

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2217

Chapter 133, Laws of 1996
(partial veto)

54th Legislature
1996 Regular Session

AT-RISK YOUTH

EFFECTIVE DATE: 6/6/96

Passed by the House March 4, 1996
Yeas 88 Nays 6

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate February 29, 1996
Yeas 40 Nays 7

JOEL PRITCHARD
President of the Senate

Approved March 22, 1996, with the
exception of sections 4, 30, and 35,
which are vetoed.

MIKE LOWRY
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2217** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

March 22, 1996 - 2:16 p.m.

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2217

AS AMENDED BY THE SENATE

Passed Legislature - 1996 Regular Session

State of Washington

54th Legislature

1996 Regular Session

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

Read first time 02/05/96.

1 AN ACT Relating to at-risk youth; amending RCW 13.32A.090,
2 13.32A.130, 13.32A.030, 13.32A.050, 13.32A.060, 13.32A.065, 13.32A.070,
3 13.32A.082, 13.32A.095, 13.32A.100, 13.32A.110, 13.32A.120, 13.32A.140,
4 13.32A.150, 13.32A.152, 13.32A.160, 13.32A.170, 13.32A.179, 13.32A.190,
5 13.32A.192, 13.32A.194, 13.32A.250, 13.34.165, 28A.225.030,
6 28A.225.035, 28A.225.090, 70.96A.020, 70.96A.095, 71.34.030, 71.34.035,
7 and 74.13.036; adding new sections to chapter 13.32A RCW; adding a new
8 section to chapter 70.96A RCW; adding a new section to chapter 71.34
9 RCW; adding a new section to chapter 74.13 RCW; creating new sections;
10 and prescribing penalties.

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

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

1 treatment for their problems that result in excessive opposition to
2 parental authority.

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

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

7 (1) In a disposition hearing, after a finding that a child is a
8 child in need of services or an at-risk youth, the court may adopt the
9 additional orders authorized under this section if it finds that the
10 child involved in those proceedings is not eligible for inpatient
11 treatment for a mental health or substance abuse condition and requires
12 specialized treatment. The court may order that a child be placed in
13 a staff secure facility, other than a crisis residential center, that
14 will provide for the child's participation in a program designed to
15 remedy his or her behavioral difficulties or needs. The court may not
16 enter this order unless, at the disposition hearing, it finds that the
17 placement is clearly necessary to protect the child and that a less
18 restrictive order would be inadequate to protect the child, given the
19 child's age, maturity, propensity to run away from home, past exposure
20 to serious risk when the child ran away from home, and possible future
21 exposure to serious risk should the child run away from home again.

22 (2) The order shall require periodic court review of the placement,
23 with the first review hearing conducted not more than thirty days after
24 the date of the placement. At each review hearing the court shall
25 advise the parents of their rights under RCW 13.32A.160(1), review the
26 progress of the child, and determine whether the orders are still
27 necessary for the protection of the child or a less restrictive
28 placement would be adequate. The court shall modify its orders as it
29 finds necessary to protect the child. Reviews of orders adopted under
30 this section are subject to the review provisions under RCW 13.32A.190
31 and 13.32.198.

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

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

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

3 (1) *A violation of RCW 13.32A.082 by a licensed child-serving*
4 *agency shall be addressed as a licensing violation under chapter 74.15*
5 *RCW.*

6 (2) *A violation of RCW 13.32A.082 by any other person is a*
7 *misdemeanor.*

8 **Sec. 4 was vetoed. See message at end of chapter.*

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

11 School district personnel who contact a chemical dependency
12 inpatient treatment program or provider for the purpose of referring a
13 student to inpatient treatment shall provide the parents with notice of
14 the contact within forty-eight hours.

15 **NEW SECTION.** **Sec. 6.** A new section is added to chapter 71.34 RCW
16 to read as follows:

17 School district personnel who contact a mental health inpatient
18 treatment program or provider for the purpose of referring a student to
19 inpatient treatment shall provide the parents with notice of the
20 contact within forty-eight hours.

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

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

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

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

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

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

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

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

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

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

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

19 (e) Arrange transportation for the child to: (i) An out-of-home
20 placement which may include a licensed group care facility or foster
21 family when agreed to by the child and parent; or (ii) a certified or
22 licensed mental health or chemical dependency program of the parent's
23 choice; at the ((latter's)) parent's expense to the extent of his or
24 her ability to pay, with any unmet transportation expenses assumed by
25 the department((;

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

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

31 **Sec. 8.** RCW 13.32A.130 and 1995 c 312 s 12 are each amended to
32 read as follows:

33 (1) A child admitted to a secure facility within a crisis
34 residential center shall remain in the facility for not more than five
35 consecutive days, but for at least twenty-four hours after admission.
36 If the child admitted under this section is transferred between centers
37 or between secure and semi-secure facilities, the aggregate length of

1 time spent in all such centers or facilities may not exceed five
2 consecutive days.

