

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5439

54th Legislature
1995 Regular Session

Passed by the Senate April 23, 1995
YEAS 45 NAYS 1

President of the Senate

Passed by the House April 23, 1995
YEAS 90 NAYS 6

**Speaker of the
House of Representatives**

Approved

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5439** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5439

AS RECOMMENDED BY CONFERENCE COMMITTEE

Passed Legislature - 1995 Regular Session

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Long, Franklin, Smith, Schow, Owen, Moyer, Oke, Strannigan, Gaspard, Snyder, Heavey, Haugen, Rasmussen, Quigley, Wojahn, Loveland, Bauer, Winsley, Deccio, Spanel, Hale, Hochstatter and Palmer)

Read first time 03/06/95.

1 AN ACT Relating to revising procedures for nonoffender at-risk
2 youth and their families; amending RCW 13.32A.010, 13.32A.030,
3 13.32A.040, 13.32A.050, 13.32A.060, 13.32A.070, 13.32A.090, 13.32A.120,
4 13.32A.130, 13.32A.140, 13.32A.150, 13.32A.160, 13.32A.170, 13.32A.175,
5 13.32A.177, 13.32A.180, 13.32A.190, 13.32A.192, 13.32A.194, 13.32A.196,
6 13.32A.250, 13.04.030, 13.04.040, 13.04.093, 43.43.510, 70.96A.090,
7 70.96A.095, 70.96A.140, 71.34.030, 71.34.050, 71.34.070, 74.13.031,
8 74.13.032, 74.13.033, 74.13.034, 74.13.035, 74.13.036, 28A.225.020,
9 28A.225.030, 36.18.020, 28A.225.060, 28A.225.090, 28A.225.110,
10 46.20.100, 82.14.300, and 82.14.320; adding new sections to chapter
11 13.32A RCW; adding new sections to chapter 46.20 RCW; adding new
12 sections to chapter 70.96A RCW; adding new sections to chapter 71.34
13 RCW; adding a new section to chapter 74.13 RCW; adding new sections to
14 chapter 28A.225 RCW; adding a new section to chapter 46.82 RCW; adding
15 a new section to chapter 28A.600 RCW; creating new sections; repealing
16 RCW 28A.225.040, 28A.225.050, 28A.225.070, 28A.225.100, 28A.225.120,
17 28A.225.130, and 28A.225.150; prescribing penalties; and providing
18 effective dates.

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

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

3 The legislature finds that within any group of people there exists
4 a need for guidelines for acceptable behavior and that, presumptively,
5 the experience and maturity ((are)) of parents make them better
6 ((qualifications for establishing)) qualified to establish guidelines
7 beneficial to and protective of ((individual members and the group as
8 a whole than are youth and inexperience)) their children. The
9 legislature further finds that it is the right and responsibility of
10 adults to establish laws for the benefit and protection of the society;
11 and that, in the same manner, the right and responsibility for
12 establishing reasonable guidelines for the family unit belongs to the
13 adults within that unit. Further, absent abuse or neglect, parents
14 should have the right to exercise control over their children. The
15 legislature reaffirms its position stated in RCW 13.34.020 that the
16 family unit is the fundamental resource of American life which should
17 be nurtured and that it should remain intact in the absence of
18 compelling evidence to the contrary.

19 The legislature recognizes there is a need for services and
20 assistance for parents and children who are in conflict. These
21 conflicts are manifested by children who exhibit various behaviors
22 including: Running away, substance abuse, serious acting out problems,
23 mental health needs, and other behaviors that endanger themselves or
24 others.

25 The legislature finds many parents do not know their rights
26 regarding their adolescent children and law enforcement. Parents and
27 courts feel they have insufficient legal recourse for the chronic
28 runaway child who is endangering himself or herself through his or her
29 behavior. The legislature further recognizes that for chronic runaways
30 whose behavior puts them in serious danger of harming themselves or
31 others, secure facilities must be provided to allow opportunities for
32 assessment, treatment, and to assist parents and protect their
33 children. The legislature intends to give tools to parents, courts,
34 and law enforcement to keep families together and reunite them whenever
35 possible.

36 The legislature recognizes that some children run away to protect
37 themselves from abuse or neglect in their homes. Abused and neglected
38 children should be dealt with pursuant to chapter 13.34 RCW and it is

1 not the intent of the legislature to handle dependency matters under
2 this chapter.

3 The legislature intends services offered under this chapter be on
4 a voluntary basis whenever possible to children and their families and
5 that the courts be used as a last resort.

6 The legislature intends to increase the safety of children through
7 the preservation of families and the provision of assessment,
8 treatment, and placement services for children in need of services and
9 at-risk youth including services and assessments conducted under
10 chapter 13.32A RCW and RCW 74.13.033. Within available funds, the
11 legislature intends to provide these services through crisis
12 residential centers in which children and youth may safely reside for
13 a limited period of time. The time in residence shall be used to
14 conduct an assessment of the needs of the children, youth, and their
15 families. The assessments are necessary to identify appropriate
16 services and placement options that will reduce the likelihood that
17 children will place themselves in dangerous or life-threatening
18 situations.

19 The legislature recognizes that crisis residential centers provide
20 an opportunity for children to receive short-term necessary support and
21 nurturing in cases where there may be abuse or neglect. The
22 legislature intends that center staff provide an atmosphere of concern,
23 care, and respect for children in the center and their parents.

24 The legislature intends to provide for the protection of children
25 who, through their behavior, are endangering themselves. The
26 legislature intends to provide appropriate residential services,
27 including secure facilities, to protect, stabilize, and treat children
28 with serious problems. The legislature further intends to empower
29 parents by providing them with the assistance they require to raise
30 their children.

31 NEW SECTION. Sec. 2. This act may be known and cited as the
32 "Becca bill."

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

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

37 (1) "At-risk youth" means a juvenile:

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

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

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

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

10 (3) "Child in need of services" means a juvenile:

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

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

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

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

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

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

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

29 (4) "Child in need of services petition" means a petition filed in
30 juvenile court by a parent, child, or the department seeking
31 adjudication of placement of the child.

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

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

36 ~~(2) "Child," "juvenile," and "youth" mean any individual who is~~
37 ~~under the chronological age of eighteen years;))~~.

38 ~~((+3))~~ (7) "Extended family member" means an adult who is a
39 grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or

1 first cousin with whom the child has a relationship and is comfortable,
2 and who is willing and available to care for the child.

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

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

22 (10) "Out-of-home placement" means a placement in a foster family
23 home or group care facility licensed pursuant to chapter 74.15 RCW or
24 placement in a home, other than that of the child's parent, guardian,
25 or legal custodian, not required to be licensed pursuant to chapter
26 74.15 RCW.

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

30 (~~(4)~~) (12) "Secure facility" means a crisis residential center,
31 or portion thereof, that has locking doors, locking windows, or a
32 secured perimeter, designed and operated to prevent a child from
33 leaving without permission of the facility staff.

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

1 ~~Sec. 5634 et seq.) and regulations and clarifying instructions~~
2 ~~promulgated thereunder)). Pursuant to rules established by the~~
3 ~~department, the facility administrator shall establish reasonable hours~~
4 ~~for residents to come and go from the facility such that no residents~~
5 ~~are free to come and go at all hours of the day and night. To prevent~~
6 ~~residents from taking unreasonable actions, the facility administrator,~~
7 ~~where appropriate, may condition a resident's leaving the facility upon~~
8 ~~the resident being accompanied by the administrator or the~~
9 ~~administrator's designee and the resident may be required to notify the~~
10 ~~administrator or the administrator's designee of any intent to leave,~~
11 ~~his or her intended destination, and the probable time of his or her~~
12 ~~return to the center. ((The facility administrator shall notify a~~
13 ~~parent and the appropriate law enforcement agency within four hours of~~
14 ~~all unauthorized leaves;~~

15 ~~(5) "At risk youth" means an individual under the chronological age~~
16 ~~of eighteen years who:~~

17 ~~(a) Is absent from home for more than seventy two consecutive hours~~
18 ~~without consent of his or her parent;~~

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

22 ~~(c) Has a serious substance abuse problem for which there are no~~
23 ~~pending criminal charges related to the substance abuse.))~~

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

27 NEW SECTION. Sec. 4. A new section is added to chapter 13.32A RCW
28 to read as follows:

29 Whenever a child in need of services petition is filed by a youth
30 pursuant to RCW 13.32A.130, or the department pursuant to RCW
31 13.32A.150, the youth or the department shall have a copy of the
32 petition served on the parents of the youth. Service shall first be
33 attempted in person and if unsuccessful, then by certified mail with
34 return receipt.

35 **Sec. 5.** RCW 13.32A.040 and 1994 c 304 s 3 are each amended to read
36 as follows:

1 Families who are in conflict or who are experiencing problems with
2 at-risk youth or a child who may be in need of services may request
3 family reconciliation services from the department. The department may
4 involve a local multidisciplinary team in its response in determining
5 the services to be provided and in providing those services. Such
6 services shall be provided to alleviate personal or family situations
7 which present a serious and imminent threat to the health or stability
8 of the child or family and to maintain families intact wherever
9 possible. Family reconciliation services shall be designed to develop
10 skills and supports within families to resolve problems related to at-
11 risk youth, children in need of services, or family conflicts and may
12 include but are not limited to referral to services for suicide
13 prevention, psychiatric or other medical care, or psychological, mental
14 health, drug or alcohol treatment, welfare, legal, educational, or
15 other social services, as appropriate to the needs of the child and the
16 family. (~~Upon a referral by a school or other appropriate agency,~~)
17 Family reconciliation services may also include training in parenting,
18 conflict management, and dispute resolution skills.

19 **Sec. 6.** RCW 13.32A.050 and 1994 sp.s. c 7 s 505 are each amended
20 to read as follows:

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

22 (~~(1)~~) (a) If a law enforcement agency has been contacted by the
23 parent of the child that the child is absent from parental custody
24 without consent; or

25 (~~(2)~~) (b) If a law enforcement officer reasonably believes,
26 considering the child's age, the location, and the time of day, that a
27 child is in circumstances which constitute a danger to the child's
28 safety or that a child is violating a local curfew ordinance; or

29 (~~(3)~~) (c) If an agency legally charged with the supervision of a
30 child has notified a law enforcement agency that the child has run away
31 from placement; or

32 (~~(4)~~) (d) If a law enforcement agency has been notified by the
33 juvenile court that the court finds probable cause exists to believe
34 that the child has violated a court placement order issued pursuant to
35 chapter 13.32A RCW or that the court has issued an order for law
36 enforcement pick-up of the child under this chapter.

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

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

7 (3) If a law enforcement officer takes a child into custody
8 pursuant to either subsection (1)(a) or (b) of this section and
9 transports the child to a crisis residential center, the officer shall,
10 within twenty-four hours of delivering the child to the center, provide
11 to the center a written report detailing the reasons the officer took
12 the child into custody.

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

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

21 (6) If a law enforcement officer receives a report that causes the
22 officer to have reasonable suspicion that a child is being harbored
23 under RCW 13.32A.080 or for other reasons has a reasonable suspicion
24 that a child is being ((unlawfully)) harbored under RCW 13.32A.080, the
25 officer shall remove the child from the custody of the person harboring
26 the child and shall transport the child to one of the locations
27 specified in RCW 13.32A.060.

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

30 **Sec. 7.** RCW 13.32A.060 and 1994 sp.s. c 7 s 506 are each amended
31 to read as follows:

32 (1) An officer taking a child into custody under RCW 13.32A.050 (1)
33 (a) or ((+2)) (b) shall inform the child of the reason for such
34 custody and shall either:

35 (a) Transport the child to his or her home or to a parent at his or
36 her place of employment, if no parent is at home. The officer
37 releasing a child into the custody of the parent shall inform the
38 parent of the reason for the taking of the child into custody and shall

1 inform the child and the parent of the nature and location of
2 appropriate services available in their community. The parent may
3 direct the officer to take the child to the home of an adult extended
4 family member, responsible adult, or a licensed youth shelter. The
5 officer releasing a child into the custody of an adult extended family
6 member, responsible adult, or a licensed youth shelter shall inform the
7 child and the person receiving the child of the nature and location of
8 appropriate services available in the community; or

9 (b) After attempting to notify the parent, take the child to ((the
10 home of an adult extended family member,)) a designated crisis
11 residential ((center, or the home of a responsible adult after
12 attempting to notify the parent or legal guardian)) center's secure
13 facility or a center's semi-secure facility if a secure facility is
14 full, not available, or not located within a reasonable distance:

15 (i) If the child expresses fear or distress at the prospect of
16 being returned to his or her home which leads the officer to believe
17 there is a possibility that the child is experiencing ((in the home))
18 some type of child abuse or neglect, as defined in RCW 26.44.020((, as
19 now law or hereafter amended)); or

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

22 (iii) If there is no parent available to accept custody of the
23 child.

24 ((The officer releasing a child into the custody of an extended
25 family member or a responsible adult shall inform the child and the
26 extended family member or responsible adult of the nature and location
27 of appropriate services available in the community.))

28 (2) An officer taking a child into custody under RCW 13.32A.050
29 ((+3)) (1) (c) or ((+4)) (d) shall inform the child of the reason for
30 custody((, and)). An officer taking a child into custody under RCW
31 13.32A.050(1)(c) shall take the child to a designated crisis
32 residential center's secure facility or, if not available or located
33 within a reasonable distance, to a semi-secure facility within a crisis
34 residential center, licensed by the department and established pursuant
35 to chapter 74.13 RCW. ((However,)) An officer taking a child into
36 custody under RCW 13.32A.050((+4)) (1)(d) may place the child in a
37 juvenile detention facility as provided in RCW 13.32A.065 or a secure
38 facility. The department shall ensure that all ((the)) law enforcement
39 authorities are informed on a regular basis as to the location of

1 ((the)) all designated secure and semi-secure facilities within crisis
2 residential center or centers in their ((judicial—district))
3 jurisdiction, where children taken into custody under RCW 13.32A.050
4 may be taken.

5 ((~~(3) "Extended family members" means a grandparent, brother,~~
6 ~~sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom~~
7 ~~the child has a relationship and is comfortable, and who is willing and~~
8 ~~available to care for the child.~~))

9 **Sec. 8.** RCW 13.32A.070 and 1986 c 288 s 2 are each amended to read
10 as follows:

11 (1) ((~~An officer taking a child into custody under RCW 13.32A.050~~
12 ~~may, at his or her discretion, transport the child to the home of a~~
13 ~~responsible adult who is other than the child's parent where the~~
14 ~~officer reasonably believes that the child will be provided with~~
15 ~~adequate care and supervision and that the child will remain in the~~
16 ~~custody of such adult until such time as the department can bring about~~
17 ~~the child's return home or an alternative residential placement can be~~
18 ~~agreed to or determined pursuant to this chapter. An officer placing~~
19 ~~a child with a responsible adult other than his or her parent shall~~
20 ~~immediately notify the department's local community service office of~~
21 ~~this fact and of the reason for taking the child into custody.~~

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

28 ((~~(3))~~) (2) A person ((~~other than a parent of such child who~~
29 ~~receives~~)) with whom a child is placed pursuant to this chapter and who
30 acts reasonably and in good faith ((~~in doing so~~)) is immune from civil
31 or criminal liability for the act of receiving ((~~such~~)) the child.
32 ((~~Such~~)) The immunity does not release ((~~such~~)) the person from
33 liability under any other law ((~~including the laws regulating licensed~~
34 ~~child care and prohibiting child abuse~~)).

