If upon sworn written or oral declaration of the petitioning
22 parent, the court has reason to believe that a child has willfully and
23 knowingly violated a court order issued pursuant to subsection (2) of
24 this section, the court may issue an order directing law enforcement to
25 take the child into custody and place the child in a juvenile detention
26 facility or in a secure facility within a crisis residential center.
27 If the child is placed in detention, a review shall be held as provided
28 in RCW 13.32A.065.

29 (4) If both a child in need of services petition and an at-risk
30 youth petition have been filed with regard to the same child, the
31 petitions and proceedings shall be consolidated as an at-risk youth
32 petition. Pending a fact-finding hearing regarding the petition, the
33 child may be placed in the parent's home or in an out-of-home placement
34 if not already placed in a temporary out-of-home placement pursuant to
35 a child in need of services petition. The child or the parent may
36 request a review of the child's placement including a review of any
37 court order requiring the child to reside in the parent's home.

1 **Sec. 21.** RCW 13.32A.194 and 1995 c 312 s 27 are each amended to
2 read as follows:

3 (1) The court shall hold a fact-finding hearing to consider a
4 proper at-risk youth petition. The court shall grant the petition and
5 enter an order finding the child to be an at-risk youth if the
6 allegations in the petition are established by a preponderance of the
7 evidence, unless the child is the subject of a proceeding under chapter
8 13.34 RCW. If the petition is granted, the court shall enter an order
9 requiring the child to reside in the home of his or her parent or in an
10 out-of-home placement as provided in RCW 13.32A.192(2).

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

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

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

28 **Sec. 22.** RCW 13.32A.250 and 1995 c 312 s 29 are each amended to
29 read as follows:

30 (1) In all child in need of services proceedings and at-risk youth
31 proceedings, the court shall verbally notify the parents and the child
32 of the possibility of a finding of contempt for failure to comply with
33 the terms of a court order entered pursuant to this chapter. Except as
34 otherwise provided in this section, the court shall treat the parents
35 and the child equally for the purposes of applying contempt of court
36 processes and penalties under this section.

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

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

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

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

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

22 **Sec. 23.** RCW 13.34.165 and 1989 c 373 s 17 are each amended to
23 read as follows:

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

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

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

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

36 (5) Whenever the court finds probable cause to believe, based upon
37 consideration of a motion for contempt and the information set forth in
38 a supporting declaration, that a child has violated a placement order

1 entered under this chapter, the court may issue an order directing law
2 enforcement to pick up and take the child to detention. The order may
3 be entered ex parte without prior notice to the child or other parties.
4 Following the child's admission to detention, a detention review
5 hearing must be held in accordance with RCW 13.32A.065.

6 **Sec. 24.** RCW 28A.225.030 and 1995 c 312 s 68 are each amended to
7 read as follows:

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

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

21 **Sec. 25.** RCW 28A.225.035 and 1995 c 312 s 69 are each amended to
22 read as follows:

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

25 (a) The child has five or more unexcused absences within any month
26 during the current school year or ten or more unexcused absences in the
27 current school year;

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

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

32 (2) The petition shall set forth the name, age, school, and
33 residence of the child and the names and residence of the child's
34 parents.

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

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

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

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

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

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

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

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

17 (7) If the court assumes jurisdiction, the school district shall
18 regularly report to the court any additional unexcused absences by the
19 child.

20 **Sec. 26.** RCW 28A.225.090 and 1995 c 312 s 74 are each amended to
21 read as follows:

22 Any person violating any of the provisions of either RCW
23 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five
24 dollars for each day of unexcused absence from school. However, a
25 child found to be in violation of RCW 28A.225.010 shall be required to
26 attend school and shall not be fined. If the child fails to comply
27 with the court order to attend school, the court may: (1) Order the
28 child be punished by detention; or (2) impose alternatives to detention
29 such as community service hours or participation in dropout prevention
30 programs or referral to a community truancy board, if available.
31 Failure by a child to comply with an order issued under this section
32 shall not be punishable by detention for a period greater than that
33 permitted pursuant to a civil contempt proceeding against a child under
34 chapter 13.32A RCW. It shall be a defense for a parent charged with
35 violating RCW 28A.225.010 to show that he or she exercised reasonable
36 diligence in attempting to cause a child in his or her custody to
37 attend school or that the child's school did not perform its duties as
38 required in RCW 28A.225.020. The court may order the parent to provide

1 community service at the child's school instead of imposing a fine.
2 Any fine imposed pursuant to this section may be suspended upon the
3 condition that a parent charged with violating RCW 28A.225.010 shall
4 participate with the school and the child in a supervised plan for the
5 child's attendance at school or upon condition that the parent attend
6 a conference or conferences scheduled by a school for the purpose of
7 analyzing the causes of a child's absence.