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

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

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

29 (c) A crisis residential center administrator is authorized to
30 transfer a child to a crisis residential center in the area where the
31 child's parents reside or where the child's lawfully prescribed
32 residence is located.

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

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

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

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

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

1 right to request treatment in a program to address the child's at-risk
2 behavior under section 3 of this act.

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

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

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

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

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

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

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

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

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

30 ((+2)) (3) "Child," "juvenile," and "youth" mean any unemancipated
31 individual who is under the chronological age of eighteen years.

32 ((+3)) (4) "Child in need of services" means a juvenile:

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

36 (b) Who has been reported to law enforcement as absent without
37 consent for at least twenty-four consecutive hours from the parent's

1 home, a crisis residential center, an out-of-home placement, or a
2 court-ordered placement on two or more separate occasions; and

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

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

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

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

11 (iii) Whose parents have evidenced continuing but unsuccessful
12 efforts to maintain the family structure or are unable or unwilling to
13 continue efforts to maintain the family structure.

14 (~~(4)~~) (5) "Child in need of services petition" means a petition
15 filed in juvenile court by a parent, child, or the department seeking
16 adjudication of placement of the child.

17 (~~(5)~~) (6) "Crisis residential center" means a secure or semi-
18 secure facility established pursuant to chapter 74.13 RCW.

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

21 (~~(6)~~) (8) "Department" means the department of social and health
22 services.

23 (~~(7)~~) (9) "Extended family member" means an adult who is a
24 grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or
25 first cousin with whom the child has a relationship and is comfortable,
26 and who is willing and available to care for the child.

27 (~~(8)~~) (10) "Guardian" means that person or agency that (a) has
28 been appointed as the guardian of a child in a legal proceeding other
29 than a proceeding under chapter 13.34 RCW, and (b) has the right to
30 legal custody of the child pursuant to such appointment. The term
31 "guardian" does not include a "dependency guardian" appointed pursuant
32 to a proceeding under chapter 13.34 RCW.

33 (~~(9)~~) (11) "Multidisciplinary team" means a group formed to
34 provide assistance and support to a child who is an at-risk youth or a
35 child in need of services and his or her parent. The team shall
36 include the parent, a department case worker, a local government
37 representative when authorized by the local government, and when
38 appropriate, members from the mental health and substance abuse
39 disciplines. The team may also include, but is not limited to, the

1 following persons: Educators, law enforcement personnel, probation
2 officers, employers, church persons, tribal members, therapists,
3 medical personnel, social service providers, placement providers, and
4 extended family members. The team members shall be volunteers who do
5 not receive compensation while acting in a capacity as a team member,
6 unless the member's employer chooses to provide compensation or the
7 member is a state employee.

8 ~~((10))~~ (12) "Out-of-home placement" means a placement in a foster
9 family home or group care facility licensed pursuant to chapter 74.15
10 RCW or placement in a home, other than that of the child's parent,
11 guardian, or legal custodian, not required to be licensed pursuant to
12 chapter 74.15 RCW.

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

16 ~~((12))~~ (14) "Secure facility" means a crisis residential center,
17 or portion thereof, that has locking doors, locking windows, or a
18 secured perimeter, designed and operated to prevent a child from
19 leaving without permission of the facility staff.

20 ~~((13))~~ (15) "Semi-secure facility" means any facility, including
21 but not limited to crisis residential centers or specialized foster
22 family homes, operated in a manner to reasonably assure that youth
23 placed there will not run away. Pursuant to rules established by the
24 department, the facility administrator shall establish reasonable hours
25 for residents to come and go from the facility such that no residents
26 are free to come and go at all hours of the day and night. To prevent
27 residents from taking unreasonable actions, the facility administrator,
28 where appropriate, may condition a resident's leaving the facility upon
29 the resident being accompanied by the administrator or the
30 administrator's designee and the resident may be required to notify the
31 administrator or the administrator's designee of any intent to leave,
32 his or her intended destination, and the probable time of his or her
33 return to the center.

34 ~~((14))~~ (16) "Temporary out-of-home placement" means an out-of-
35 home placement of not more than fourteen days ordered by the court at
36 a fact-finding hearing on a child in need of services petition.

37 **Sec. 10.** RCW 13.32A.050 and 1995 c 312 s 6 are each amended to
38 read as follows:

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

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

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

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

12 (d) If a law enforcement agency has been notified by the juvenile
13 court that the court finds probable cause exists to believe that the
14 child has violated a court placement order issued pursuant to chapter
15 13.32A or 13.34 RCW or that the court has issued an order for law
16 enforcement pick-up of the child under this chapter or chapter 13.34
17 RCW.

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

21 (3) If a law enforcement officer takes a child into custody
22 pursuant to either subsection (1)(a) or (b) of this section and
23 transports the child to a crisis residential center, the officer shall,
24 within twenty-four hours of delivering the child to the center, provide
25 to the center a written report detailing the reasons the officer took
26 the child into custody. The center shall provide the department with
27 a copy of the officer's report.