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

1 The parents of a child placed in a crisis residential center shall
2 contribute fifty dollars per day, for not more than five consecutive
3 days, for the expense of the child's placement. However, the secretary
4 may establish a payment schedule that requires a lesser payment based
5 on a parent's ability to pay. The payment shall be made to the
6 department. No child may be denied placement in, or removed from, a
7 crisis residential center based solely on the income of the parent.

8 **Sec. 10.** RCW 13.32A.090 and 1990 c 276 s 6 are each amended to
9 read as follows:

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

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

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

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

19 (d) Upon learning that a child has been placed with a responsible
20 adult pursuant to RCW (~~13.32A.070~~) 13.32A.060.

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

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

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

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

35 (d) Arrange transportation for the child to the residence of the
36 parent, as soon as practicable, at the latter's expense to the extent
37 of his or her ability to pay, with any unmet transportation expenses to
38 be assumed by the department, when the child and his or her parent

1 agrees to the child's return home or when the parent produces a copy of
2 a court order entered under this chapter requiring the child to reside
3 in the parent's home;

4 (e) Arrange transportation for the child to an ((~~alternative~~
5 ~~residential~~)) out-of-home placement which may include a licensed group
6 care facility or foster family when agreed to by the child and parent
7 at the latter's expense to the extent of his or her ability to pay,
8 with any unmet transportation expenses assumed by the department;

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

10 **Sec. 11.** RCW 13.32A.120 and 1990 c 276 s 7 are each amended to
11 read as follows:

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

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

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

35 **Sec. 12.** RCW 13.32A.130 and 1994 sp.s. c 7 s 508 are each amended
36 to read as follows:

1 (1) A child admitted to a secure facility within a crisis
2 residential center ((under this chapter who is not returned to the home
3 of his or her parent or who is not placed in an alternative residential
4 placement under an agreement between the parent and child, shall,
5 except as provided for by RCW 13.32A.140 and 13.32A.160(2), reside in
6 the placement under the rules established for the center for a period
7 not to exceed five consecutive days from the time of intake, except as
8 otherwise provided by this chapter)) shall remain in the facility for
9 not more than five consecutive days, but for at least twenty-four hours
10 after admission.

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

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

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

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

1 (d) An administrator may transfer a child from a semi-secure
2 facility to a secure facility whenever the administrator reasonably
3 believes that the child is likely to leave the semi-secure facility and
4 not return.

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

8 (4) The requirements of this section shall not apply to a child who
9 is: (a) Returned to the home of his or her parent; (b) placed in a
10 semi-secure facility within a crisis residential center pursuant to a
11 temporary out-of-home placement order authorized under section 44 of
12 this act; (c) placed in an out-of-home placement; or (d) is subject to
13 a petition under section 25 of this act.

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 remove
20 the child whenever a dependency petition is filed under chapter 13.34
21 RCW.

22 (6) Crisis residential center staff shall make ((a—concerted))
23 reasonable efforts to protect the child and achieve a reconciliation of
24 the family. If a reconciliation and voluntary return of the child has
25 not been achieved within forty-eight hours from the time of intake, and
26 if the person in charge of the center does not consider it likely that
27 reconciliation will be achieved within the five-day period, then the
28 person in charge shall inform the parent and child of ((+1)) (a) the
29 availability of counseling services; ((+2)) (b) the right to file a
30 child in need of services petition for an ((alternative residential))
31 out-of-home placement, the right of a parent to file an at-risk youth
32 petition, and the right of the parent and child to obtain assistance in
33 filing the petition; (c) the right to request the facility
34 administrator or his or her designee to form a multidisciplinary team;
35 and ((+3)) (d) the right to request a review of any ((alternative
36 residential)) out-of-home placement.

37 (7) At no time shall information regarding a parent's or child's
38 rights be withheld ((if requested)). The department shall develop and
39 distribute to all law enforcement agencies and to each crisis

1 residential center administrator a written statement delineating the
2 services and rights. Every officer taking a child into custody shall
3 provide the child and his or her parent(s) or responsible adult with
4 whom the child is placed with a copy of the statement. In addition,
5 the administrator of the facility or his or her designee shall provide
6 every resident and parent with a copy of the statement.

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

10 NEW SECTION. Sec. 13. A new section is added to chapter 13.32A
11 RCW to read as follows:

12 (1)(a) The administrator of a crisis residential center may convene
13 a multidisciplinary team, which is to be locally based and
14 administered, at the request of a child placed at the center or the
15 child's parent.

16 (b) If the administrator has reasonable cause to believe that a
17 child is a child in need of services and the parent is unavailable or
18 unwilling to continue efforts to maintain the family structure, the
19 administrator shall immediately convene a multidisciplinary team.

20 (c) A parent may disband a team twenty-four hours, excluding
21 weekends and holidays, after receiving notice of formation of the team
22 under (b) of this subsection unless a petition has been filed under RCW
23 13.32A.140. If a petition has been filed the parent may not disband
24 the team until the hearing is held under section 20 of this act. The
25 court may allow the team to continue if an out-of-home placement is
26 ordered under section 20(3) of this act. Upon the filing of an at-risk
27 youth or dependency petition the team shall cease to exist, unless the
28 parent requests continuation of the team or unless the out-of-home
29 placement was ordered under section 20(3) of this act.

30 (2) The secretary shall request participation of appropriate state
31 agencies to assist in the coordination and delivery of services through
32 the multidisciplinary teams. Those agencies that agree to participate
33 shall provide the secretary all information necessary to facilitate
34 forming a multidisciplinary team and the secretary shall provide this
35 information to the administrator of each crisis residential center.

36 (3) The secretary shall designate within each region a department
37 employee who shall have responsibility for coordination of the state
38 response to a request for creation of a multidisciplinary team. The

1 secretary shall advise the administrator of each crisis residential
2 center of the name of the appropriate employee. Upon a request of the
3 administrator to form a multidisciplinary team the employee shall
4 provide a list of the agencies that have agreed to participate in the
5 multidisciplinary team.

6 (4) The administrator shall also seek participation from
7 representatives of mental health and drug and alcohol treatment
8 providers as appropriate.

9 (5) A parent shall be advised of the request to form a
10 multidisciplinary team and may select additional members of the
11 multidisciplinary team. The parent or child may request any person or
12 persons to participate including, but not limited to, educators, law
13 enforcement personnel, court personnel, family therapists, licensed
14 health care practitioners, social service providers, youth residential
15 placement providers, other family members, church representatives, and
16 members of their own community. The administrator shall assist in
17 obtaining the prompt participation of persons requested by the parent
18 or child.

19 (6) When an administrator of a crisis residential center requests
20 the formation of a team, the state agencies must respond as soon as
21 possible. The team shall have the authority to evaluate the juvenile,
22 and family members, if appropriate and agreed to by the parent, and
23 shall:

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

26 (b) Make a referral to the designated chemical dependency
27 specialist or the county designated mental health professional, if
28 appropriate;

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

31 (d) With the parent's consent, work with them to achieve
32 reconciliation of the child and family.

33 NEW SECTION. **Sec. 14.** A new section is added to chapter 13.32A
34 RCW to read as follows:

35 (1) The purpose of the multidisciplinary team is to assist in a
36 coordinated referral of the family to available social and health-
37 related services.

1 (2) At the first meeting of the multidisciplinary team, it shall
2 choose a member to coordinate the team's efforts. The parent member of
3 the multidisciplinary team must agree with the choice of coordinator.
4 The team shall meet or communicate as often as necessary to assist the
5 family.

6 (3) The coordinator of the multidisciplinary team may assist in
7 filing a child in need of services petition when requested by the
8 parent or child or an at-risk youth petition when requested by the
9 parent. The multidisciplinary team shall have no standing as a party
10 in any action under this title.

11 (4) If the administrator is unable to contact the child's parent,
12 the multidisciplinary team may be used for assistance. If the parent
13 has not been contacted within five days the administrator shall contact
14 the department and request the case be reviewed for a dependency filing
15 under chapter 13.34 RCW.

16 **Sec. 15.** RCW 13.32A.140 and 1990 c 276 s 9 are each amended to
17 read as follows:

18 The department shall file a child in need of services petition to
19 approve an (~~alternative residential~~) out-of-home placement on behalf
20 of a child under any of the following sets of circumstances:

21 (1) The child has been admitted to a crisis residential center or
22 has been placed with a responsible person other than his or her parent,
23 and:

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

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

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

30 (d) No child in need of services petition (~~requesting approval of~~
31 ~~an alternative residential placement~~) has been filed by either the
32 child or parent (~~or legal custodian~~);

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

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

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

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

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

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

5 (3) An agreement between parent and child made pursuant to RCW
6 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer
7 acceptable to parent or child, and:

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

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

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

14 (d) No child in need of services petition (~~((requesting approval of~~
15 ~~an alternative residential placement))~~) has been filed by either the
16 child or the parent;

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

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

20 Under the circumstances of subsections (1), (2), or (3) of this
21 section, the child shall remain in (~~((a licensed child care facility,~~
22 ~~including but not limited to a crisis residential center, or in any~~
23 ~~other suitable residence to be determined by the department until))~~) an
24 (~~(alternative residential))~~ out-of-home placement until a child in need
25 of services petition filed by the department on behalf of the child is
26 reviewed by the juvenile court and is resolved by such court. The
27 department may authorize emergency medical or dental care for a child
28 placed under this section. The state, when the department files a
29 child in need of services petition (~~((for alternative residential~~
30 ~~placement))~~) under this section, shall be represented as provided for in
31 RCW 13.04.093.

32 If the department files a petition under this section, the
33 department shall submit in a supporting affidavit any information
34 provided under section 38 of this act.

35 **Sec. 16.** RCW 13.32A.150 and 1992 c 205 s 208 are each amended to
36 read as follows:

37 (1) Except as otherwise provided in this (~~(section))~~ chapter, the
38 juvenile court shall not accept the filing of (~~(an alternative~~

1 residential placement)) a child in need of services petition by the
2 child or the parents or the filing of an at-risk youth petition by the
3 parent, unless verification is provided that a family assessment has
4 been completed by the department. The family assessment provided by
5 the department shall involve the multidisciplinary team as provided in
6 RCW 13.32A.040, if one exists. The family assessment or plan of
7 services developed by the multidisciplinary team shall be aimed at
8 family reconciliation, reunification, and avoidance of the out-of-home
9 placement of the child. If the department is unable to complete an
10 assessment within two working days following a request for assessment
11 the child or the parents may proceed under subsection (2) of this
12 section or the parent may proceed under ~~((subsection (3) of this))~~
13 section 25 of this act.

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

25 ~~((3) A child's parent may file with the juvenile court a petition~~
26 ~~in the interest of a child alleged to be an at risk youth. The~~
27 ~~department shall, when requested, assist the parent in filing the~~
28 ~~petition. The petition shall be filed in the county where the~~
29 ~~petitioning parent resides. The petition shall set forth the name,~~
30 ~~age, and residence of the child and the names and residence of the~~
31 ~~child's parents and shall allege that:~~

- 32 (a) ~~The child is an at risk youth as defined in this chapter;~~
33 (b) ~~The petitioning parent has the right to legal custody of the~~
34 ~~child;~~
35 (c) ~~Court intervention and supervision are necessary to assist the~~
36 ~~parent to maintain the care, custody, and control of the child; and~~
37 (d) ~~Alternatives to court intervention have been attempted or there~~
38 ~~is good cause why such alternatives have not been attempted.~~

1 The petition shall set forth facts that support the allegations in
2 this subsection and shall generally request relief available under this
3 chapter. The petition need not specify any proposed disposition
4 following adjudication of the petition. The filing of an at-risk youth
5 petition is not dependent upon the court's having obtained any prior
6 jurisdiction over the child or his or her parent and confers upon the
7 court the special jurisdiction to assist the parent in maintaining
8 parental authority and responsibility for the child. An at-risk youth
9 petition may not be filed if the court has approved an alternative
10 residential placement petition regarding the child or if the child is
11 the subject of a proceeding under chapter 13.34 RCW. A petition may be
12 accepted for filing only if alternatives to court intervention have
13 been attempted. Juvenile court personnel may screen all at-risk youth
14 petitions and may refuse to allow the filing of any petition that lacks
15 merit, fails to comply with the requirements of this section, or fails
16 to allege sufficient facts in support of allegations in the petition.)

17 **Sec. 17.** RCW 13.32A.160 and 1990 c 276 s 11 are each amended to
18 read as follows:

19 (1) When a proper child in need of services petition to approve an
20 (~~alternative residential~~) out-of-home placement is filed under RCW
21 13.32A.120, 13.32A.140, or 13.32A.150 the juvenile court shall: (a)
22 Schedule a (~~date for a~~) fact-finding hearing to be held within three
23 judicial days; notify the parent, child, and the department of such
24 date; (b) notify the parent of the right to be represented by counsel
25 and, if indigent, to have counsel appointed for him or her by the
26 court; (c) appoint legal counsel for the child; (d) inform the child
27 and his or her parent of the legal consequences of the court approving
28 or disapproving an (~~alternative residential~~) out-of-home placement
29 petition; (e) notify the parents of their rights under this chapter and
30 chapters 11.88, 13.34, 70.96A, and 71.34 RCW, including the right to
31 file an at-risk youth petition, the right to submit on application for
32 admission of their child to a treatment facility for alcohol, chemical
33 dependency, or mental health treatment, and the right to file a
34 guardianship petition; and (~~(e)~~) (f) notify all parties, including
35 the department, of their right to present evidence at the fact-finding
36 hearing.

37 (2) Upon filing of (~~an alternative residential placement~~) a child
38 in need of services petition, the child may be placed, if not already

1 placed, by the department in a crisis residential center, foster family
2 home, group home facility licensed under chapter 74.15 RCW, or any
3 other suitable residence to be determined by the department.

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

11 **Sec. 18.** RCW 13.32A.170 and 1989 c 269 s 3 are each amended to
12 read as follows:

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

26 (a) The petition is not capricious;

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

29 (c) The conflict ~~((which exists))~~ cannot be resolved by delivery of
30 services to the family during continued placement of the child in the
31 parental home;

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

35 (e) A suitable out-of-home placement resource is available.

36 The court may not grant a petition filed by the child or the
37 department if it is established that the petition is based only upon a

1 dislike of reasonable rules or reasonable discipline established by the
2 parent.

3 (2) ~~((The order approving out of home placement shall direct the
4 department to submit a disposition plan for a three month placement of
5 the child that is designed to reunite the family and resolve the family
6 conflict. Such plan shall delineate any conditions or limitations on
7 parental involvement. In making the order, the court shall further
8 direct the department to make recommendations, as to which agency or
9 person should have physical custody of the child, as to which parental
10 powers should be awarded to such agency or person, and as to parental
11 visitation rights. The court may direct the department to consider the
12 cultural heritage of the child in making its recommendations.~~

13 (3) ~~The hearing to consider the recommendations of the department
14 for a three month disposition plan shall be set no later than fourteen
15 days after the approval of the court of a petition to approve
16 alternative residential placement. Each party shall be notified of the
17 time and place of such disposition hearing.~~

18 (4) ~~If the court approves or denies a petition for an alternative
19 residential placement, a written statement of the reasons shall be
20 filed. If the court denies a petition requesting that a child be
21 placed in a residence other than the home of his or her parent, the
22 court shall enter an order requiring the child to remain at or return
23 to the home of his or her parent.~~

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

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

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

37 (a) ~~The child has been absent from court approved placement for
38 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 Following the fact-finding hearing the court shall: (a) Enter a
7 temporary out-of-home placement for a period not to exceed fourteen
8 days pending approval of a disposition decision to be made under
9 section 20(2) of this act; (b) approve an at-risk youth petition filed
10 by the parents; (c) dismiss the petition; or (d) order the department
11 to review the case to determine whether the case is appropriate for a
12 dependency petition under chapter 13.34 RCW.