8 School districts shall make complaint for violation of the
9 provisions of RCW 28A.225.010 through 28A.225.140 to a judge of the
10 juvenile court.

11 **Sec. 27.** RCW 70.96A.020 and 1994 c 231 s 1 are each amended to
12 read as follows:

13 For the purposes of this chapter the following words and phrases
14 shall have the following meanings unless the context clearly requires
15 otherwise:

16 (1) "Alcoholic" means a person who suffers from the disease of
17 alcoholism.

18 (2) "Alcoholism" means a disease, characterized by a dependency on
19 alcoholic beverages, loss of control over the amount and circumstances
20 of use, symptoms of tolerance, physiological or psychological
21 withdrawal, or both, if use is reduced or discontinued, and impairment
22 of health or disruption of social or economic functioning.

23 (3) "Approved treatment program" means a discrete program of
24 chemical dependency treatment provided by a treatment program certified
25 by the department of social and health services as meeting standards
26 adopted under this chapter.

27 (4) "Chemical dependency" means alcoholism or drug addiction, or
28 dependence on alcohol and one or more other psychoactive chemicals, as
29 the context requires.

30 (5) "Chemical dependency program" means expenditures and activities
31 of the department designed and conducted to prevent or treat alcoholism
32 and other drug addiction, including reasonable administration and
33 overhead.

34 (6) "Department" means the department of social and health
35 services.

36 (7) "Designated chemical dependency specialist" means a person
37 designated by the county alcoholism and other drug addiction program
38 coordinator designated under RCW 70.96A.310 to perform the commitment

1 duties described in RCW 70.96A.140 and qualified to do so by meeting
2 standards adopted by the department.

3 (8) "Director" means the person administering the chemical
4 dependency program within the department.

5 (9) "Drug addict" means a person who suffers from the disease of
6 drug addiction.

7 (10) "Drug addiction" means a disease characterized by a dependency
8 on psychoactive chemicals, loss of control over the amount and
9 circumstances of use, symptoms of tolerance, physiological or
10 psychological withdrawal, or both, if use is reduced or discontinued,
11 and impairment of health or disruption of social or economic
12 functioning.

13 (11) "Emergency service patrol" means a patrol established under
14 RCW 70.96A.170.

15 (12) "Gravely disabled by alcohol or other drugs" means that a
16 person, as a result of the use of alcohol or other drugs: (a) Is in
17 danger of serious physical harm resulting from a failure to provide for
18 his or her essential human needs of health or safety; or (b) manifests
19 severe deterioration in routine functioning evidenced by a repeated and
20 escalating loss of cognition or volitional control over his or her
21 actions and is not receiving care as essential for his or her health or
22 safety.

23 (13) "Incapacitated by alcohol or other psychoactive chemicals"
24 means that a person, as a result of the use of alcohol or other
25 psychoactive chemicals, has his or her judgment so impaired that he or
26 she is incapable of realizing and making a rational decision with
27 respect to his or her need for treatment and presents a likelihood of
28 serious harm to himself or herself, to any other person, or to
29 property.

30 (14) "Incompetent person" means a person who has been adjudged
31 incompetent by the superior court.

32 (15) "Intoxicated person" means a person whose mental or physical
33 functioning is substantially impaired as a result of the use of alcohol
34 or other psychoactive chemicals.

35 (16) "Licensed physician" means a person licensed to practice
36 medicine or osteopathy in the state of Washington.

37 (17) "Likelihood of serious harm" means either: (a) A substantial
38 risk that physical harm will be inflicted by an individual upon his or
39 her own person, as evidenced by threats or attempts to commit suicide

1 or inflict physical harm on one's self; (b) a substantial risk that
2 physical harm will be inflicted by an individual upon another, as
3 evidenced by behavior that has caused the harm or that places another
4 person or persons in reasonable fear of sustaining the harm; or (c) a
5 substantial risk that physical harm will be inflicted by an individual
6 upon the property of others, as evidenced by behavior that has caused
7 substantial loss or damage to the property of others.

8 (18) "Minor" means a person less than eighteen years of age.

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

11 (20) "Peace officer" means a law enforcement official of a public
12 agency or governmental unit, and includes persons specifically given
13 peace officer powers by any state law, local ordinance, or judicial
14 order of appointment.

15 ~~((+20))~~ (21) "Person" means an individual, including a minor.

16 ~~((+21))~~ (22) "Secretary" means the secretary of the department of
17 social and health services.

18 ~~((+22))~~ (23) "Treatment" means the broad range of emergency,
19 detoxification, residential, and outpatient services and care,
20 including diagnostic evaluation, chemical dependency education and
21 counseling, medical, psychiatric, psychological, and social service
22 care, vocational rehabilitation and career counseling, which may be
23 extended to alcoholics and other drug addicts and their families,
24 persons incapacitated by alcohol or other psychoactive chemicals, and
25 intoxicated persons.