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

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

36 (6) If a law enforcement officer receives a report that causes the
37 officer to have reasonable suspicion that a child is being harbored
38 under RCW 13.32A.080 or for other reasons has a reasonable suspicion
39 that a child is being harbored under RCW 13.32A.080, the officer shall

1 remove the child from the custody of the person harboring the child and
2 shall transport the child to one of the locations specified in RCW
3 13.32A.060.

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

6 **Sec. 11.** RCW 13.32A.060 and 1995 c 312 s 7 are each amended to
7 read as follows:

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

11 (a) Transport the child to his or her home or to a parent at his or
12 her place of employment, if no parent is at home. ~~((The officer
13 releasing a child into the custody of the parent shall inform the
14 parent of the reason for the taking of the child into custody and shall
15 inform the child and the parent of the nature and location of
16 appropriate services available in their community.))~~ The parent may
17 ~~((direct))~~ request that the officer ~~((to))~~ take the child to the home
18 of an adult extended family member, responsible adult, crisis
19 residential center, the department, or a licensed youth shelter. In
20 responding to the request of the parent, the officer shall take the
21 child to a requested place which, in the officer's belief, is within a
22 reasonable distance of the parent's home. The officer releasing a
23 child into the custody of a parent, an adult extended family member,
24 responsible adult, or a licensed youth shelter shall inform ~~((the child
25 and))~~ the person receiving the child of the reason for taking the child
26 into custody and inform all parties of the nature and location of
27 appropriate services available in the community; or

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

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

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

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

3 (c) After attempting to notify the parent, if a crisis residential
4 center is full, not available, or not located within a reasonable
5 distance, the officer may request the department to accept custody of
6 the child. If the department determines that an appropriate placement
7 is currently available, the department shall accept custody and place
8 the child in an out-of-home placement. If the department declines to
9 accept custody of the child, the officer may release the child after
10 attempting to take the child to the following, in the order listed:
11 The home of an adult extended family member; a responsible adult; a
12 licensed youth shelter and shall immediately notify the department if
13 no placement option is available and the child is released.

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

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

34 **Sec. 12.** RCW 13.32A.065 and 1981 c 298 s 4 are each amended to
35 read as follows:

36 (1) A child may be placed in detention after being taken into
37 custody pursuant to RCW 13.32A.050(~~(4)~~) (1)(d). The court shall hold
38 a detention review hearing within twenty-four hours, excluding

1 Saturdays, Sundays, and holidays. The court shall release the child
2 after twenty-four hours, excluding Saturdays, Sundays, and holidays,
3 unless:

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

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

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

12 **Sec. 13.** RCW 13.32A.070 and 1995 c 312 s 8 are each amended to
13 read as follows:

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

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

23 **Sec. 14.** RCW 13.32A.082 and 1995 c 312 s 34 are each amended to
24 read as follows:

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

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

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

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

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

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

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

12 The ~~((crisis residential center))~~ administrator of the crisis
13 residential center shall notify parents and the appropriate law
14 enforcement agency immediately as to any unauthorized leave from the
15 center by a child placed at the center.

16 **Sec. 16.** RCW 13.32A.100 and 1981 c 298 s 8 are each amended to
17 read as follows:

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

24 **Sec. 17.** RCW 13.32A.110 and 1979 c 155 s 25 are each amended to
25 read as follows:

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

31 **Sec. 18.** RCW 13.32A.120 and 1995 c 312 s 11 are each amended to
32 read as follows:

33 (1) Where either a child or the child's parent or the person or
34 facility currently providing shelter to the child notifies the center
35 that such individual or individuals cannot agree to the continuation of

1 an out-of-home placement arrived at pursuant to RCW 13.32A.090(2)(e),
2 the administrator of the center shall immediately contact the remaining
3 party or parties to the agreement and shall attempt to bring about the
4 child's return home or to an alternative living arrangement agreeable
5 to the child and the parent as soon as practicable.

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

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

19 **Sec. 19.** RCW 13.32A.140 and 1995 c 312 s 15 are each amended to
20 read as follows:

21 Unless the department files a dependency petition, the department
22 shall file a child in need of services petition to approve an out-of-
23 home placement on behalf of a child under any of the following sets of
24 circumstances:

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

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

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

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

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

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

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

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

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

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

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

8 (3) An agreement between parent and child made pursuant to RCW
9 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer
10 acceptable to parent or child, and:

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

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

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

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

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

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

22 Under the circumstances of subsections (1), (2), or (3) of this
23 section, the child shall remain in an out-of-home placement until a
24 child in need of services petition filed by the department on behalf of
25 the child is reviewed by the juvenile court and is resolved by ~~((such))~~
26 the court. The department may authorize emergency medical or dental
27 care for a child ~~((placed under this section))~~ admitted to a crisis
28 residential center or placed in an out-of-home placement by the
29 department. The state, when the department files a child in need of
30 services petition under this section, shall be represented as provided
31 for in 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. 20.** RCW 13.32A.150 and 1995 c 312 s 16 are each amended to
36 read as follows:

37 (1) Except as otherwise provided in this chapter, the juvenile
38 court shall not accept the filing of a child in need of services

1 petition by the child or the parents or the filing of an at-risk youth
2 petition by the parent, unless verification is provided that a family
3 assessment has been completed by the department. The family assessment
4 provided by the department shall involve the multidisciplinary team as
5 provided in RCW 13.32A.040, if one exists. The family assessment or
6 plan of services developed by the multidisciplinary team shall be aimed
7 at family reconciliation, reunification, and avoidance of the out-of-
8 home placement of the child. If the department is unable to complete
9 an assessment within two working days following a request for
10 assessment the child or the parents may proceed under subsection (2) of
11 this section or the parent may proceed under RCW 13.32A.191.