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

15 In any proceeding in which the court approves an ~~((alternative~~
16 ~~residential))~~ out-of-home placement, the court shall inquire into the
17 ability of parents to contribute to the child's support. If the court
18 finds that the parents are able to contribute to the support of the
19 child, the court shall order them to make such support payments as the
20 court deems equitable. The court may enforce such an order by
21 execution or in any way in which a court of equity may enforce its
22 orders. However, payments shall not be required of a parent who has
23 both opposed the placement and continuously sought reconciliation with,
24 and the return of, the child. All orders entered in a proceeding
25 approving ~~((alternative residential))~~ out-of-home placement shall be in
26 compliance with the provisions of RCW 26.23.050.

27 NEW SECTION. **Sec. 20.** A new section is added to chapter 13.32A
28 RCW to read as follows:

29 (1) A hearing shall be held no later than fourteen days after the
30 approval of the temporary out-of-home placement. The parents, child,
31 and department shall be notified of the time and place of the hearing.

32 (2) At the commencement of the hearing the court shall advise the
33 parents of their rights as set forth in RCW 13.32A.160(1)(e). If the
34 court approves or denies a child in need of services petition, a
35 written statement of the reasons shall be filed. At the conclusion of
36 the hearing the court may: (a) Reunite the family and dismiss the
37 petition; (b) approve an at-risk youth petition filed by the parents;

1 (c) approve a voluntary out-of-home placement requested by the parents;
2 (d) order any conditions set forth in RCW 13.32A.196(2); or (e) order
3 the department to file a petition for dependency under chapter 13.34
4 RCW.

5 (3) At the conclusion of the hearing, if the court has not taken
6 action under subsection (2) of this section it may, at the request of
7 the child or department, enter an order for out-of-home placement for
8 not more than ninety days. The court may only enter an order under
9 this subsection if it finds by clear, cogent, and convincing evidence
10 that: (a)(i) The order is in the best interest of the family; (ii) the
11 parents have not requested an out-of-home placement; (iii) the parents
12 have not exercised any other right listed in RCW 13.32A.160(1)(e); (iv)
13 the child has made reasonable efforts to resolve the conflict; (v) the
14 conflict cannot be resolved by delivery of services to the family
15 during continued placement of the child in the parental home; (vi)
16 reasonable efforts have been made to prevent or eliminate the need for
17 removal of the child from the child's home and to make it possible for
18 the child to return home; and (vii) a suitable out-of-home placement
19 resource is available; (b)(i) the order is in the best interest of the
20 child; and (ii) the parents are unavailable; or (c) the parent's
21 actions cause an imminent threat to the child's health or safety. If
22 the court has entered an order under this section, it may order any
23 conditions set forth in RCW 13.32A.196(2).

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

28 (5) The parents or the department may request, and the court may
29 grant, dismissal of a placement order when it is not feasible for the
30 department to provide services due to one or more of the following
31 circumstances:

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

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

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

1 (6) The court shall dismiss a placement made under subsection
2 (2)(c) of this section upon the request of the parents.

3 NEW SECTION. **Sec. 21.** A new section is added to chapter 13.32A
4 RCW to read as follows:

5 The crisis residential center administrator shall notify parents
6 and the appropriate law enforcement agency immediately as to any
7 unauthorized leave from the center by a child placed at the center.

8 **Sec. 22.** RCW 13.32A.177 and 1988 c 275 s 14 are each amended to
9 read as follows:

10 A determination of ((child)) support payments ordered under RCW
11 13.32A.175 shall be based upon ((the child support schedule and
12 standards adopted under)) chapter 26.19 RCW ((26.19.040)).

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

15 ((At a dispositional hearing held to consider the three-month
16 dispositional plan presented by the department the court shall consider
17 all such recommendations included therein. The court, consistent with
18 the stated goal of resolving the family conflict and reuniting the
19 family, may modify such plan and shall make its dispositional order
20 for)) If the court orders a three-month out-of-home placement for the
21 child((-)), the court ((dispositional order)) shall specify the person
22 or agency with whom the child shall be placed, those parental powers
23 which will be temporarily awarded to such agency or person including
24 but not limited to the right to authorize medical, dental, and optical
25 treatment, and parental visitation rights. Any agency or residence at
26 which the child is placed must, at a minimum, comply with minimum
27 standards for licensed family foster homes.

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

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

34 (1) Upon making a dispositional order under ((RCW 13.32A.180))
35 section 20 of this act, the court shall schedule the matter on the

1 calendar for review within three months, advise the parties of the date
2 thereof, appoint legal counsel and/or a guardian ad litem to represent
3 the child at the review hearing, advise parents of their right to be
4 represented by legal counsel at the review hearing, and notify the
5 parties of their rights to present evidence at the hearing. Where
6 resources are available, the court shall encourage the parent and child
7 to participate in (~~mediation~~) programs for reconciliation of their
8 conflict.

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

21 (3) Out-of-home placement may not be continued past one hundred
22 eighty days from the day the review hearing commenced. The court shall
23 order (~~that~~) the child to return to the home of the parent at the
24 expiration of the placement. If (~~continued~~) an out-of-home placement
25 is disapproved prior to one hundred eighty days, the court shall enter
26 an order requiring (~~that~~) the child to return to the home of the
27 child's parent.

28 (4) The parents and the department may request, and the juvenile
29 court may grant, dismissal of an (~~alternative residential~~) out-of-
30 home placement order when it is not feasible for the department to
31 provide services due to one or more of the following circumstances:

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

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

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

1 (5) The court shall terminate a placement made under this section
2 upon the request of a parent unless the placement is made pursuant to
3 section 20(3) of this act.

4 NEW SECTION. Sec. 25. A new section is added to chapter 13.32A
5 RCW to read as follows:

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

- 13 (a) The child is an at-risk youth as defined in this chapter;
14 (b) The petitioner has the right to legal custody of the child;
15 (c) Court intervention and supervision are necessary to assist the
16 parent to maintain the care, custody, and control of the child; and
17 (d) Alternatives to court intervention have been attempted or there
18 is good cause why such alternatives have not been attempted.

19 (2) The petition shall set forth facts that support the allegations
20 in this section and shall generally request relief available under this
21 chapter. The petition need not specify any proposed disposition
22 following adjudication of the petition. The filing of an at-risk youth
23 petition is not dependent upon the court's having obtained any prior
24 jurisdiction over the child or his or her parent and confers upon the
25 court the special jurisdiction to assist the parent in maintaining
26 parental authority and responsibility for the child.

27 (3) A petition may not be filed if a dependency petition is pending
28 under chapter 13.34 RCW.

29 **Sec. 26.** RCW 13.32A.192 and 1990 c 276 s 12 are each amended to
30 read as follows:

31 (1) When a proper at-risk youth petition is filed by a child's
32 parent under ((RCW 13.32A.120 or 13.32A.150)) this chapter, the
33 juvenile court shall:

- 34 (a) Schedule a fact-finding hearing to be held within three
35 judicial days and notify the parent and the child of such date;
36 (b) Notify the parent of the right to be represented by counsel at
37 the parent's own expense;

1 (c) Appoint legal counsel for the child;
2 (d) Inform the child and his or her parent of the legal
3 consequences of the court finding the child to be an at-risk youth; and
4 (e) Notify the parent and the child of their rights to present
5 evidence at the fact-finding hearing.

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

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

22 (4) If both ~~((an alternative residential placement))~~ a child in
23 need of services petition and an at-risk youth petition have been filed
24 with regard to the same child, the petitions and proceedings shall be
25 consolidated ~~((for purposes of fact-finding))~~ as an at-risk youth
26 petition. Pending a fact-finding hearing regarding the petition, the
27 child may be placed~~((7))~~ in the parent's home or in an out-of-home
28 placement if not already placed~~((7))~~ in ~~((an alternative residential))~~
29 a temporary out-of-home placement ~~((as provided in RCW 13.32A.160~~
30 ~~unless the court has previously entered an order requiring the child to~~
31 ~~reside in the home of his or her parent)).~~ The child or the parent may
32 request a review of the child's placement including a review of any
33 court order requiring the child to reside in the parent's home. ~~((At~~
34 ~~the review the court, in its discretion, may order the child placed in~~
35 ~~the parent's home or in an alternative residential placement pending~~
36 ~~the hearing.))~~

37 **Sec. 27.** RCW 13.32A.194 and 1990 c 276 s 13 are each amended to
38 read as follows:

1 (1) The court shall hold a fact-finding hearing to consider a
2 proper at-risk youth petition. The court (~~may~~) shall grant the
3 petition and enter an order finding the child to be an at-risk youth if
4 the allegations in the petition are established by a preponderance of
5 the evidence(~~(. The court shall not enter such an order if the court~~
6 ~~has approved an alternative residential placement petition regarding~~
7 ~~the child or if))~~, unless the child is the subject of a proceeding
8 under chapter 13.34 RCW. If the petition is granted, the court shall
9 enter an order requiring the child to reside in the home of his or her
10 parent or (~~in an alternative residential placement approved by the~~
11 ~~parent~~) in an out-of-home placement as provided in RCW 13.32A.192(2).

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

20 (3) A dispositional hearing shall be held no later than fourteen
21 days after the court has granted an at-risk youth petition. Each party
22 shall be notified of the time and date of 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. 28.** RCW 13.32A.196 and 1991 c 364 s 14 are each amended to
29 read as follows:

30 (1) At the dispositional hearing regarding an adjudicated at-risk
31 youth, the court shall consider the recommendations of the parties and
32 the recommendations of any dispositional plan submitted by the
33 department. The court may enter a dispositional order that will assist
34 the parent in maintaining the care, custody, and control of the child
35 and assist the family to resolve family conflicts or problems.

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

38 (a) Regular school attendance;

1 (b) Counseling;

2 (c) Participation in a substance abuse or mental health outpatient
3 treatment program;

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

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

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

13 (4) The court may order the parent to participate in counseling
14 services or any other services for the child requiring parental
15 participation. The parent shall cooperate with the court-ordered case
16 plan and shall take necessary steps to help implement the case plan.
17 The parent shall be financially responsible for costs related to the
18 court-ordered plan; however, this requirement shall not affect the
19 eligibility of the parent or child for public assistance or other
20 benefits to which the parent or child may otherwise be entitled.

21 (5) The parent may request dismissal of an at-risk youth proceeding
22 or out-of-home placement at any time and upon such a request, the court
23 shall dismiss the matter and cease court supervision of the child
24 unless: (a) A contempt action is pending in the case; (b) a petition
25 has been filed under RCW 13.32A.150 and a hearing has not yet been held
26 under section 20 of this act; or (c) an order has been entered under
27 section 20(3) of this act and the court retains jurisdiction under that
28 subsection. The court may retain jurisdiction over the matter for the
29 purpose of concluding any pending contempt proceedings, including the
30 full satisfaction of any penalties imposed as a result of a contempt
31 finding.

32 ~~((+5))~~ (6) The court may order the department to monitor
33 compliance with the dispositional order, assist in coordinating the
34 provision of court-ordered services, and submit reports at subsequent
35 review hearings regarding the status of the case.

36 **Sec. 29.** RCW 13.32A.250 and 1990 c 276 s 16 are each amended to
37 read as follows:

1 (1) In all (~~alternative residential placement~~) child in need of
2 services proceedings and at-risk youth proceedings, the court shall
3 verbally notify the parents and the child of the possibility of a
4 finding of contempt for failure to comply with the terms of a court
5 order entered pursuant to this chapter. The court shall treat the
6 parents and the child equally for the purposes of applying contempt of
7 court processes and penalties under this section.

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

11 (3) The court may impose a fine of up to one hundred dollars and
12 (~~imprisonment~~) confinement for up to seven days, or both for contempt
13 of court under this section.

14 (4) A child (~~imprisoned~~) placed in confinement for contempt under
15 this section shall be (~~imprisoned~~) placed in confinement only in a
16 secure juvenile detention facility operated by or pursuant to a
17 contract with a county.

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

22 NEW SECTION. Sec. 30. A new section is added to chapter 13.32A
23 RCW to read as follows:

24 (1) This section contains special provisions to deal with the
25 extraordinary dangers to children who are habitual runaways and to
26 assist families to cope with the acute problems presented by such
27 children.

28 (2) In disposition proceedings involving a child in need of
29 services or an at-risk youth, the court may adopt the additional orders
30 authorized under this section if it finds that the child involved in
31 those proceedings is an habitual runaway. The court may include in its
32 dispositional orders a requirement that the child be placed, for up to
33 one hundred eighty consecutive days, in a facility that the court finds
34 operates with a level of security adequate to prevent the child from
35 leaving the facility without authorization and that will provide for
36 the child's participation in a program designed to remedy his or her
37 behavior difficulties. The court may not include this requirement
38 unless, at the disposition hearing, it finds that the placement is

1 clearly necessary in order to protect the child and that less-
2 restrictive orders not requiring such placement would be inadequate to
3 protect the child, given the child's age, maturity, propensity to run
4 away from home, past exposure to serious risk when the child ran away
5 from home, and possible future exposure to serious risk should the
6 child run away from home again. The orders shall also contain
7 provisions providing for periodic court review of the placement, with
8 the first review hearing conducted not more than thirty days after the
9 date of the placement. Prior to each review hearing, the court shall
10 advise the parents of their right to counsel and shall have appointed
11 counsel to represent the child. At each review hearing the court shall
12 review the orders to determine the progress of the child and whether
13 the orders are still necessary for the protection of the child and
14 whether a less-restrictive order of placement would be adequate. The
15 court shall make such modifications in its orders as it finds necessary
16 to protect the child. Unless the court provides to the contrary,
17 review hearings of orders adopted under this section shall be held
18 exclusively under this section and shall not be subject to the review
19 provisions applicable under this chapter to disposition orders
20 pertaining to a child in need of services or to at-risk youth.

21 (3) In disposition proceedings involving a child in need of
22 services or an at-risk youth, the court may impose the following
23 additional sanction on an habitual runaway for violation of any court
24 order: The court may order the department of licensing to suspend the
25 child's driver's license for ninety days.

26 (4) For purposes of this section, a child is an "habitual runaway"
27 if the child, on three or more separate occasions within the twelve-
28 month period before the commencement of the disposition proceedings,
29 has been absent from the parent's home, or other residence lawfully
30 prescribed for the child, for more than seventy-two consecutive hours
31 without consent of the parent; or if the child during such twelve-month
32 period has been absent from such home or residence without consent of
33 the parent for more than thirty consecutive days.

34 (5) State funds may only be used to pay for placements under this
35 section if, and to the extent that, such funds are appropriated to
36 expressly pay for them.