26 ~~((+23))~~ (24) "Treatment program" means an organization,
27 institution, or corporation, public or private, engaged in the care,
28 treatment, or rehabilitation of alcoholics or other drug addicts.

29 **Sec. 28.** RCW 70.96A.095 and 1995 c 312 s 47 are each amended to
30 read as follows:

31 (1) Any person thirteen years of age or older may give consent for
32 himself or herself to the furnishing of ~~((counseling, care,))~~
33 outpatient treatment~~((, or rehabilitation))~~ by a chemical dependency
34 treatment program ~~((or by any person))~~ certified by the department.
35 Consent of the parent~~((, parents, or legal guardian))~~ of a person less
36 than eighteen years of age for inpatient treatment is ~~((not))~~ necessary
37 to authorize the care~~((, except that the person shall not become a~~
38 ~~resident of the treatment program without such permission except as~~

1 ~~provided in RCW 70.96A.120 or 70.96A.140~~) unless the child meets the
2 definition of a child in need of services in chapter 13.32A RCW, as
3 determined by the department. Parental consent is required for
4 treatment of a minor under the age of thirteen. The parent(~~(, parents,~~
5 ~~or legal guardian~~)) of a person less than eighteen years of age are not
6 liable for payment of care for such persons pursuant to this chapter,
7 unless they have joined in the consent to the ~~((counseling, care,))~~
8 ~~treatment((, or rehabilitation))~~.

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

20 **Sec. 29.** RCW 71.34.035 and 1995 c 312 s 58 are each amended to
21 read as follows:

22 The department shall randomly select and review the information on
23 children who are admitted to ~~((in-patient))~~ inpatient treatment on
24 application of the child's parent regardless of the source of payment,
25 if any. The review shall determine whether the children reviewed were
26 appropriately admitted into treatment based on an objective evaluation
27 of the child's condition and the outcome of the child's treatment.

28 **Sec. 30.** RCW 74.13.036 and 1995 c 312 s 65 are each amended to
29 read as follows:

30 (1) The department of social and health services shall oversee
31 implementation of chapter 13.34 RCW and chapter 13.32A RCW. The
32 oversight shall be comprised of working with affected parts of the
33 criminal justice and child care systems as well as with local
34 government, legislative, and executive authorities to effectively carry
35 out these chapters. The department shall work with all such entities
36 to ensure that chapters 13.32A and 13.34 RCW are implemented in a
37 uniform manner throughout the state.

1 (2) The department shall develop a plan and procedures, in
2 cooperation with the state-wide advisory committee, to insure the full
3 implementation of the provisions of chapter 13.32A RCW. Such plan and
4 procedures shall include but are not limited to:

5 (a) Procedures defining and delineating the role of the department
6 and juvenile court with regard to the execution of the child in need of
7 services placement process;

8 (b) Procedures for designating department staff responsible for
9 family reconciliation services;

10 (c) Procedures assuring enforcement of contempt proceedings in
11 accordance with RCW 13.32A.170 and 13.32A.250; and

12 (d) Procedures for the continued education of all individuals in
13 the criminal juvenile justice and child care systems who are affected
14 by chapter 13.32A RCW, as well as members of the legislative and
15 executive branches of government.

16 There shall be uniform application of the procedures developed by
17 the department and juvenile court personnel, to the extent practicable.
18 Local and regional differences shall be taken into consideration in the
19 development of procedures required under this subsection.

20 (3) In addition to its other oversight duties, the department
21 shall:

22 (a) Identify and evaluate resource needs in each region of the
23 state;

24 (b) Disseminate information collected as part of the oversight
25 process to affected groups and the general public;

26 (c) Educate affected entities within the juvenile justice and child
27 care systems, local government, and the legislative branch regarding
28 the implementation of chapters 13.32A and 13.34 RCW;

29 (d) Review complaints concerning the services, policies, and
30 procedures of those entities charged with implementing chapters 13.32A
31 and 13.34 RCW; and

32 (e) Report any violations and misunderstandings regarding the
33 implementation of chapters 13.32A and 13.34 RCW.

34 (4) The secretary shall submit a quarterly report to the
35 appropriate local government entities.

36 (5) The department shall provide an annual report to the
37 legislature not later than December 1, indicating the number of times
38 it has declined to accept custody of a child from a law enforcement
39 agency under chapter 13.32A RCW and the number of times it has received

1 a report of a child being released without placement under RCW
2 13.32A.060(1)(c). The report shall include the dates, places, and
3 reasons the department declined to accept custody and the dates and
4 places children are released without placement.

5 NEW SECTION. **Sec. 31.** It is the intent of the legislature that
6 the changes in this act be construed to expedite the administrative and
7 judicial processes provided for in the existing and amended statutes to
8 assist in assuring that children placed in a crisis residential center
9 have an appropriate placement available to them at the conclusion of
10 their stay at the center.

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