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

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

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

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

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

1 **Sec. 22.** RCW 13.32A.160 and 1995 c 312 s 17 are each amended to
2 read as follows:

3 (1) When a proper child in need of services petition to approve an
4 out-of-home placement is filed under RCW 13.32A.120, 13.32A.140, or
5 13.32A.150 the juvenile court shall: (a)(i) Schedule a fact-finding
6 hearing to be held: (A) For a child who is in a center or a child who
7 is not residing at home, nor in an out-of-home placement, within
8 ((three judicial)) five calendar days unless the last calendar day is
9 a Saturday, Sunday, or holiday, in which case the hearing shall be held
10 on the preceding judicial day; or (B) for any other child, within ten
11 days; and (ii) notify the parent, child, and the department of such
12 date; (b) notify the parent of the right to be represented by counsel
13 and, if indigent, to have counsel appointed for him or her by the
14 court; (c) appoint legal counsel for the child; (d) inform the child
15 and his or her parent of the legal consequences of the court approving
16 or disapproving ((an out-of-home placement)) a child in need of
17 services petition; (e) notify the parents of their rights under this
18 chapter and chapters 11.88, 13.34, 70.96A, and 71.34 RCW, including the
19 right to file an at-risk youth petition, the right to submit ((an
20 {an})) an application for admission of their child to a treatment
21 facility for alcohol, chemical dependency, or mental health treatment,
22 and the right to file a guardianship petition; and (f) notify all
23 parties, including the department, of their right to present evidence
24 at the fact-finding hearing.

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

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

1 **Sec. 23.** RCW 13.32A.170 and 1995 c 312 s 18 are each amended to
2 read as follows:

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

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

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

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

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

24 (d)) The child is a child in need of services as defined in RCW
25 13.32A.030(4);

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

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

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

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

37 ((2)) (3) Following the fact-finding hearing the court shall:

38 (a) Approve a child in need of services petition and, if appropriate,
39 enter a temporary out-of-home placement for a period not to exceed

1 fourteen days pending approval of a disposition decision to be made
2 under RCW 13.32A.179(2); (b) approve an at-risk youth petition filed by
3 the parents and dismiss the child in need of services petition; (c)
4 dismiss the petition; or (d) order the department to review the case to
5 determine whether the case is appropriate for a dependency petition
6 under chapter 13.34 RCW.

7 **Sec. 24.** RCW 13.32A.179 and 1995 c 312 s 20 are each amended to
8 read as follows:

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

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

29 (3) (~~At the conclusion of the hearing, if the court has not taken~~
30 ~~action under subsection (2) of this section it may, at the request of~~
31 ~~the child or department, enter an order for out-of-home placement for~~
32 ~~not more than ninety days.)) The court may only enter an order under
33 ((this)) subsection (2)(d) of this section if it finds by clear,
34 cogent, and convincing evidence that: (a)(i) The order is in the best
35 interest of the family; (ii) the parents have not requested an out-of-
36 home placement; (iii) the parents have not exercised any other right
37 listed in RCW 13.32A.160(1)(e); (iv) the child has made reasonable
38 efforts to resolve the ((conflict)) problems that led to the filing of~~

1 the petition; (v) the ~~((conflict))~~ problems cannot be resolved by
2 delivery of services to the family during continued placement of the
3 child in the parental home; (vi) reasonable efforts have been made to
4 prevent or eliminate the need for removal of the child from the child's
5 home and to make it possible for the child to return home; and (vii) a
6 suitable out-of-home placement resource is available; (b)(i) the order
7 is in the best interest of the child; and (ii) the parents are
8 unavailable; or (c) the parent's actions cause an imminent threat to
9 the child's health or safety. ~~((If the court has entered an order
10 under this section, it may order any conditions set forth in RCW
11 13.32A.196(2).))~~

12 (4) 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. The plan, if ordered, shall address only the
15 needs of the child and shall not address the perceived needs of the
16 parents, unless the order was entered under subsection (2)(d) of this
17 section or specifically agreed to by the parents. If the court orders
18 the department to prepare a plan, the department shall provide copies
19 of the plan to the parent, the child, and the court. If the parties or
20 the court desire the department to be involved in any future
21 proceedings or case plan development, the department shall be provided
22 with timely notification of all court hearings.