37 NEW SECTION. **Sec. 31.** A new section is added to chapter 46.20 RCW
38 to read as follows:

1 When the department of licensing is provided with a court order
2 under section 30 of this act, the department shall suspend for ninety
3 days all driving privileges of the juvenile identified in the order.

4 NEW SECTION. **Sec. 32.** A new section is added to chapter 13.32A
5 RCW to read as follows:

6 No superior court may refuse to accept for filing a properly
7 completed and presented child in need of services petition or an at-
8 risk youth petition. To be properly presented, the petitioner shall
9 verify that the family assessment required under RCW 13.32A.150 has
10 been completed. In the event of an improper refusal that is appealed
11 and reversed, the petitioner shall be awarded actual damages, costs,
12 and attorneys' fees.

13 NEW SECTION. **Sec. 33.** A new section is added to chapter 13.32A
14 RCW to read as follows:

15 (1) If any child under the age of ten has remained in out-of-home
16 placement for a period exceeding nine months pursuant to a court order
17 entered under this chapter, the court shall schedule a hearing to take
18 place no later than one year after the initial placement. For a child
19 over ten who has remained in out-of-home placement for a period
20 exceeding fifteen months, the court shall schedule a hearing to take
21 place no later than eighteen months after the initial placement.

22 (2) At the hearing the court shall determine whether the case
23 should be referred to the department for the purpose of considering the
24 filing of a dependency petition under chapter 13.34 RCW. In
25 determining whether to refer the case to the department, the court
26 shall determine whether it is in the child's or family's best interest
27 to begin permanency planning as required under chapter 13.34 RCW.

28 (3) If the court refers the case to the department, it may identify
29 one of the following outcomes as the primary goal for the referral and
30 may also identify additional outcomes as alternative goals: Return of
31 the child to the home of the child's parent, guardian, or legal
32 custodian; adoption; guardianship; long-term relative or foster care,
33 until the child is age eighteen, with a written agreement between the
34 parties and the care provider; or, where age-appropriate, independent
35 living or emancipation.

36 (4) If the court does not refer the case to the department under
37 subsection (2) of this section, the court shall continue to review the

1 case every six months, for as long as the child remains out-of-home
2 under a court order.

3 NEW SECTION. **Sec. 34.** A new section is added to chapter 13.32A
4 RCW to read as follows:

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

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

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

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

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

21 NEW SECTION. **Sec. 35.** A new section is added to chapter 13.32A
22 RCW to read as follows:

23 Violation of section 34 of this act is a misdemeanor.

24 NEW SECTION. **Sec. 36.** A new section is added to chapter 13.32A
25 RCW to read as follows:

26 If a person provides the notice required in section 34 of this act,
27 he or she is immune from liability for any cause of action arising from
28 providing shelter to the child. The immunity shall not extend to acts
29 of intentional misconduct or gross negligence by the person providing
30 the shelter.

31 NEW SECTION. **Sec. 37.** A new section is added to chapter 13.32A
32 RCW to read as follows:

33 Whenever a law enforcement agency receives a report from a parent
34 that his or her child, or child over whom the parent has custody, has
35 without permission of the parent left the home or residence lawfully

1 prescribed for the child under circumstances where the parent believes
2 that the child has run away from the home or the residence, the agency
3 shall provide for placing information identifying the child in files
4 under RCW 43.43.510.

5 NEW SECTION. **Sec. 38.** A new section is added to chapter 13.32A
6 RCW to read as follows:

7 Upon the admissions of a child to a crisis residential center the
8 administrator of the facility shall request the department to provide:
9 (1) The name of any sibling of the child who has been: (a) Placed
10 under the jurisdiction of the juvenile rehabilitation administration;
11 or (b) subject to a proceeding under chapter 13.34 RCW; and (2)
12 information regarding whether the child has run away multiple times.

13 The department shall provide the information as soon as feasible.
14 The administrator may utilize the information in assessing the needs of
15 the child but a petition filed under this chapter may not be based
16 solely on this information.

17 **Sec. 39.** RCW 13.04.030 and 1994 sp.s. c 7 s 519 are each amended
18 to read as follows:

19 (1) Except as provided in subsection (2) of this section, the
20 juvenile courts in the several counties of this state, shall have
21 exclusive original jurisdiction over all proceedings:

22 (a) Under the interstate compact on placement of children as
23 provided in chapter 26.34 RCW;

24 (b) Relating to children alleged or found to be dependent as
25 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170;

26 (c) Relating to the termination of a parent and child relationship
27 as provided in RCW 13.34.180 through 13.34.210;

28 (d) To approve or disapprove (~~alternative residential~~) out-of-
29 home placement as provided in RCW 13.32A.170;

30 (e) Relating to juveniles alleged or found to have committed
31 offenses, traffic infractions, or violations as provided in RCW
32 13.40.020 through 13.40.230, unless:

33 (i) The juvenile court transfers jurisdiction of a particular
34 juvenile to adult criminal court pursuant to RCW 13.40.110; or

35 (ii) The statute of limitations applicable to adult prosecution for
36 the offense, traffic infraction, or violation has expired; or

1 (iii) The alleged offense or infraction is a traffic, fish,
2 boating, or game offense or traffic infraction committed by a juvenile
3 sixteen years of age or older and would, if committed by an adult, be
4 tried or heard in a court of limited jurisdiction, in which instance
5 the appropriate court of limited jurisdiction shall have jurisdiction
6 over the alleged offense or infraction: PROVIDED, That if such an
7 alleged offense or infraction and an alleged offense or infraction
8 subject to juvenile court jurisdiction arise out of the same event or
9 incident, the juvenile court may have jurisdiction of both matters:
10 PROVIDED FURTHER, That the jurisdiction under this subsection does not
11 constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1)
12 or (e)(i) of this subsection: PROVIDED FURTHER, That courts of limited
13 jurisdiction which confine juveniles for an alleged offense or
14 infraction may place juveniles in juvenile detention facilities under
15 an agreement with the officials responsible for the administration of
16 the juvenile detention facility in RCW 13.04.035 and 13.20.060; or

17 (iv) The juvenile is sixteen or seventeen years old and the alleged
18 offense is: (A) A serious violent offense as defined in RCW 9.94A.030
19 committed on or after June 13, 1994; or (B) a violent offense as
20 defined in RCW 9.94A.030 committed on or after June 13, 1994, and the
21 juvenile has a criminal history consisting of: (I) One or more prior
22 serious violent offenses; (II) two or more prior violent offenses; or
23 (III) three or more of any combination of the following offenses: Any
24 class A felony, any class B felony, vehicular assault, or manslaughter
25 in the second degree, all of which must have been committed after the
26 juvenile's thirteenth birthday and prosecuted separately. In such a
27 case the adult criminal court shall have exclusive original
28 jurisdiction.

29 If the juvenile challenges the state's determination of the
30 juvenile's criminal history, the state may establish the offender's
31 criminal history by a preponderance of the evidence. If the criminal
32 history consists of adjudications entered upon a plea of guilty, the
33 state shall not bear a burden of establishing the knowing and
34 voluntariness of the plea;

35 (f) Under the interstate compact on juveniles as provided in
36 chapter 13.24 RCW;

37 (g) Relating to termination of a diversion agreement under RCW
38 13.40.080, including a proceeding in which the divertee has attained
39 eighteen years of age; and

1 (h) Relating to court validation of a voluntary consent to foster
2 care placement under chapter 13.34 RCW, by the parent or Indian
3 custodian of an Indian child, except if the parent or Indian custodian
4 and child are residents of or domiciled within the boundaries of a
5 federally recognized Indian reservation over which the tribe exercises
6 exclusive jurisdiction.

7 (2) The family court shall have concurrent original jurisdiction
8 with the juvenile court over all proceedings under this section if the
9 superior court judges of a county authorize concurrent jurisdiction as
10 provided in RCW 26.12.010.

11 (3) A juvenile subject to adult superior court jurisdiction under
12 subsection (1)(e) (i) through (iv) of this section, who is detained
13 pending trial, may be detained in a county detention facility as
14 defined in RCW 13.40.020 pending sentencing or a dismissal.

15 **Sec. 40.** RCW 13.04.040 and 1983 c 191 s 14 are each amended to
16 read as follows:

17 The administrator shall, in any county or judicial district in the
18 state, appoint or designate one or more persons of good character to
19 serve as probation counselors during the pleasure of the administrator.
20 The probation counselor shall:

21 (1) Receive and examine referrals to the juvenile court for the
22 purpose of considering the filing of a petition or information pursuant
23 to chapter 13.32A or 13.34 RCW (~~(13.34.040, 13.34.180, and)~~) or RCW
24 13.40.070 (~~((as now or hereafter amended, and RCW 13.32A.150))~~);

25 (2) Make recommendations to the court regarding the need for
26 continued detention or shelter care of a child unless otherwise
27 provided in this title;

28 (3) Arrange and supervise diversion agreements as provided in RCW
29 13.40.080, (~~((as now or hereafter amended,))~~) and ensure that the
30 requirements of such agreements are met except as otherwise provided in
31 this title;

32 (4) Prepare predisposition studies as required in RCW 13.34.120 and
33 13.40.130, (~~((as now or hereafter amended,))~~) and be present at the
34 disposition hearing to respond to questions regarding the
35 predisposition study: PROVIDED, That such duties shall be performed by
36 the department (~~((of social and health services))~~) for cases relating to
37 dependency or to the termination of a parent and child relationship

1 which is filed by the department (~~of social and health services~~)
2 unless otherwise ordered by the court; and

3 (5) Supervise court orders of disposition to ensure that all
4 requirements of the order are met.

5 All probation counselors shall possess all the powers conferred
6 upon sheriffs and police officers to serve process and make arrests of
7 juveniles under their supervision for the violation of any state law or
8 county or city ordinance.

9 The administrator may, in any county or judicial district in the
10 state, appoint one or more persons who shall have charge of detention
11 rooms or houses of detention.

12 The probation counselors and persons appointed to have charge of
13 detention facilities shall each receive compensation which shall be
14 fixed by the legislative authority of the county, or in cases of joint
15 counties, judicial districts of more than one county, or joint judicial
16 districts such sums as shall be agreed upon by the legislative
17 authorities of the counties affected, and such persons shall be paid as
18 other county officers are paid.

19 The administrator is hereby authorized, and to the extent possible
20 is encouraged to, contract with private agencies existing within the
21 community for the provision of services to youthful offenders and youth
22 who have entered into diversion agreements pursuant to RCW 13.40.080(~~(7~~
23 ~~as now or hereafter amended)~~).

24 The administrator shall establish procedures for the collection of
25 fines assessed under RCW 13.40.080 (2)(d) and (13) and for the payment
26 of the fines into the county general fund.

27 **Sec. 41.** RCW 13.04.093 and 1991 c 363 s 11 are each amended to
28 read as follows:

29 It shall be the duty of the prosecuting attorney to act in
30 proceedings relating to the commission of a juvenile offense as
31 provided in RCW 13.40.070 and 13.40.090 and in proceedings as provided
32 in chapter 71.34 RCW. It shall be the duty of the prosecuting attorney
33 to handle delinquency cases under chapter 13.24 RCW and it shall be the
34 duty of the attorney general to handle dependency cases under chapter
35 13.24 RCW. It shall be the duty of the attorney general in contested
36 cases brought by the department to present the evidence supporting any
37 petition alleging dependency or seeking the termination of a parent and
38 child relationship or any contested case filed under RCW 26.33.100 or

1 approving or disapproving (~~alternative residential~~) out-of-home
2 placement: PROVIDED, That in each county with a population of less
3 than two hundred ten thousand, the attorney general may contract with
4 the prosecuting attorney of the county to perform (~~said~~) the duties
5 of the attorney general under this section.

6 NEW SECTION. **Sec. 42.** The department of social and health
7 services shall develop a plan for the development of an intensive
8 treatment system for children whose behavior puts them at serious risk
9 of harm to themselves or others. In developing this plan, the
10 department shall work with service providers, community leaders,
11 representatives of different cultural communities, businesses,
12 educational institutions, community networks, and others to propose a
13 continuum of services, including placement alternatives, for children
14 who might otherwise be on the street.

15 In developing this plan, the department shall identify existing
16 local and state services and barriers to those services for children.
17 The plan for intensive treatment services, to the extent possible,
18 shall build upon those existing resources.

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

21 NEW SECTION. **Sec. 43.** A new section is added to chapter 13.32A
22 RCW to read as follows:

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

28 NEW SECTION. **Sec. 44.** A new section is added to chapter 13.32A
29 RCW to read as follows:

30 In approving a petition under this chapter, a child may be placed
31 in a semi-secure crisis residential center as a temporary out-of-home
32 placement under the following conditions: (1) No other suitable out-
33 of-home placement is available; (2) space is available in the semi-
34 secure crisis residential center; and (3) no child will be denied
35 access for a five-day placement due to this placement.

1 Any child referred to a semi-secure crisis residential center by a
2 law enforcement officer, the department, or himself or herself shall
3 have priority over a temporary out-of-home placement in the facility.
4 Any out-of-home placement order shall be subject to this priority, and
5 the administrator of the semi-secure crisis residential center shall
6 transfer the temporary out-of-home placement youth to a new out-of-home
7 placement as necessary to ensure access for youth needing the semi-
8 secure crisis residential center.

9 **Sec. 45.** RCW 43.43.510 and 1967 ex.s. c 27 s 2 are each amended to
10 read as follows:

11 As soon as is practical and feasible there shall be established, by
12 means of data processing, files listing stolen and wanted vehicles,
13 outstanding warrants, identifying children whose parents, custodians,
14 or legal guardians have reported as having run away from home or the
15 custodial residence, identifiable stolen property, and such other files
16 as may be of general assistance to law enforcement agencies.

17 **Sec. 46.** RCW 70.96A.090 and 1990 c 151 s 5 are each amended to
18 read as follows:

19 (1) The department shall adopt rules establishing standards for
20 approved treatment programs, the process for the review and inspection
21 program applying to the department for certification as an approved
22 treatment program, and fixing the fees to be charged by the department
23 for the required inspections. The standards may concern the health
24 standards to be met and standards of services and treatment to be
25 afforded patients.

26 (2) The department may suspend, revoke, limit, restrict, or modify
27 an approval, or refuse to grant approval, for failure to meet the
28 provisions of this chapter, or the standards adopted under this
29 chapter. RCW 43.20A.205 governs notice of a license denial,
30 revocation, suspension, or modification and provides the right to an
31 adjudicative proceeding.

32 (3) No treatment program may advertise or represent itself as an
33 approved treatment program if approval has not been granted, has been
34 denied, suspended, revoked, or canceled.

35 (4) Certification as an approved treatment program is effective for
36 one calendar year from the date of issuance of the certificate. The
37 certification shall specify the types of services provided by the

1 approved treatment program that meet the standards adopted under this
2 chapter. Renewal of certification shall be made in accordance with
3 this section for initial approval and in accordance with the standards
4 set forth in rules adopted by the secretary.

5 (5) Approved treatment programs shall not provide alcoholism or
6 other drug addiction treatment services for which the approved
7 treatment program has not been certified. Approved treatment programs
8 may provide services for which approval has been sought and is pending,
9 if approval for the services has not been previously revoked or denied.

10 (6) The department periodically shall inspect approved public and
11 private treatment programs at reasonable times and in a reasonable
12 manner.

13 (7) The department shall maintain and periodically publish a
14 current list of approved treatment programs.