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

27 ~~((+5))~~ (6) After the court approves or orders an out-of-home
28 placement, the parents or the department may request, and the court may
29 grant, dismissal of ~~((a placement order))~~ the child in need of
30 services proceeding 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 (~~(6)~~) (7) The court shall dismiss a placement made under
2 subsection (2)(c) of this section upon the request of the parents.

3 **Sec. 25.** RCW 13.32A.190 and 1995 c 312 s 24 are each amended to
4 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

16 (a)(i) Schedule a fact-finding hearing to be held: (A) For a child
17 who is in a center or a child who is not residing at home, nor in an
18 out-of-home placement, within ((three judicial)) five calendar days
19 unless the last calendar day is a Saturday, Sunday, or holiday, in
20 which case the hearing shall be held on the preceding judicial day; or
21 (B) for any other child, within ten days; and (ii) notify the parent
22 and the child of such date;

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

25 (c) Appoint legal counsel for the child;

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

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

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

34 (3) If upon sworn written or oral declaration of the petitioning
35 parent, the court has reason to believe that a child has willfully and
36 knowingly violated a court order issued pursuant to subsection (2) of
37 this section, the court may issue an order directing law enforcement to
38 take the child into custody and place the child in a juvenile detention

1 facility or in a secure facility within a crisis residential center.
2 If the child is placed in detention, a review shall be held as provided
3 in RCW 13.32A.065.

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

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

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

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

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

35 (4) If the court grants or denies an at-risk youth petition, a
36 statement of the written reasons shall be entered into the records. If
37 the court denies an at-risk youth petition, the court shall verbally

1 advise the parties that the child is required to remain within the
2 care, custody, and control of his or her parent.

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

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

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

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

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

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

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

33 **Sec. 29.** RCW 13.34.165 and 1989 c 373 s 17 are each amended to
34 read as follows:

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

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

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

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

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

19 **Sec. 30. RCW 28A.225.030 and 1995 c 312 s 68 are each amended to*
20 *read as follows:*

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

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

34 **Sec. 30 was vetoed. See message at end of chapter.*

35 **Sec. 31.** RCW 28A.225.035 and 1995 c 312 s 69 are each amended to
36 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 **Sec. 32.** RCW 28A.225.090 and 1995 c 312 s 74 are each amended to
36 read as follows:

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

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

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

26 **Sec. 33.** RCW 70.96A.020 and 1994 c 231 s 1 are each amended to
27 read as follows:

28 For the purposes of this chapter the following words and phrases
29 shall have the following meanings unless the context clearly requires
30 otherwise:

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

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

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

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

8 (5) "Chemical dependency program" means expenditures and activities
9 of the department designed and conducted to prevent or treat alcoholism
10 and other drug addiction, including reasonable administration and
11 overhead.

12 (6) "Department" means the department of social and health
13 services.

14 (7) "Designated chemical dependency specialist" means a person
15 designated by the county alcoholism and other drug addiction program
16 coordinator designated under RCW 70.96A.310 to perform the commitment
17 duties described in RCW 70.96A.140 and qualified to do so by meeting
18 standards adopted by the department.

19 (8) "Director" means the person administering the chemical
20 dependency program within the department.

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

23 (10) "Drug addiction" means a disease characterized by a dependency
24 on psychoactive chemicals, loss of control over the amount and
25 circumstances of use, symptoms of tolerance, physiological or
26 psychological withdrawal, or both, if use is reduced or discontinued,
27 and impairment of health or disruption of social or economic
28 functioning.

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

31 (12) "Gravely disabled by alcohol or other drugs" means that a
32 person, as a result of the use of alcohol or other drugs: (a) Is in
33 danger of serious physical harm resulting from a failure to provide for
34 his or her essential human needs of health or safety; or (b) manifests
35 severe deterioration in routine functioning evidenced by a repeated and
36 escalating loss of cognition or volitional control over his or her
37 actions and is not receiving care as essential for his or her health or
38 safety.

1 (13) "Incapacitated by alcohol or other psychoactive chemicals"
2 means that a person, as a result of the use of alcohol or other
3 psychoactive chemicals, has his or her judgment so impaired that he or
4 she is incapable of realizing and making a rational decision with
5 respect to his or her need for treatment and presents a likelihood of
6 serious harm to himself or herself, to any other person, or to
7 property.

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

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

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

15 (17) "Likelihood of serious harm" means either: (a) A substantial
16 risk that physical harm will be inflicted by an individual upon his or
17 her own person, as evidenced by threats or attempts to commit suicide
18 or inflict physical harm on one's self; (b) a substantial risk that
19 physical harm will be inflicted by an individual upon another, as
20 evidenced by behavior that has caused the harm or that places another
21 person or persons in reasonable fear of sustaining the harm; or (c) a
22 substantial risk that physical harm will be inflicted by an individual
23 upon the property of others, as evidenced by behavior that has caused
24 substantial loss or damage to the property of others.

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

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

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

32 ((+20)) (21) "Person" means an individual, including a minor.

33 ((+21)) (22) "Secretary" means the secretary of the department of
34 social and health services.

35 ((+22)) (23) "Treatment" means the broad range of emergency,
36 detoxification, residential, and outpatient services and care,
37 including diagnostic evaluation, chemical dependency education and
38 counseling, medical, psychiatric, psychological, and social service
39 care, vocational rehabilitation and career counseling, which may be

1 extended to alcoholics and other drug addicts and their families,
2 persons incapacitated by alcohol or other psychoactive chemicals, and
3 intoxicated persons.

4 (~~((23))~~) (24) "Treatment program" means an organization,
5 institution, or corporation, public or private, engaged in the care,
6 treatment, or rehabilitation of alcoholics or other drug addicts.

7 **Sec. 34.** RCW 70.96A.095 and 1995 c 312 s 47 are each amended to
8 read as follows:

9 (1) Any person thirteen years of age or older may give consent for
10 himself or herself to the furnishing of (~~(counseling, care,)~~)
11 outpatient treatment(~~(, or rehabilitation)~~) by a chemical dependency
12 treatment program (~~(or by any person)~~) certified by the department.
13 Consent of the parent(~~(, parents, or legal guardian)~~) of a person less
14 than eighteen years of age for inpatient treatment is (~~(not)~~) necessary
15 to authorize the care(~~(, except that the person shall not become a~~
16 ~~resident of the treatment program without such permission except as~~
17 ~~provided in RCW 70.96A.120 or 70.96A.140)~~) unless the child meets the
18 definition of a child in need of services in RCW 13.32A.030(4)(c), as
19 determined by the department. Parental authorization is required for
20 any treatment of a minor under the age of thirteen. The parent(~~(,~~
21 ~~parents, or legal guardian)~~) of a (~~(person less than eighteen years of~~
22 ~~age are)~~) minor is not liable for payment of care for such persons
23 pursuant to this chapter, unless they have joined in the consent to the
24 (~~(counseling, care,)~~) treatment(~~(, or rehabilitation)~~).

25 (2) The parent of any minor child may apply to (~~(an approved)~~) a
26 certified treatment program for the admission of his or her minor child
27 for purposes authorized in this chapter. The consent of the minor
28 child shall not be required for the application or admission. The
29 (~~(approved)~~) certified treatment program shall accept the application
30 and evaluate the child for admission. The ability of a parent to apply
31 to (~~(an approved)~~) a certified treatment program for the
32 (~~(involuntary)~~) admission of his or her minor child does not create a
33 right to obtain or benefit from any funds or resources of the state.
34 However, the state may provide services for indigent minors to the
35 extent that funds are available therefor.

36 (3) Any provider of outpatient treatment who provides outpatient
37 treatment to a minor thirteen years of age or older shall provide
38 notice of the minor's request for treatment to the minor's parents if:

1 (a) The minor signs a written consent authorizing the disclosure; or
2 (b) the treatment program director determines that the minor lacks
3 capacity to make a rational choice regarding consenting to disclosure.
4 The notice shall be made within seven days of the request for
5 treatment, excluding Saturdays, Sundays, and holidays, and shall
6 contain the name, location, and telephone number of the facility
7 providing treatment, and the name of a professional person on the staff
8 of the facility providing treatment who is designated to discuss the
9 minor's need for treatment with the parent.

10 **Sec. 35. RCW 71.34.030 and 1995 c 312 s 52 are each amended to*
11 *read as follows:*

12 *(1)(a) Any minor thirteen years or older may request and receive*
13 *outpatient treatment without the consent of the minor's parent.*
14 *Parental authorization is required for outpatient treatment of a minor*
15 *under the age of thirteen.*

16 *(b) Any provider of outpatient treatment for a minor thirteen years*
17 *of age or older shall provide notice of the treatment to the minor's*
18 *parents. The notice shall be made upon the completion of the child's*
19 *second visit for treatment, and shall contain the name, location, and*
20 *telephone number of the mental health care provider who is designated*
21 *to discuss the minor's need for treatment with the parent.*

22 *(c) A treatment provider may defer notification to a parent of a*
23 *minor's request for treatment if: (i) The minor alleges physical or*
24 *sexual abuse by the parent and the treatment provider notifies the*
25 *department of the alleged abuse. Upon completion of its assessment of*
26 *the allegation, the department shall notify the treatment provider of*
27 *its findings. If the department determines the allegation is not*
28 *valid, the treatment provider shall immediately notify the parent of*
29 *the minor's treatment. If the department determines the allegation is*
30 *valid, the treatment provider need not provide notice to the parent; or*
31 *(ii) the provider believes the parental notification will interfere*
32 *with the necessary treatment for the minor. If the provider believes*
33 *the notification will interfere with the necessary treatment, the*
34 *provider shall notify the department. The department shall review the*
35 *circumstances and pursue either a child in need of services petition,*
36 *if the child meets the definition under RCW 13.32A.030(4)(c), or a*
37 *dependency petition under chapter 13.34 RCW, if the child meets the*
38 *definition of a dependent child under RCW 13.34.030(4). If the*

1 department determines neither petition is appropriate it shall
2 immediately inform the provider, who shall notify the parent of the
3 treatment within twenty-four hours or after the second visit for
4 treatment, whichever is later.