15 (8) Each approved treatment program shall file with the department
16 on request, data, statistics, schedules, and information the department
17 reasonably requires. An approved treatment program that without good
18 cause fails to furnish any data, statistics, schedules, or information
19 as requested, or files fraudulent returns thereof, may be removed from
20 the list of approved treatment programs, and its certification revoked
21 or suspended.

22 (9) The department shall use the data provided in subsection (8) of
23 this section to evaluate each program that admits children to inpatient
24 treatment upon application of their parents. The evaluation shall be
25 done at least once every twelve months. In addition, the department
26 shall randomly select and review the information on individual children
27 who are admitted on application of the child's parent for the purpose
28 of determining whether the child was appropriately placed into
29 treatment based on an objective evaluation of the child's condition and
30 the outcome of the child's treatment.

31 (10) Upon petition of the department and after a hearing held upon
32 reasonable notice to the facility, the superior court may issue a
33 warrant to an officer or employee of the department authorizing him or
34 her to enter and inspect at reasonable times, and examine the books and
35 accounts of, any approved public or private treatment program refusing
36 to consent to inspection or examination by the department or which the
37 department has reasonable cause to believe is operating in violation of
38 this chapter.

1 **Sec. 47.** RCW 70.96A.095 and 1991 c 364 s 9 are each amended to
2 read as follows:

3 (1) Any person (~~fourteen~~) thirteen years of age or older may give
4 consent for himself or herself to the furnishing of counseling, care,
5 treatment, or rehabilitation by a treatment program or by any person.
6 Consent of the parent, parents, or legal guardian of a person less than
7 eighteen years of age is not necessary to authorize the care, except
8 that the person shall not become a resident of the treatment program
9 without such permission except as provided in RCW 70.96A.120 or
10 70.96A.140. The parent, parents, or legal guardian of a person less
11 than eighteen years of age are not liable for payment of care for such
12 persons pursuant to this chapter, unless they have joined in the
13 consent to the counseling, care, treatment, or rehabilitation.

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

24 NEW SECTION. **Sec. 48.** A new section is added to chapter 70.96A
25 RCW to read as follows:

26 (1) The admission of any child under RCW 70.96A.095 may be reviewed
27 by the county-designated chemical dependency specialist between fifteen
28 and thirty days following admission. The county-designated chemical
29 dependency specialist may undertake the review on his or her own
30 initiative and may seek reimbursement from the parents, their
31 insurance, or medicaid for the expense of the review.

32 (2) The department shall ensure a review is conducted no later than
33 sixty days following admission to determine whether it is medically
34 appropriate to continue the child's treatment on an inpatient basis.
35 The department may, subject to available funds, contract with a county
36 for the conduct of the review conducted under this subsection and may
37 seek reimbursement from the parents, their insurance, or medicaid for
38 the expense of any review conducted by an agency under contract.

1 If the county-designated chemical dependency specialist determines
2 that continued inpatient treatment of the child is no longer medically
3 appropriate, the specialist shall notify the facility, the child, the
4 child's parents, and the department of the finding within twenty-four
5 hours of the determination.

6 (3) For purposes of eligibility for medical assistance under
7 chapter 74.09 RCW, children in inpatient mental health or chemical
8 dependency treatment shall be considered to be part of their parent's
9 or legal guardian's household, unless the child has been assessed by
10 the department of social and health services or its designee as likely
11 to require such treatment for at least ninety consecutive days, or is
12 in out-of-home care in accordance with chapter 13.34 RCW, or the
13 child's parents are found to not be exercising responsibility for care
14 and control of the child. Payment for such care by the department of
15 social and health services shall be made only in accordance with rules,
16 guidelines, and clinical criteria applicable to inpatient treatment of
17 minors established by the department.

18 **Sec. 49.** RCW 70.96A.140 and 1993 c 362 s 1 are each amended to
19 read as follows:

20 (1) When a designated chemical dependency specialist receives
21 information alleging that a person is incapacitated as a result of
22 chemical dependency, the designated chemical dependency specialist,
23 after investigation and evaluation of the specific facts alleged and of
24 the reliability and credibility of the information, may file a petition
25 for commitment of such person with the superior court or district
26 court.

27 If a petition for commitment is not filed in the case of a minor,
28 the parent, guardian, or custodian who has custody of the minor may
29 seek review of that decision made by the designated chemical dependency
30 specialist in superior or district court. The parent, guardian, or
31 custodian shall file notice with the court and provide a copy of the
32 designated chemical dependency specialist's report.

33 If the designated chemical dependency specialist finds that the
34 initial needs of such person would be better served by placement within
35 the mental health system, the person shall be referred to an evaluation
36 and treatment facility as defined in RCW 71.05.020 or 71.34.020. If
37 placement in a chemical dependency program is available and deemed
38 appropriate, the petition shall allege that: The person is chemically

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

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

37 (3) At the hearing the court shall hear all relevant testimony,
38 including, if possible, the testimony, which may be telephonic, of at
39 least one licensed physician who has examined the person whose

1 commitment is sought. Communications otherwise deemed privileged under
2 the laws of this state are deemed to be waived in proceedings under
3 this chapter when a court of competent jurisdiction in its discretion
4 determines that the waiver is necessary to protect either the detained
5 person or the public. The waiver of a privilege under this section is
6 limited to records or testimony relevant to evaluation of the detained
7 person for purposes of a proceeding under this chapter. Upon motion by
8 the detained person, or on its own motion, the court shall examine a
9 record or testimony sought by a petitioner to determine whether it is
10 within the scope of the waiver.

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

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

37 (5) A person committed under this section shall remain in the
38 program for treatment for a period of sixty days unless sooner
39 discharged. At the end of the sixty-day period, he or she shall be

1 discharged automatically unless the program, before expiration of the
2 period, files a petition for his or her recommitment upon the grounds
3 set forth in subsection (1) of this section for a further period of
4 ninety days unless sooner discharged.

5 If a petition for recommitment is not filed in the case of a minor,
6 the parent, guardian, or custodian who has custody of the minor may
7 seek review of that decision made by the designated chemical dependency
8 specialist in superior or district court. The parent, guardian, or
9 custodian shall file notice with the court and provide a copy of the
10 treatment progress report.

11 If a person has been committed because he or she is chemically
12 dependent and likely to inflict physical harm on another, the program
13 shall apply for recommitment if after examination it is determined that
14 the likelihood still exists.

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

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

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

37 (a) In case of a chemically dependent person committed on the
38 grounds of likelihood of infliction of physical harm upon himself,
39 herself, or another, the likelihood no longer exists; or further

1 treatment will not be likely to bring about significant improvement in
2 the person's condition, or treatment is no longer adequate or
3 appropriate.

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

7 (9) The court shall inform the person whose commitment or
8 recommitment is sought of his or her right to contest the application,
9 be represented by counsel at every stage of any proceedings relating to
10 his or her commitment and recommitment, and have counsel appointed by
11 the court or provided by the court, if he or she wants the assistance
12 of counsel and is unable to obtain counsel. If the court believes that
13 the person needs the assistance of counsel, the court shall require, by
14 appointment if necessary, counsel for him or her regardless of his or
15 her wishes. The person shall, if he or she is financially able, bear
16 the costs of such legal service; otherwise such legal service shall be
17 at public expense. The person whose commitment or recommitment is
18 sought shall be informed of his or her right to be examined by a
19 licensed physician of his or her choice. If the person is unable to
20 obtain a licensed physician and requests examination by a physician,
21 the court shall employ a licensed physician.

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

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

27 (12) When in the opinion of the professional person in charge of
28 the program providing involuntary treatment under this chapter, the
29 committed patient can be appropriately served by less restrictive
30 treatment before expiration of the period of commitment, then the less
31 restrictive care may be required as a condition for early release for
32 a period which, when added to the initial treatment period, does not
33 exceed the period of commitment. If the program designated to provide
34 the less restrictive treatment is other than the program providing the
35 initial involuntary treatment, the program so designated must agree in
36 writing to assume such responsibility. A copy of the conditions for
37 early release shall be given to the patient, the designated chemical
38 dependency specialist of original commitment, and the court of original
39 commitment. The program designated to provide less restrictive care

1 may modify the conditions for continued release when the modifications
2 are in the best interests of the patient. If the program providing
3 less restrictive care and the designated chemical dependency specialist
4 determine that a conditionally released patient is failing to adhere to
5 the terms and conditions of his or her release, or that substantial
6 deterioration in the patient's functioning has occurred, then the
7 designated chemical dependency specialist shall notify the court of
8 original commitment and request a hearing to be held no less than two
9 and no more than seven days after the date of the request to determine
10 whether or not the person should be returned to more restrictive care.
11 The designated chemical dependency specialist shall file a petition
12 with the court stating the facts substantiating the need for the
13 hearing along with the treatment recommendations. The patient shall
14 have the same rights with respect to notice, hearing, and counsel as
15 for the original involuntary treatment proceedings. The issues to be
16 determined at the hearing are whether the conditionally released
17 patient did or did not adhere to the terms and conditions of his or her
18 release to less restrictive care or that substantial deterioration of
19 the patient's functioning has occurred and whether the conditions of
20 release should be modified or the person should be returned to a more
21 restrictive program. The hearing may be waived by the patient and his
22 or her counsel and his or her guardian or conservator, if any, but may
23 not be waived unless all such persons agree to the waiver. Upon
24 waiver, the person may be returned for involuntary treatment or
25 continued on conditional release on the same or modified conditions.

26 NEW SECTION. **Sec. 50.** A new section is added to chapter 70.96A
27 RCW to read as follows:

28 Any provider of treatment in an approved treatment program who
29 provides treatment to a minor under RCW 70.96A.095(1) must provide
30 notice of the request for treatment to the minor's parents. The notice
31 must be made within forty-eight hours of the request for treatment,
32 excluding Saturdays, Sundays, and holidays, and must contain the same
33 information as required under RCW 71.34.030(2)(b).

34 NEW SECTION. **Sec. 51.** A new section is added to chapter 70.96A
35 RCW to read as follows:

1 Nothing in this chapter authorizes school district personnel to
2 refer minors to any treatment program or treatment provider without
3 providing notice of the referral to the parent, parents, or guardians.

4 **Sec. 52.** RCW 71.34.030 and 1985 c 354 s 3 are each amended to read
5 as follows:

6 (1) Any minor thirteen years or older may request and receive
7 outpatient treatment without the consent of the minor's parent.
8 Parental authorization is required for outpatient treatment of a minor
9 under the age of thirteen.

10 (2) When in the judgment of the professional person in charge of an
11 evaluation and treatment facility there is reason to believe that a
12 minor is in need of inpatient treatment because of a mental disorder,
13 and the facility provides the type of evaluation and treatment needed
14 by the minor, and it is not feasible to treat the minor in any less
15 restrictive setting or the minor's home, the minor may be admitted to
16 an evaluation and treatment facility in accordance with the following
17 requirements:

18 ~~((A minor under thirteen years of age may only be admitted on
19 the application of the minor's parent.~~

20 ~~((b))) A minor ((thirteen years or older)) may be voluntarily
21 admitted by application of the parent. ((Such application must be
22 accompanied by the written consent, knowingly and voluntarily given, of
23 the minor.)) The consent of the minor is not required for the minor to
24 be evaluated and admitted as appropriate.~~

25 ~~((e))) (b) A minor thirteen years or older may, with the
26 concurrence of the professional person in charge of an evaluation and
27 treatment facility, admit himself or herself without parental consent
28 to the evaluation and treatment facility, provided that notice is given
29 by the facility to the minor's parent in accordance with the following
30 requirements:~~

31 (i) Notice of the minor's admission shall be in the form most
32 likely to reach the parent within twenty-four hours of the minor's
33 voluntary admission and shall advise the parent that the minor has been
34 admitted to inpatient treatment; the location and telephone number of
35 the facility providing such treatment; and the name of a professional
36 person on the staff of the facility providing treatment who is
37 designated to discuss the minor's need for inpatient treatment with the
38 parent.

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

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

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

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

13 (vi) The hearing shall be conducted by a judge, court commissioner,
14 or licensed attorney designated by the superior court as a hearing
15 officer for such hearing. The hearing may be held at the treatment
16 facility.

17 (vii) At such hearing, the facility must demonstrate by a
18 preponderance of the evidence presented at the hearing that the minor
19 is in need of inpatient treatment and that release would constitute a
20 threat to the minor's health or safety. The hearing shall not be
21 conducted using the rules of evidence, and the admission or exclusion
22 of evidence sought to be presented shall be within the exercise of
23 sound discretion by the judicial officer conducting the hearing.

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

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

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

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

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

37 (c) The staff member receiving the notice shall date it
38 immediately, record its existence in the minor's clinical record, and

1 send copies of it to the minor's attorney, if any, the county-
2 designated mental health professional, and the parent.

3 (d) The professional person in charge of the evaluation and
4 treatment facility shall discharge the minor, thirteen years or older,
5 from the facility within twenty-four hours after receipt of the minor's
6 notice of intent to leave, unless the county-designated mental health
7 professional or a parent or legal guardian files a petition or an
8 application for initial detention within the time prescribed by this
9 chapter.

10 (4) The ability of a parent to apply to a certified evaluation and
11 treatment program for the involuntary admission of his or her minor
12 child does not create a right to obtain or benefit from any funds or
13 resources of the state. However, the state may provide services for
14 indigent minors to the extent that funds are available therefor.

15 **Sec. 53.** RCW 71.34.050 and 1985 c 354 s 5 are each amended to read
16 as follows:

17 (1) When a county-designated mental health professional receives
18 information that a minor, thirteen years or older, as a result of a
19 mental disorder presents a likelihood of serious harm or is gravely
20 disabled, has investigated the specific facts alleged and of the
21 credibility of the person or persons providing the information, and has
22 determined that voluntary admission for inpatient treatment is not
23 possible, the county-designated mental health professional may take the
24 minor, or cause the minor to be taken, into custody and transported to
25 an evaluation and treatment facility providing inpatient treatment.

26 If the minor is not taken into custody for evaluation and
27 treatment, the parent who has custody of the minor may seek review of
28 that decision made by the county designated mental health professional
29 in court. The parent shall file notice with the court and provide a
30 copy of the county designated mental health professional's report or
31 notes.

32 (2) Within twelve hours of the minor's arrival at the evaluation
33 and treatment facility, the county-designated mental health
34 professional shall serve on the minor a copy of the petition for
35 initial detention, notice of initial detention, and statement of
36 rights. The county-designated mental health professional shall file
37 with the court on the next judicial day following the initial detention
38 the original petition for initial detention, notice of initial

1 detention, and statement of rights along with an affidavit of service.
2 The county-designated mental health professional shall commence service
3 of the petition for initial detention and notice of the initial
4 detention on the minor's parent and the minor's attorney as soon as
5 possible following the initial detention.

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

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

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

23 (5) If a minor is not approved for admission by the inpatient
24 evaluation and treatment facility, the facility shall make such
25 recommendations and referrals for further care and treatment of the
26 minor as necessary.

27 **Sec. 54.** RCW 71.34.070 and 1985 c 354 s 7 are each amended to read
28 as follows:

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

34 If the professional person in charge of the treatment and
35 evaluation facility does not petition to have the minor committed, the
36 parent who has custody of the minor may seek review of that decision in
37 court. The parent shall file notice with the court and provide a copy
38 of the treatment and evaluation facility's report.

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

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

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

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

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

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

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

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

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

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

26 NEW SECTION. Sec. 55. A new section is added to chapter 71.34 RCW
27 to read as follows:

28 Any provider of treatment at an evaluation and treatment facility
29 who provides treatment to a minor under RCW 71.34.030(1) must provide
30 notice of the request for treatment to the minor's parents. The notice
31 must be made within forty-eight hours of the request for treatment,
32 excluding Saturdays, Sundays, and holidays, and must contain the same
33 information as required under RCW 71.34.030(2)(b).

34 NEW SECTION. Sec. 56. A new section is added to chapter 71.34 RCW
35 to read as follows:

36 (1) The admission of any child under RCW 71.34.030 may be reviewed
37 by the county-designated mental health professional between fifteen and

1 thirty days following admission. The county-designated mental health
2 professional may undertake the review on his or her own initiative and
3 may seek reimbursement from the parents, their insurance, or medicaid
4 for the expense of the review.

5 (2) The department shall ensure a review is conducted no later than
6 sixty days following admission to determine whether it is medically
7 appropriate to continue the child's treatment on an inpatient basis.
8 The department may, subject to available funds, contract with a county
9 for the conduct of the review conducted under this subsection and may
10 seek reimbursement from the parents, their insurance, or medicaid for
11 the expense of any review conducted by an agency under contract.

12 If the county-designated mental health professional determines that
13 continued inpatient treatment of the child is no longer medically
14 appropriate, the professional shall notify the facility, the child, the
15 child's parents, and the department of the finding within twenty-four
16 hours of the determination.

17 (3) For purposes of eligibility for medical assistance under
18 chapter 74.09 RCW, children in inpatient mental health or chemical
19 dependency treatment shall be considered to be part of their parent's
20 or legal guardian's household, unless the child has been assessed by
21 the department of social and health services or its designee as likely
22 to require such treatment for at least ninety consecutive days, or is
23 in out-of-home care in accordance with chapter 13.34 RCW, or the
24 child's parents are found to not be exercising responsibility for care
25 and control of the child. Payment for such care by the department of
26 social and health services shall be made only in accordance with rules,
27 guidelines, and clinical criteria applicable to inpatient treatment of
28 minors established by the department.

29 NEW SECTION. **Sec. 57.** A new section is added to chapter 71.34 RCW
30 to read as follows:

31 Nothing in this chapter authorizes school district personnel to
32 refer minors to any evaluation and treatment program or mental health
33 professional without providing notice of the referral to the minor's
34 parent.

35 NEW SECTION. **Sec. 58.** A new section is added to chapter 71.34 RCW
36 to read as follows:

1 The department shall randomly select and review the information on
2 children who are admitted to in-patient treatment on application of the
3 child's parent. The review shall determine whether the children
4 reviewed were appropriately admitted into treatment based on an
5 objective evaluation of the child's condition and the outcome of the
6 child's treatment.

7 **Sec. 59.** RCW 74.13.031 and 1990 c 146 s 9 are each amended to read
8 as follows:

9 The department shall have the duty to provide child welfare
10 services as defined in RCW 74.13.020, and shall:

11 (1) Develop, administer, supervise, and monitor a coordinated and
12 comprehensive plan that establishes, aids, and strengthens services for
13 the protection and care of homeless, runaway, dependent, or neglected
14 children.

15 (2) Develop a recruiting plan for recruiting an adequate number of
16 prospective adoptive and foster homes, both regular and specialized,
17 ~~((i.e.))~~ including homes for children of ethnic minority, ~~((including))~~
18 Indian homes for Indian children, sibling groups, handicapped and
19 emotionally disturbed, and annually submit the plan for review to the
20 ~~((house and senate committees on social and health services))~~
21 legislature. The plan shall include a section entitled "Foster Home
22 Turn-Over, Causes and Recommendations."

23 (3) Investigate complaints of neglect, abuse, or abandonment of
24 children, and on the basis of the findings of such investigation, offer
25 child welfare services in relation to the problem to such parents,
26 legal custodians, or persons serving in loco parentis, and/or bring the
27 situation to the attention of an appropriate court, or another
28 community agency~~((: PROVIDED, That an))~~. No investigation is ~~((not))~~
29 required of nonaccidental injuries which are clearly not the result of
30 a lack of care or supervision by the child's parents, legal custodians,
31 or persons serving in loco parentis. If ~~((the))~~ an investigation
32 reveals that a crime may have been committed, the department shall
33 notify the appropriate law enforcement agency.

34 (4) Offer, on a voluntary basis, family reconciliation services to
35 families who are in conflict.

36 (5) Monitor out-of-home placements, on a timely and routine basis,
37 to assure the safety, well-being, and quality of care being provided is
38 within the scope of the intent of the legislature as defined in RCW

1 74.13.010 and 74.15.010, and annually submit a report delineating the
2 results to the ~~((house and senate committees on social and health
3 services)) legislature.~~

4 (6) Have authority to accept custody of children from parents and
5 ~~((to accept custody of children from))~~ juvenile courts, where
6 authorized to do so under law, to provide child welfare services
7 including placement for adoption, and to provide for the physical care
8 of such children and make payment of maintenance costs if needed.
9 Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no
10 private adoption agency which receives children for adoption from the
11 department shall discriminate on the basis of race, creed, or color
12 when considering applications in their placement for adoption.

13 (7) Have authority to provide temporary shelter to children who
14 have run away from home and who are admitted to crisis residential
15 centers.

16 (8) Have authority to purchase care for children~~((;))~~ and ~~((shall
17 follow in general the policy of using))~~ use properly approved private
18 agency services for the ~~((actual))~~ care and supervision of such
19 children insofar as they are available, paying for care of such
20 children as are accepted by the department as eligible for support at
21 reasonable rates established by the department.

22 (9) Establish a children's services advisory committee which shall
23 assist the secretary in the development of a partnership plan for
24 utilizing resources of the public and private sectors, and advise on
25 all matters pertaining to child welfare, day care, licensing of child
26 care agencies, adoption, and related services ~~((related thereto))~~. At
27 least one-third of the membership shall be ~~((composed of))~~ child care
28 providers, and at least one member shall represent the adoption
29 community.

30 (10) Have authority to provide continued foster care or group care
31 for individuals from eighteen through twenty years of age to enable
32 them to complete their high school or vocational school program.

33 (11) Have authority within funds appropriated for foster care
34 services to purchase care for Indian children who are in the custody of
35 a federally recognized Indian tribe or tribally licensed child-placing
36 agency pursuant to parental consent, tribal court order, or state
37 juvenile court order~~((; and))~~. The purchase of such care ~~((shall be))~~
38 is subject to the same eligibility standards and rates of support
39 applicable to other children for whom the department purchases care.

1 Notwithstanding any other provision of RCW 13.32A.170 through
2 13.32A.200 and 74.13.032 through 74.13.036, or of this section, all
3 services to be provided by the department of social and health services
4 under subsections (4)~~((7))~~ and (6)~~((7 and (7)))~~ of this section,
5 subject to the limitations of these subsections, may be provided by any
6 program offering such services funded pursuant to Titles II and III of
7 the federal juvenile justice and delinquency prevention act of 1974.

8 **Sec. 60.** RCW 74.13.032 and 1979 c 155 s 78 are each amended to
9 read as follows:

10 (1) The department shall establish, by contracts with private
11 vendors, ~~((not less than eight))~~ regional crisis residential centers~~((7~~
12 ~~which))~~ with semi-secure facilities. These facilities shall be
13 structured group care facilities licensed under rules adopted by the
14 department~~((Each regional center))~~ and shall have an average of at
15 least four adult staff members and in no event less than three adult
16 staff members to every eight children. ~~((The staff shall be trained so~~
17 ~~that they may effectively counsel juveniles admitted to the centers,~~
18 ~~provide treatment, supervision, and structure to the juveniles, and~~
19 ~~carry out the responsibilities outlined in RCW 13.32A.090.))~~

20 (2) Within available funds appropriated for this purpose, the
21 department shall establish, by contracts with private vendors, regional
22 crisis residential centers with secure facilities. These facilities
23 shall be facilities licensed under rules adopted by the department.
24 These centers may also include semi-secure facilities and to such
25 extent shall be subject to subsection (1) of this section.

26 (3) The department shall, in addition to the ~~((regional))~~
27 facilities established under subsections (1) and (2) of this section,
28 establish ~~((not less than thirty))~~ additional crisis residential
29 centers pursuant to contract with licensed private group care ~~((or~~
30 ~~specialized foster home))~~ facilities.

31 (4) The staff at the facilities established under this section
32 shall be trained so that they may effectively counsel juveniles
33 admitted to the centers, provide treatment, supervision, and structure
34 to the juveniles that recognize the need for support and the varying
35 circumstances that cause children to leave their families, and carry
36 out the responsibilities stated in RCW 13.32A.090. The
37 responsibilities stated in RCW 13.32A.090 may, in any of the centers,
38 be carried out by the department.

1 (5) The secure facilities located within crisis residential
2 ((facilities)) centers shall be operated ((as semi-secure facilities))
3 to conform with the definition in RCW 13.32A.030. The facilities shall
4 have an average of no more than three adult staff members to every
5 eight children. The staffing ratio shall continue to ensure the safety
6 of the children.

7 (6) A center with secure facilities created under this section may
8 not be located within, or on the same grounds as, other secure
9 structures including jails, juvenile detention facilities operated by
10 the state, or units of local government. However, the secretary may,
11 following consultation with the appropriate county legislative
12 authority, make a written finding that location of a center with secure
13 facilities on the same grounds as another secure structure is the only
14 practical location for a secure facility. Upon the written finding a
15 secure facility may be located on the same grounds as the secure
16 structure. Where a center is located in or adjacent to a secure
17 juvenile detention facility, the center shall be operated in a manner
18 that prevents in-person contact between the residents of the center and
19 the persons held in such facility.

20 NEW SECTION. Sec. 61. A new section is added to chapter 74.13 RCW
21 to read as follows:

22 No contract may provide reimbursement or compensation to a crisis
23 residential center's secure facility for any service delivered or
24 provided to a resident child after five consecutive days of residence.

25 Sec. 62. RCW 74.13.033 and 1992 c 205 s 213 are each amended to
26 read as follows:

27 (1) If a resident of a center becomes by his or her behavior
28 disruptive to the facility's program, such resident may be immediately
29 removed to a separate area within the facility and counseled on an
30 individual basis until such time as the child regains his or her
31 composure. The department may set rules and regulations establishing
32 additional procedures for dealing with severely disruptive children on
33 the premises(~~(, which procedures are consistent with the federal~~
34 ~~juvenile justice and delinquency prevention act of 1974 and regulations~~
35 ~~and clarifying instructions promulgated thereunder. Nothing in this~~
36 ~~section shall prohibit a center from referring any child who, as the~~
37 ~~result of a mental or emotional disorder, or intoxication by alcohol or~~

1 ~~other drugs, is suicidal, seriously assaultive or seriously destructive~~
2 ~~toward others, or otherwise similarly evidences an immediate need for~~
3 ~~emergency medical evaluation and possible care, for evaluation pursuant~~
4 ~~to chapter 71.34 RCW or to a mental health professional pursuant to~~
5 ~~chapter 71.05 RCW whenever such action is deemed appropriate and~~
6 ~~consistent with law)).~~

7 (2) When the juvenile resides in this facility, all services deemed
8 necessary to the juvenile's reentry to normal family life shall be made
9 available to the juvenile as required by chapter 13.32A RCW. In
10 assessing the child and providing these services, the facility staff
11 shall:

12 (a) Interview the juvenile as soon as possible;

13 (b) Contact the juvenile's parents and arrange for a counseling
14 interview with the juvenile and his or her parents as soon as possible;

15 (c) Conduct counseling interviews with the juvenile and his or her
16 parents, to the end that resolution of the child/parent conflict is
17 attained and the child is returned home as soon as possible; ((and))

18 (d) Provide additional crisis counseling as needed, to the end that
19 placement of the child in the crisis residential center will be
20 required for the shortest time possible, but not to exceed five
21 consecutive days; and

22 (e) Convene, when appropriate, a multidisciplinary team.

23 (3) Based on the assessments done under subsection (2) of this
24 section the facility staff may refer any child who, as the result of a
25 mental or emotional disorder, or intoxication by alcohol or other
26 drugs, is suicidal, seriously assaultive, or seriously destructive
27 toward others, or otherwise similarly evidences an immediate need for
28 emergency medical evaluation and possible care, for evaluation pursuant
29 to chapter 71.34 RCW, to a mental health professional pursuant to
30 chapter 71.05 RCW, or to a chemical dependency specialist pursuant to
31 chapter 70.96A RCW whenever such action is deemed appropriate and
32 consistent with law.

33 (4) A juvenile taking unauthorized leave from ((this residence
34 may)) a facility shall be apprehended and returned to it by law
35 enforcement officers or other persons designated as having this
36 authority as provided in RCW 13.32A.050. If returned to the facility
37 after having taken unauthorized leave for a period of more than twenty-
38 four hours a juvenile ((may)) shall be supervised by such a facility
39 for a period, pursuant to this chapter, which, unless where otherwise

1 provided, may not exceed five consecutive days on the premises. Costs
2 of housing juveniles admitted to crisis residential centers shall be
3 assumed by the department for a period not to exceed five consecutive
4 days.

5 **Sec. 63.** RCW 74.13.034 and 1992 c 205 s 214 are each amended to
6 read as follows:

7 (1) A child taken into custody and taken to a crisis residential
8 center established pursuant to RCW 74.13.032(~~(+2)~~) may, if the center
9 is unable to provide appropriate treatment, supervision, and structure
10 to the child, be taken at department expense to another crisis
11 residential center (~~(or)~~), the nearest regional secure crisis
12 residential center, or a secure facility with which it is collocated
13 under RCW 74.13.032. Placement in both (~~(centers)~~) locations shall not
14 exceed five consecutive days from the point of intake as provided in
15 RCW 13.32A.130.

16 (2) A child taken into custody and taken to a crisis residential
17 center established by this chapter may be placed physically by the
18 department or the department's designee and, at departmental expense
19 and approval, in a secure juvenile detention facility operated by the
20 county in which the center is located for a maximum of forty-eight
21 hours, including Saturdays, Sundays, and holidays, if the child has
22 taken unauthorized leave from the center and the person in charge of
23 the center determines that the center cannot provide supervision and
24 structure adequate to ensure that the child will not again take
25 unauthorized leave. Juveniles placed in such a facility pursuant to
26 this section may not, to the extent possible, come in contact with
27 alleged or convicted juvenile or adult offenders.

28 (3) Any child placed in secure detention pursuant to this section
29 shall, during the period of confinement, be provided with appropriate
30 treatment by the department or the department's designee, which shall
31 include the services defined in RCW 74.13.033(2). If the child placed
32 in secure detention is not returned home or if an alternative living
33 arrangement agreeable to the parent and the child is not made within
34 twenty-four hours after the child's admission, the child shall be taken
35 at the department's expense to a crisis residential center. Placement
36 in the crisis residential center or centers plus placement in juvenile
37 detention shall not exceed five consecutive days from the point of
38 intake as provided in RCW 13.32A.130.