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

13 (a) A minor may be voluntarily admitted by application of the
14 parent. The consent of the minor is not required for the minor to be
15 evaluated and admitted as appropriate.

16 (b) A minor thirteen years or older may, with the concurrence of
17 the professional person in charge of an evaluation and treatment
18 facility, admit himself or herself without parental consent to the
19 evaluation and treatment facility, provided that notice is given by the
20 facility to the minor's parent in accordance with the following
21 requirements:

22 (i) Notice of the minor's admission shall be in the form most
23 likely to reach the parent within twenty-four hours of the minor's
24 voluntary admission and shall advise the parent that the minor has been
25 admitted to inpatient treatment; the location and telephone number of
26 the facility providing such treatment; and the name of a professional
27 person on the staff of the facility providing treatment who is
28 designated to discuss the minor's need for inpatient treatment with the
29 parent.

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

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

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

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

3 (vi) The hearing shall be conducted by a judge, court commissioner,
4 or licensed attorney designated by the superior court as a hearing
5 officer for such hearing. The hearing may be held at the treatment
6 facility.

7 (vii) At such hearing, the facility must demonstrate by a
8 preponderance of the evidence presented at the hearing that the minor
9 is in need of inpatient treatment and that release would constitute a
10 threat to the minor's health or safety. The hearing shall not be
11 conducted using the rules of evidence, and the admission or exclusion
12 of evidence sought to be presented shall be within the exercise of
13 sound discretion by the judicial officer conducting the hearing.

14 (c) Written renewal of voluntary consent must be obtained from the
15 applicant no less than once every twelve months.

16 (d) The minor's need for continued inpatient treatments shall be
17 reviewed and documented no less than every one hundred eighty days.

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

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

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

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

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

36 (4) The ability of a parent to apply to a certified evaluation and
37 treatment program for the involuntary admission of his or her minor
38 child does not create a right to obtain or benefit from any funds or

1 *resources of the state. However, the state may provide services for*
2 *indigent minors to the extent that funds are available therefor.*

3 **Sec. 35 was vetoed. See message at end of chapter.*

4 **Sec. 36.** RCW 71.34.035 and 1995 c 312 s 58 are each amended to
5 read as follows:

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

12 **Sec. 37.** RCW 74.13.036 and 1995 c 312 s 65 are each amended to
13 read as follows:

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

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

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

29 (b) Procedures for designating department staff responsible for
30 family reconciliation services;

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

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

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

5 (3) In addition to its other oversight duties, the department
6 shall:

7 (a) Identify and evaluate resource needs in each region of the
8 state;

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

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

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

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

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

21 (5) The department shall provide an annual report to the
22 legislature not later than December 1, indicating the number of times
23 it has declined to accept custody of a child from a law enforcement
24 agency under chapter 13.32A RCW and the number of times it has received
25 a report of a child being released without placement under RCW
26 13.32A.060(1)(c). The report shall include the dates, places, and
27 reasons the department declined to accept custody and the dates and
28 places children are released without placement.

29 NEW SECTION. Sec. 38. It is the intent of the legislature that
30 the changes in this act be construed to expedite the administrative and
31 judicial processes provided for in the existing and amended statutes to
32 assist in assuring that children placed in a crisis residential center
33 have an appropriate placement available to them at the conclusion of
34 their stay at the center.

35 NEW SECTION. Sec. 39. A new section is added to chapter 74.13 RCW
36 to read as follows:

1 Within available funds appropriated for this purpose, the
2 department shall establish, by contracts with private vendors,
3 transitional living programs for dependent youth who are being assisted
4 by the department in being emancipated as part of their permanency plan
5 under chapter 13.34 RCW. These programs shall be licensed under rules
6 adopted by the department.

Passed the House March 4, 1996.

Passed the Senate February 29, 1996.

Approved by the Governor March 22, 1996, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State March 22, 1996.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to sections 4, 30,
3 and 35, Engrossed Second Substitute House Bill No. 2217 entitled:

4 "AN ACT Relating to at-risk youth;"

5 My reasons for vetoing these sections are as follows:

6 **Section 4 - Violation of Shelter Notification as a Misdemeanor**
7 **Offense**

8 Section 4 establishes penalties for violations of the requirement
9 that shelter providers report the location of a known runaway to the
10 youth's parents, local law enforcement, or the Department of Social and
11 Health Services (DSHS) within 8 hours. It provides that a violation by
12 a licensed child-serving agency shall be addressed as a licensing
13 violation under RCW 74.15. It also provides that a violation by any
14 other person is a misdemeanor offense.