1 (4) Juvenile detention facilities used pursuant to this section
2 shall first be certified by the department to ensure that juveniles
3 placed in the facility pursuant to this section are provided with
4 living conditions suitable to the well-being of the child. Where space
5 is available, juvenile courts, when certified by the department to do
6 so, shall provide secure placement for juveniles pursuant to this
7 section, at department expense.

8 ~~((5) It is the intent of the legislature that by July 1, 1982,~~
9 ~~crisis residential centers, supplemented by community mental health~~
10 ~~programs and mental health professionals, will be able to respond~~
11 ~~appropriately to children admitted to centers under this chapter and~~
12 ~~will be able to respond to the needs of such children with appropriate~~
13 ~~treatment, supervision, and structure.))~~

14 **Sec. 64.** RCW 74.13.035 and 1979 c 155 s 81 are each amended to
15 read as follows:

16 Crisis residential centers shall compile ~~((yearly))~~ quarterly
17 records which shall be transmitted to the department and which shall
18 contain information regarding population profiles of the children
19 admitted to the centers during each past calendar year. Such
20 information shall include but shall not be limited to the following:

- 21 (1) The number, county of residency, age, and sex of children
22 admitted to custody;
- 23 (2) Who brought the children to the center;
- 24 (3) Services provided to children admitted to the center;
- 25 (4) The circumstances which necessitated the children being brought
26 to the center;
- 27 (5) The ultimate disposition of cases;
- 28 (6) The number of children admitted to custody who ran away from
29 the center and their ultimate disposition, if any;
- 30 (7) Length of stay.

31 The department may require the provision of additional information and
32 may require each center to provide all such necessary information in a
33 uniform manner.

34 The department shall report to the legislature within one year of
35 the initial contracts establishing crisis residential centers operated
36 as a secure facility. The report shall evaluate and compare the
37 information required to be compiled in this section for the secure and
38 semi-secure facilities of crisis residential centers. The department

1 shall include plans for establishing secure facilities as funds are
2 appropriated.

3 A center may, in addition to being licensed as such, also be
4 licensed as a (~~family foster home or~~) group care facility and may
5 house on the premises juveniles assigned for temporary out-of-home
6 placement or foster or group care.

7 **Sec. 65.** RCW 74.13.036 and 1989 c 175 s 147 are each amended to
8 read as follows:

9 (1) The department of social and health services shall oversee
10 implementation of chapter 13.34 RCW and chapter 13.32A RCW. The
11 oversight shall be comprised of working with affected parts of the
12 criminal justice and child care systems as well as with local
13 government, legislative, and executive authorities to effectively carry
14 out these chapters. The department shall work with all such entities
15 to ensure that chapters 13.32A and 13.34 RCW are implemented in a
16 uniform manner throughout the state.

17 (2) The department shall(~~, by January 1, 1986,~~) develop a plan
18 and procedures, in cooperation with the state-wide advisory committee,
19 to insure the full implementation of the provisions of chapter 13.32A
20 RCW. Such plan and procedures shall include but are not limited to:

21 (a) Procedures defining and delineating the role of the department
22 and juvenile court with regard to the execution of the (~~alternative~~
23 ~~residential~~) child in need of services placement process;

24 (b) Procedures for designating department staff responsible for
25 family reconciliation services;

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

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

32 (~~The plan and procedures required under this subsection shall be~~
33 ~~submitted to the appropriate standing committees of the legislature by~~
34 ~~January 1, 1986.~~)

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

1 (3) In addition to its other oversight duties, the department
2 shall:

3 (a) Identify and evaluate resource needs in each region of the
4 state;

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

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

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

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

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

17 (~~(5) Where appropriate, the department shall request opinions from
18 the attorney general regarding correct construction of these laws.~~)

19 NEW SECTION. **Sec. 66.** A new section is added to chapter 28A.225
20 RCW to read as follows:

21 For purposes of this chapter, "community truancy board" means a
22 board composed of members of the local community in which the child
23 attends school. The local school district boards of directors may
24 create a community truancy board. Members of the board shall be
25 selected from representatives of the community. Duties of a community
26 truancy board shall include, but not be limited to, recommending
27 methods for improving school attendance.

28 **Sec. 67.** RCW 28A.225.020 and 1992 c 205 s 202 are each amended to
29 read as follows:

30 If a ((juvenile)) child required to attend school under the laws of
31 the state of Washington fails to attend school without valid
32 justification, the ((juvenile's)) child's school shall:

33 (1) Inform the ((juvenile's)) child's custodial parent, parents, or
34 guardian by a notice in writing or by telephone ((that)) whenever the
35 ((juvenile)) child has failed to attend school ((without valid
36 justification)) after one unexcused absence within any month during the
37 current school year;

1 (2) Schedule a conference or conferences with the custodial parent,
2 parents, or guardian and ((juvenile)) child at a time and place
3 reasonably convenient for all persons included for the purpose of
4 analyzing the causes of the ((juvenile's)) child's absences after two
5 unexcused absences within any month during the current school year. If
6 a regularly scheduled parent-teacher conference day is to take place
7 within thirty days of the second unexcused absence, then the school
8 district may schedule this conference on that day; and

9 (3) Take steps to eliminate or reduce the ((juvenile's)) child's
10 absences. These steps shall include, where appropriate, adjusting the
11 ((juvenile's)) child's school program or school or course assignment,
12 providing more individualized or remedial instruction, ((preparing the
13 juvenile for employment with specific)) providing appropriate
14 vocational courses or work experience, or ((both)) refer the child to
15 a community truancy board, ((and)) or assisting the parent or
16 ((student)) child to obtain supplementary services that might eliminate
17 or ameliorate the cause or causes for the absence from school.

18 **Sec. 68.** RCW 28A.225.030 and 1992 c 205 s 203 are each amended to
19 read as follows:

20 If the actions taken by a school ((pursuant to)) district under RCW
21 28A.225.020 ((is)) are not successful in substantially reducing ((a))
22 an enrolled student's absences from school, ((any of the following
23 actions may be taken after five or more)) upon the fifth unexcused
24 absence((s)) by a child within any month during the current school year
25 or upon the tenth unexcused absence during the current school year((+
26 {1) The attendance officer of)) the school district ((through its
27 attorney may)) shall file a petition with the juvenile court ((to
28 assume jurisdiction under RCW 28A.200.010, 28A.200.020, and 28A.225.010
29 through 28A.225.150 for the purpose of)) alleging a violation of RCW
30 28A.225.010: (1) By the parent; ((or)) (2) ((a petition alleging a
31 violation of RCW 28A.225.010 by a)) by the child ((may be filed with
32 the juvenile court by the parent of such child or by the attendance
33 officer of the school district through its attorney at the request of
34 the parent. If the court assumes jurisdiction in such an instance, the
35 provisions of RCW 28A.200.010, 28A.200.020, and 28A.225.010 through
36 28A.225.150, except where otherwise stated, shall apply)); or (3) by
37 the parent and the child.

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

6 NEW SECTION. Sec. 69. A new section is added to chapter 28A.225
7 RCW to read as follows:

8 (1) A petition under RCW 28A.225.030 shall consist of a written
9 notification to the court alleging that:

10 (a) The child has five or more unexcused absences within any month
11 during the current school year or ten or more unexcused absences in the
12 current school year;

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

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

17 (2) The petition shall set forth the name, age, school, and
18 residence of the child and the names and residence of the child's
19 parents.

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

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

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

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

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

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

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

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

1 (7) If the court assumes jurisdiction, the school district shall
2 regularly report to the court any additional unexcused absences by the
3 child.

4 **Sec. 70.** RCW 36.18.020 and 1993 c 435 s 1 are each amended to read
5 as follows:

6 Clerks of superior courts shall collect the following fees for
7 their official services:

8 (1) The party filing the first or initial paper in any civil
9 action, including an action for restitution, or change of name, shall
10 pay, at the time ((said)) the paper is filed, a fee of one hundred ten
11 dollars except in proceedings filed under RCW 26.50.030 or 49.60.227
12 where the petitioner shall pay a filing fee of twenty dollars, or in
13 proceedings filed under RCW 28A.225.030 alleging a violation of the
14 compulsory attendance laws where the petitioner shall not pay a filing
15 fee, or an unlawful detainer action under chapter 59.18 or 59.20 RCW
16 where the plaintiff shall pay a filing fee of thirty dollars. If the
17 defendant serves or files an answer to an unlawful detainer complaint
18 under chapter 59.18 or 59.20 RCW, the plaintiff shall pay, prior to
19 proceeding with the unlawful detainer action, an additional eighty
20 dollars which shall be considered part of the filing fee. The thirty
21 dollar filing fee under this subsection for an unlawful detainer action
22 shall not include an order to show cause or any other order or judgment
23 except a default order or default judgment in an unlawful detainer
24 action.

25 (2) Any party, except a defendant in a criminal case, filing the
26 first or initial paper on an appeal from a court of limited
27 jurisdiction or any party on any civil appeal, shall pay, when ((said))
28 the paper is filed, a fee of one hundred ten dollars.

29 (3) The party filing a transcript or abstract of judgment or
30 verdict from a United States court held in this state, or from the
31 superior court of another county or from a district court in the county
32 of issuance, shall pay at the time of filing, a fee of fifteen dollars.

33 (4) For the filing of a tax warrant by the department of revenue of
34 the state of Washington, a fee of five dollars shall be paid.

35 (5) For the filing of a petition for modification of a decree of
36 dissolution, a fee of twenty dollars shall be paid.

37 (6) The party filing a demand for jury of six in a civil action,
38 shall pay, at the time of filing, a fee of fifty dollars; if the demand

1 is for a jury of twelve the fee shall be one hundred dollars. If,
2 after the party files a demand for a jury of six and pays the required
3 fee, any other party to the action requests a jury of twelve, an
4 additional fifty-dollar fee will be required of the party demanding the
5 increased number of jurors.

6 (7) For filing any paper, not related to or a part of any
7 proceeding, civil or criminal, or any probate matter, required or
8 permitted to be filed in the clerk's office for which no other charge
9 is provided by law, or for filing a petition, written agreement, or
10 memorandum as provided in RCW 11.96.170, the clerk shall collect twenty
11 dollars.

12 (8) For preparing, transcribing or certifying any instrument on
13 file or of record in the clerk's office, with or without seal, for the
14 first page or portion thereof, a fee of two dollars, and for each
15 additional page or portion thereof, a fee of one dollar. For
16 authenticating or exemplifying any instrument, a fee of one dollar for
17 each additional seal affixed.

18 (9) For executing a certificate, with or without a seal, a fee of
19 two dollars shall be charged.

20 (10) For each garnishee defendant named in an affidavit for
21 garnishment and for each writ of attachment, a fee of twenty dollars
22 shall be charged.

23 (11) For approving a bond, including justification thereon, in
24 other than civil actions and probate proceedings, a fee of two dollars
25 shall be charged.

26 (12) In probate proceedings, the party instituting such
27 proceedings, shall pay at the time of filing the first paper therein,
28 a fee of one hundred ten dollars: PROVIDED, HOWEVER, A fee of twenty
29 dollars shall be charged for filing a will only, when no probate of the
30 will is contemplated. Except as provided for in subsection (13) of
31 this section a fee of two dollars shall be charged for filing a
32 petition, written agreement, or memorandum as provided in RCW
33 11.96.170.

34 (13) For filing any petition to contest a will admitted to probate
35 or a petition to admit a will which has been rejected, or a petition
36 objecting to a written agreement or memorandum as provided in RCW
37 11.96.170, there shall be paid a fee of one hundred ten dollars.

1 (14) For the issuance of each certificate of qualification and each
2 certified copy of letters of administration, letters testamentary or
3 letters of guardianship there shall be a fee of two dollars.

4 (15) For the preparation of a passport application the clerk may
5 collect an execution fee as authorized by the federal government.

6 (16) For clerks' special services such as processing ex parte
7 orders by mail, performing historical searches, compiling statistical
8 reports, and conducting exceptional record searches the clerk may
9 collect a fee not to exceed twenty dollars per hour or portion of an
10 hour.

11 (17) For duplicated recordings of court's proceedings there shall
12 be a fee of ten dollars for each audio tape and twenty-five dollars for
13 each video tape.

14 (18) Upon conviction or plea of guilty, upon failure to prosecute
15 an appeal from a court of limited jurisdiction as provided by law, or
16 upon affirmance of a conviction by a court of limited jurisdiction, a
17 defendant in a criminal case shall be liable for a fee of one hundred
18 ten dollars.

19 (19) With the exception of demands for jury hereafter made and
20 garnishments hereafter issued, civil actions and probate proceedings
21 filed prior to midnight, July 1, 1972, shall be completed and governed
22 by the fee schedule in effect as of January 1, 1972: PROVIDED, That no
23 fee shall be assessed if an order of dismissal on the clerk's record be
24 filed as provided by rule of the supreme court.

25 (20) No fee shall be collected when a petition for relinquishment
26 of parental rights is filed pursuant to RCW 26.33.080 or for forms and
27 instructional brochures provided under RCW 26.50.030.

28 NEW SECTION. **Sec. 71.** A new section is added to chapter 28A.225
29 RCW to read as follows:

30 In any judicial district having a court commissioner, the court
31 commissioner shall have the power, authority, and jurisdiction,
32 concurrent with a juvenile court judge, to hear all cases under RCW
33 28A.225.030, 28A.225.090, and section 69 of this act and to enter
34 judgment and make orders with the same power, force, and effect as any
35 judge of the juvenile court, subject to motion or demand by any party
36 within ten days from the entry of the order or judgment by the court
37 commissioner as provided in RCW 2.24.050. In any judicial district
38 having a family law commissioner appointed pursuant to chapter 26.12

1 RCW, the family law commissioner shall have the power, authority, and
2 jurisdiction, concurrent with a juvenile court judge, to hear cases
3 under RCW 28A.225.030, 28A.225.090, and section 69 of this act and to
4 enter judgment and make orders with the same power, force, and effect
5 as any judge of the juvenile court, subject to motion or demand by any
6 party within ten days from the entry of the order or judgment by the
7 court commissioner as provided in RCW 2.24.050.

8 NEW SECTION. **Sec. 72.** A new section is added to chapter 28A.225
9 RCW to read as follows:

10 (1) Each school shall document the actions taken under RCW
11 28A.225.020 and 28A.225.030 and report this information at the end of
12 each grading period to the school district superintendent who shall
13 compile the data for all the schools in the district and prepare an
14 annual school district report for each school year and submit the
15 report to the superintendent of public instruction. The reports shall
16 be made upon forms furnished by the superintendent of public
17 instruction and shall be transmitted as determined by the
18 superintendent of public instruction.

19 (2) The reports under subsection (1) of this section shall include:

20 (a) The number of enrolled students and the number of excused and
21 unexcused absences;

22 (b) Documentation of the steps taken by the school district under
23 each subsection of RCW 28A.225.020;

24 (c) The number of enrolled students with ten or more unexcused
25 absences in a school year or five or more unexcused absences in a month
26 during a school year;

27 (d) Documentation of success by the school district in
28 substantially reducing enrolled student absences for students with five
29 or more absences in any month or ten or more unexcused absences in any
30 school year;

31 (e) The number of petitions filed by a school district or a parent
32 with the juvenile court; and

33 (f) The disposition of cases filed with the juvenile court,
34 including the frequency of contempt orders issued to enforce a court's
35 order under RCW 28A.225.090.

36 (3) A report required under this section shall not disclose the
37 name or other identification of a child or parent.