15 I agree that a violation by a licensed child-serving agency should
16 be addressed as a licensing violation. I also agree that it is
17 appropriate to subject those persons who shelter runaway youths for the
18 purpose of exploiting them to criminal sanctions for failure to report
19 a youth's whereabouts. While I applaud the intent of this section to
20 provide law enforcement with an additional tool for prosecuting those
21 who would prey upon our youth, I have strong concerns about its
22 overbreadth. Unwitting family members and friends who, in good faith
23 attempt to provide youths with a safe alternative to the street, are
24 also subject to criminal prosecution under this section. Also subject
25 to criminal prosecution are drop-in day centers which are not required
26 to be licensed because they do not provide overnight shelter. I fear
27 that the effect of this section will be to drive troubled youths
28 underground, out of the reach of help, and into the hands of those who
29 would exploit them.

30 Existing law provides law enforcement with a number of tools for
31 prosecuting persons who illegally shelter or exploit youths. Under RCW
32 13.32A.080, it is a gross misdemeanor offense to harbor a minor
33 unlawfully. RCW 9A.44 provides criminal penalties for the rape of a
34 child. An adult responsible for involving a youth in the commission of
35 a criminal offense may be prosecuted under several statutes, including:

1 RCW 69.50.406, distribution of a controlled substance to a minor; RCW
2 9A.88.070, promoting prostitution of a minor; and RCW 9A.08.020,
3 complicity of an adult in the crime of a minor. These tools afford law
4 enforcement with significant ability to prosecute and punish those
5 adults who exploit or abuse runaway youths.

6 **Section 30 - Truancy Petitions**

7 Section 30 adds clarifying language to RCW 28A.225.030. This
8 section was also amended in Engrossed Substitute House Bill No. 2640
9 which includes fundamentally the same language as well as other
10 substantive changes, which for clarity of code revision, are not
11 properly merged with this section. The language and effect of section
12 30 are not lost by this technical veto.

13 **Section 35 - Outpatient Mental Health Treatment: Parental**
14 **Notification**

15 Section 35 requires a provider of mental health outpatient
16 treatment to notify the parents of a minor patient, age 13 years or
17 older, of the provision of treatment to the minor upon completion of
18 his or her second visit. A treatment provider may defer notification
19 in two situations. The first situation is where the youth alleges
20 parental abuse or neglect. In that case, the provider must notify DSHS
21 for the purpose of initiating an investigation. If DSHS determines the
22 allegation is not valid, then the provider must immediately notify the
23 parent of the child's treatment. The second situation is if the
24 provider believes the notification will interfere with the provision of
25 treatment. In that case, the provider must notify DSHS, and DSHS must
26 pursue either a dependency or a Child In Need of Services (CHINS)
27 petition. If the department determines that neither petition is
28 appropriate, then it shall notify the provider who, in turn, must
29 notify the parent of the treatment.

30 In an attempt to avoid creating a barrier to initial treatment,
31 this section delays the parental notification requirement until the
32 completion of a youth's second visit. In addition, in an effort to
33 provide safety for youths in unsafe homes and to avoid interfering with
34 the provision of treatment, this section allows a treatment provider to
35 defer parental notification in certain situations. While I am pleased
36 that this section acknowledges the need to maintain confidentiality in
37 some situations, I do not believe the confidentiality safeguards set
38 forth are sufficient to ensure that young people will feel safe seeking
39 needed treatment.

40 First, I am concerned that despite the intent, the second visit
41 notification requirement will have a chilling effect on young people
42 seeking or continuing outpatient treatment. Providers will be
43 compelled by their ethical responsibilities to advise youths at their
44 first visit that the provider must break confidentiality upon
45 completion of their second visit. Young people who, for whatever
46 reason, fear their parents' learning of their participation in
47 treatment are not likely to pursue treatment further. In some cases,
48 a young person's ability to access treatment may mean the difference
49 between life and death. Current clinical practice seeks to involve the

1 family at the earliest appropriate point. The issue here is not
2 whether parents should be notified of their child's treatment, but when
3 and how. Taking this clinical decision out of the hands of the mental
4 health professionals is simply contrary to a young person's best
5 interest.

6 Second, while this section exempts from notification those youths
7 a court finds have been abused or neglected or who are without a
8 functional parent, it does require notification for all other young
9 people. The need for confidentiality must not be limited to young
10 people who have been abused or neglected or who are lacking a
11 functional parent. The need for confidentiality encompasses all young
12 people who fear their parents' real or anticipated reactions to their
13 participation in mental health treatment. Our goal should be to
14 maintain young people's access to confidential outpatient treatment in
15 order to provide a safe place where they may find help and begin
16 preparing themselves for addressing their problems with their family.

17 Finally, I believe that our confidentiality rules for substance
18 abuse and mental health outpatient treatment should be mutually
19 consistent. Pursuant to federal law, parental notification for
20 substance abuse outpatient treatment is permissible only upon a youth's
21 written consent or a determination that the youth lacks the capacity to
22 consent. There is no reason to treat parental notification for mental
23 health outpatient treatment any differently.

24 For these reasons, I have vetoed sections 4, 30, and 35 of
25 Engrossed Second Substitute House Bill No. 2217.

26 With the exception of sections 4, 30, and 35, Engrossed Second
27 Substitute House Bill No. 2217 is approved."