1 (4) The superintendent of public instruction shall collect these
2 reports from all school districts and prepare an annual report for each
3 school year to be submitted to the legislature no later than December
4 15th of each year.

5 **Sec. 73.** RCW 28A.225.060 and 1990 c 33 s 223 are each amended to
6 read as follows:

7 Any ~~((attendance officer))~~ school district official, sheriff,
8 deputy sheriff, marshal, police officer, or any other officer
9 authorized to make arrests, ~~((shall))~~ may take into custody without a
10 warrant a child who is required under the provisions of RCW 28A.225.010
11 through 28A.225.140 to attend school ~~((, such child then being a truant
12 from instruction at the school which he or she is lawfully required to
13 attend))~~ and is absent from school without an approved excuse, and
14 shall ~~((forthwith))~~ deliver ~~((a child so detained either))~~ the child
15 to: (1) ~~((to))~~ The custody of a person in parental relation to the
16 child ~~((or))~~; (2) ~~((to))~~ the school from which the child is ~~((then a
17 truant))~~ absent; or (3) a program designated by the school district.

18 **Sec. 74.** RCW 28A.225.090 and 1992 c 205 s 204 are each amended to
19 read as follows:

20 Any person violating any of the provisions of either RCW
21 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five
22 dollars for each day of unexcused absence from school. However, a
23 child found to be in violation of RCW 28A.225.010 shall be required to
24 attend school and shall not be fined. If the child fails to comply
25 with the court order to attend school, the court may: (1) Order the
26 child be punished by detention; or ((may)) (2) impose alternatives to
27 detention such as community service hours or participation in dropout
28 prevention programs or referral to a community truancy board, if
29 available. Failure by a child to comply with an order issued under
30 this section shall not be punishable by detention for a period greater
31 than that permitted pursuant to a contempt proceeding against a child
32 under chapter 13.32A RCW. It shall be a defense for a parent charged
33 with violating RCW 28A.225.010 to show that he or she exercised
34 reasonable diligence in attempting to cause a child in his or her
35 custody to attend school or that the ((juvenile's)) child's school did
36 not perform its duties as required in RCW 28A.225.020. The court may
37 order the parent to provide community service at the child's school

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

8 ~~((Attendance officers))~~ School districts shall make complaint for
9 violation of the provisions of RCW 28A.225.010 through 28A.225.140 to
10 a judge of the ~~((superior or district))~~ juvenile court.

11 **Sec. 75.** RCW 28A.225.110 and 1990 c 33 s 228 are each amended to
12 read as follows:

13 Notwithstanding the provisions of RCW 10.82.070, fifty percent of
14 all fines except as otherwise provided in RCW 28A.225.010 through
15 28A.225.140 shall ~~((inure and))~~ be applied to the support of the public
16 schools in the school district where such offense was committed:
17 PROVIDED, That all fees, fines, forfeitures, and penalties collected or
18 assessed by a district court because of the violation of a state law
19 shall be remitted as provided in chapter 3.62 RCW ~~((as now exists or is~~
20 ~~later amended))~~, and fifty percent shall be paid to the county
21 treasurer who shall deposit such amount to the credit of the courts in
22 the county for the exclusive purpose of enforcing the provisions of RCW
23 28A.225.010 through 28A.225.140.

24 NEW SECTION. **Sec. 76.** A new section is added to chapter 28A.225
25 RCW to read as follows:

26 (1) Prior to the beginning of each new semester, quarter, or other
27 academic period followed by a district, each district shall prepare a
28 list of its enrolled students who, during the previous one hundred
29 eighty days, have substantially failed to carry out their school
30 attendance responsibility under RCW 28A.225.010(1). The list shall be
31 effective for the duration of the new semester, quarter, or other
32 academic period. A student shall be considered to have "substantially
33 failed" to carry out this responsibility if the student has been absent
34 from school without excuse for five or more school days during the one
35 hundred eighty school days preceding the date on which the list is
36 published. For purposes of this subsection, the number of "school

1 days" absent without excuse shall be determined by dividing the number
2 of hours the student was absent without excuse by the number of hours
3 in the student's average school day.

4 (2) No student on the district's list prepared under subsection (1)
5 of this section shall be permitted to enroll in a traffic safety
6 education course offered by a school district or offered by a driver
7 training school under chapter 46.82 RCW or shall be permitted to obtain
8 an application for a driver's license under chapter 46.20 RCW. A
9 school district shall provide the notice specified under section 79 of
10 this act, resulting in the suspension of the student's driving
11 privilege.

12 NEW SECTION. **Sec. 77.** A new section is added to chapter 46.82 RCW
13 to read as follows:

14 A driver training school may not provide instruction in the
15 operation of an automobile to a minor who is subject to section 76 of
16 this act, unless the driver training school is provided with a
17 statement by the principal of the minor's school that the minor is not
18 on the school district's list of students who have substantially failed
19 to carry out their school attendance responsibilities.

20 **Sec. 78.** RCW 46.20.100 and 1990 c 250 s 36 are each amended to
21 read as follows:

22 The department of licensing shall not consider an application of
23 any minor under the age of eighteen years for a driver's license or the
24 issuance of a motorcycle endorsement for a particular category unless:

25 (1) The application is also signed by a parent or guardian having
26 the custody of such minor, or in the event a minor under the age of
27 eighteen has no father, mother, or guardian, then a driver's license
28 shall not be issued to the minor unless his or her application is also
29 signed by the minor's employer; ((and))

30 (2) If the applicant is a student subject to section 76 of this
31 act, the department is provided with proof that the applicant is not on
32 the district's list of students who have substantially failed to carry
33 out their school attendance responsibilities.

34 (3) The applicant has satisfactorily completed a traffic safety
35 education course as defined in RCW 28A.220.020, conducted by a
36 recognized secondary school, that meets the standards established by
37 the office of the state superintendent of public instruction or the

1 applicant has satisfactorily completed a traffic safety education
2 course, conducted by a commercial driving instruction enterprise, that
3 meets the standards established by the office of the superintendent of
4 public instruction and is officially approved by that office on an
5 annual basis: PROVIDED, HOWEVER, That the director may upon a showing
6 that an applicant was unable to take or complete a driver education
7 course waive that requirement if the applicant shows to the
8 satisfaction of the department that a need exists for the applicant to
9 operate a motor vehicle and he or she has the ability to operate a
10 motor vehicle in such a manner as not to jeopardize the safety of
11 persons or property, under rules to be promulgated by the department in
12 concert with the supervisor of the traffic safety education section,
13 office of the superintendent of public instruction. For a person under
14 the age of eighteen years to obtain a motorcycle endorsement, he or she
15 must successfully complete a motorcycle safety education course that
16 meets the standards established by the department of licensing.

17 The department may waive any education requirement under this
18 subsection for an applicant previously licensed to drive a motor
19 vehicle or motorcycle outside this state if the applicant provides
20 proof satisfactory to the department that he or she has had education
21 equivalent to that required under this subsection.

22 NEW SECTION. **Sec. 79.** A new section is added to chapter 46.20 RCW
23 to read as follows:

24 Upon receipt of a notice from a school district that a juvenile is
25 on the district's list of students who have substantially failed to
26 carry out their school attendance responsibilities under section 76 of
27 this act, the department shall suspend for ninety days all driving
28 privileges of such student. The department shall adopt rules to
29 implement this section.

30 NEW SECTION. **Sec. 80.** The superintendent of public instruction,
31 in consultation with school districts and the department of licensing,
32 shall develop necessary forms and procedures for demonstrating that
33 juveniles are not on the school district's list of students who have
34 substantially failed to carry out their school attendance
35 responsibilities. The procedures shall be established and operational
36 by September 1, 1996.

1 NEW SECTION. **Sec. 81.** (1) The Washington state institute for
2 public policy shall review and evaluate the process of filing petitions
3 under RCW 28A.225.030 and section 69 of this act, including:

4 (a) The number of petitions filed by school districts;

5 (b) The disposition of petitions filed;

6 (c) The frequency of penalties and fines ordered by the courts;

7 (d) The frequency of contempt orders issued to enforce court
8 orders; and

9 (e) The effectiveness of the petition process in reducing unexcused
10 absences.

11 The institute shall submit a report of its findings to the
12 legislature by January 1, 1998.

13 (2) The institute, in consultation with the superintendent of
14 public instruction and other members of the education community, shall
15 review and evaluate the need to develop a state-wide definition of
16 excused and unexcused absences. The institute shall submit a report of
17 its findings to the legislature by January 1, 1996.

18 (3) The institute, in consultation with the superintendent of
19 public instruction, the state board of education, and other members of
20 the education community, shall review and evaluate the need to prohibit
21 school districts from suspending or expelling students as disciplinary
22 measures in response to unexcused absences of the students. The
23 institute shall submit a report of its findings to the legislature by
24 January 1, 1996.

25 (4) If specific funding for the purpose of this section is not
26 provided by June 30, 1995, in the omnibus appropriations act, this
27 section is null and void.

28 NEW SECTION. **Sec. 82.** A new section is added to chapter 28A.600
29 RCW to read as follows:

30 School district boards of directors shall review school district
31 policies regarding access and egress by students from secondary school
32 grounds during school hours. Each school district board of directors
33 shall adopt a policy specifying any restrictions on students leaving
34 secondary school grounds during school hours.

35 **Sec. 83.** RCW 82.14.300 and 1990 2nd ex.s. c 1 s 1 are each amended
36 to read as follows:

1 The legislature finds and declares that local government criminal
2 justice systems are in need of assistance. Many counties and cities
3 are unable to provide sufficient funding for additional police
4 protection, mitigation of congested court systems, public safety
5 education, and relief of overcrowded jails.

6 In order to ensure public safety, it is necessary to provide fiscal
7 assistance to help local governments to respond immediately to these
8 criminal justice problems, while initiating a review of the criminal
9 justice needs of cities and counties and the resources available to
10 address those needs.

11 To provide for a more efficient and effective response to these
12 problems, the legislature encourages cities and counties to coordinate
13 strategies against crime and use multijurisdictional and innovative
14 approaches in addressing criminal justice problems.

15 ~~((The legislature intends to provide fiscal assistance to counties
16 and cities in the manner provided in this act until the report of the
17 task force created under RCW 82.14.301 is available for consideration
18 by the legislature.))~~

19 **Sec. 84.** RCW 82.14.320 and 1993 sp.s. c 21 s 2 are each amended to
20 read as follows:

21 (1) The municipal criminal justice assistance account is created in
22 the state treasury.

23 (2) No city may receive a distribution under this section from the
24 municipal criminal justice assistance account unless:

25 (a) The city has a crime rate in excess of one hundred twenty-five
26 percent of the state-wide average as calculated in the most recent
27 annual report on crime in Washington state as published by the
28 Washington association of sheriffs and police chiefs;

29 (b) The city has levied the tax authorized in RCW 82.14.030(2) at
30 the maximum rate or the tax authorized in RCW 82.46.010(3) at the
31 maximum rate; and

32 (c) The city has a per capita yield from the tax imposed under RCW
33 82.14.030(1) at the maximum rate of less than one hundred fifty percent
34 of the state-wide average per capita yield for all cities from such
35 local sales and use tax.

36 (3) The moneys deposited in the municipal criminal justice
37 assistance account for distribution under this section shall be

1 distributed at such times as distributions are made under RCW
2 82.44.150. The distributions shall be made as follows:

3 (a) Unless reduced by this subsection, thirty percent of the moneys
4 shall be distributed ratably based on population as last determined by
5 the office of financial management to those cities eligible under
6 subsection (2) of this section that have a crime rate determined under
7 subsection (2)(a) of this section which is greater than one hundred
8 seventy-five percent of the state-wide average crime rate. No city may
9 receive more than fifty percent of any moneys distributed under this
10 subsection (a) but, if a city distribution is reduced as a result of
11 exceeding the fifty percent limitation, the amount not distributed
12 shall be distributed under (b) of this subsection.

13 (b) The remainder of the moneys, including any moneys not
14 distributed in subsection (2)(a) of this section, shall be distributed
15 to all cities eligible under subsection (2) of this section ratably
16 based on population as last determined by the office of financial
17 management.

18 (4) No city may receive more than thirty percent of all moneys
19 distributed under subsection (3) of this section.

20 (5) Notwithstanding other provisions of this section, the
21 distributions to any city that substantially decriminalizes or repeals
22 its criminal code after July 1, 1990, and that does not reimburse the
23 county for costs associated with criminal cases under RCW 3.50.800 or
24 3.50.805(2), shall be made to the county in which the city is located.

25 (6) Moneys distributed under this section shall be expended
26 exclusively for criminal justice purposes and shall not be used to
27 replace or supplant existing funding. Criminal justice purposes are
28 defined as activities that substantially assist the criminal justice
29 system, which may include circumstances where ancillary benefit to the
30 civil justice system occurs, and which includes domestic violence
31 services such as those provided by domestic violence programs,
32 community advocates, and legal advocates, as defined in RCW 70.123.020,
33 and publications and public educational efforts designed to provide
34 information and assistance to parents in dealing with runaway or at-
35 risk youth. Existing funding for purposes of this subsection is
36 defined as calendar year 1989 actual operating expenditures for
37 criminal justice purposes. Calendar year 1989 actual operating
38 expenditures for criminal justice purposes exclude the following:
39 Expenditures for extraordinary events not likely to reoccur, changes in

1 contract provisions for criminal justice services, beyond the control
2 of the local jurisdiction receiving the services, and major
3 nonrecurring capital expenditures.

4 NEW SECTION. **Sec. 85.** (1) Section 71 of this act shall take
5 effect September 1, 1995.

6 (2) Section 82 of this act shall take effect September 1, 1996.

7 NEW SECTION. **Sec. 86.** The following acts or parts of acts are
8 each repealed:

9 (1) RCW 28A.225.040 and 1990 c 33 s 221 & 1969 ex.s. c 223 s
10 28A.27.030;

11 (2) RCW 28A.225.050 and 1990 c 33 s 222, 1986 c 132 s 4, 1975 1st
12 ex.s. c 275 s 56, 1971 c 48 s 9, 1969 ex.s. c 176 s 105, & 1969 ex.s.
13 c 223 s 28A.27.040;

14 (3) RCW 28A.225.070 and 1990 c 33 s 224, 1975 1st ex.s. c 275 s 57,
15 1969 ex.s. c 176 s 106, & 1969 ex.s. c 223 s 28A.27.080;

16 (4) RCW 28A.225.100 and 1990 c 33 s 227, 1987 c 202 s 190, 1975 1st
17 ex.s. c 275 s 58, & 1970 ex.s. c 15 s 14;

18 (5) RCW 28A.225.120 and 1990 c 33 s 229, 1986 c 132 s 6, 1979 ex.s.
19 c 201 s 7, & 1969 ex.s. c 223 s 28A.27.110;

20 (6) RCW 28A.225.130 and 1990 c 33 s 230, 1987 c 202 s 192, & 1969
21 ex.s. c 223 s 28A.27.120; and

22 (7) RCW 28A.225.150 and 1992 c 205 s 205, 1990 c 33 s 232, & 1986
23 c 132 s 7.

24 NEW SECTION. **Sec. 87.** If specific funding for the purposes of
25 this act, referencing this act by bill number, is not provided by June
26 30, 1995, in the omnibus appropriations act, this act is null and void.

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