

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5439

Chapter 312, Laws of 1995

(partial veto)

54th Legislature
1995 Regular Session

NONOFFENDER AT-RISK YOUTH AND THEIR FAMILIES

EFFECTIVE DATE: 7/23/95 - Except Section 71 which becomes effective 9/1/95; and Section 82 which becomes effective 9/1/96

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

JOEL PRITCHARD

President of the Senate

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

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved May 10, 1995, with the exception of sections 9, 30, 31, 33, 35, 38, 50, 51, 55, 57, 59, 64, 76, 77, 78, 79, and 80, which are vetoed.

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

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

MARTY BROWN

Secretary

FILED

May 10, 1995 - 10:31 a.m.

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5439

AS RECOMMENDED BY CONFERENCE COMMITTEE

Passed Legislature - 1995 Regular Session

State of Washington

54th Legislature

1995 Regular Session

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

Read first time 03/06/95.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 *The parents of a child placed in a crisis residential center shall*
2 *contribute fifty dollars per day, for not more than five consecutive*
3 *days, for the expense of the child's placement. However, the secretary*
4 *may establish a payment schedule that requires a lesser payment based*
5 *on a parent's ability to pay. The payment shall be made to the*
6 *department. No child may be denied placement in, or removed from, a*
7 *crisis residential center based solely on the income of the parent.*
8 *Sec. 9 was vetoed. See message at end of chapter.

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

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

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

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

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

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

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

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

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

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

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

1 be assumed by the department, when the child and his or her parent
2 agrees to the child's return home or when the parent produces a copy of
3 a court order entered under this chapter requiring the child to reside
4 in the parent's home;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (5) Notwithstanding the provisions of subsection (1) of this
15 section, the parents may remove the child at any time during the five-
16 day period unless the staff of the crisis residential center has
17 reasonable cause to believe that the child is absent from the home
18 because he or she is abused or neglected or if allegations of abuse or
19 neglect have been made against the parents. The department may remove
20 the child whenever a dependency petition is filed under chapter 13.34
21 RCW.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (a) The petition is not capricious;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 **Sec. 28.** RCW 13.32A.196 and 1991 c 364 s 14 are each amended to
29 read as follows:

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

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

38 (a) Regular school attendance;

1 (b) Counseling;
2 (c) Participation in a substance abuse or mental health outpatient
3 treatment program;
4 (d) Reporting on a regular basis to the department or any other
5 designated person or agency; and
6 (e) Any other condition the court deems an appropriate condition of
7 supervision including but not limited to: Employment, participation in
8 an anger management program, and refraining from using alcohol or
9 drugs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 **Sec. 31 was vetoed. See message at end of chapter.*

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

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

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

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

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

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

1 *parties and the care provider; or, where age-appropriate, independent*
2 *living or emancipation.*

3 *(4) If the court does not refer the case to the department under*
4 *subsection (2) of this section, the court shall continue to review the*
5 *case every six months, for as long as the child remains out-of-home*
6 *under a court order.*

7 **Sec. 33 was vetoed. See message at end of chapter.*

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

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

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

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

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

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

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

28 *Violation of section 34 of this act is a misdemeanor.*

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

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

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

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

3 Whenever a law enforcement agency receives a report from a parent
4 that his or her child, or child over whom the parent has custody, has
5 without permission of the parent left the home or residence lawfully
6 prescribed for the child under circumstances where the parent believes
7 that the child has run away from the home or the residence, the agency
8 shall provide for placing information identifying the child in files
9 under RCW 43.43.510.

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

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

18 *The department shall provide the information as soon as feasible.*
19 *The administrator may utilize the information in assessing the needs of*
20 *the child but a petition filed under this chapter may not be based*
21 *solely on this information.*

22 **Sec. 38 was vetoed. See message at end of chapter.*

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

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

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

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

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

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

1 (e) Relating to juveniles alleged or found to have committed
2 offenses, traffic infractions, or violations as provided in RCW
3 13.40.020 through 13.40.230, unless:

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

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

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

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

36 If the juvenile challenges the state's determination of the
37 juvenile's criminal history, the state may establish the offender's
38 criminal history by a preponderance of the evidence. If the criminal
39 history consists of adjudications entered upon a plea of guilty, the

1 state shall not bear a burden of establishing the knowing and
2 voluntariness of the plea;

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

5 (g) Relating to termination of a diversion agreement under RCW
6 13.40.080, including a proceeding in which the divertee has attained
7 eighteen years of age; and

8 (h) Relating to court validation of a voluntary consent to foster
9 care placement under chapter 13.34 RCW, by the parent or Indian
10 custodian of an Indian child, except if the parent or Indian custodian
11 and child are residents of or domiciled within the boundaries of a
12 federally recognized Indian reservation over which the tribe exercises
13 exclusive jurisdiction.

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

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

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

24 The administrator shall, in any county or judicial district in the
25 state, appoint or designate one or more persons of good character to
26 serve as probation counselors during the pleasure of the administrator.
27 The probation counselor shall:

28 (1) Receive and examine referrals to the juvenile court for the
29 purpose of considering the filing of a petition or information pursuant
30 to chapter 13.32A or 13.34 RCW (~~((13.34.040, 13.34.180, and))~~) or RCW
31 13.40.070 (~~((as now or hereafter amended, and RCW 13.32A.150))~~);

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

35 (3) Arrange and supervise diversion agreements as provided in RCW
36 13.40.080, (~~((as now or hereafter amended,))~~) and ensure that the
37 requirements of such agreements are met except as otherwise provided in
38 this title;

1 (4) Prepare predisposition studies as required in RCW 13.34.120 and
2 13.40.130, (~~as now or hereafter amended,~~) and be present at the
3 disposition hearing to respond to questions regarding the
4 predisposition study: PROVIDED, That such duties shall be performed by
5 the department (~~of social and health services~~) for cases relating to
6 dependency or to the termination of a parent and child relationship
7 which is filed by the department (~~of social and health services~~)
8 unless otherwise ordered by the court; and

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

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

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

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

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

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

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

35 It shall be the duty of the prosecuting attorney to act in
36 proceedings relating to the commission of a juvenile offense as
37 provided in RCW 13.40.070 and 13.40.090 and in proceedings as provided
38 in chapter 71.34 RCW. It shall be the duty of the prosecuting attorney

1 to handle delinquency cases under chapter 13.24 RCW and it shall be the
2 duty of the attorney general to handle dependency cases under chapter
3 13.24 RCW. It shall be the duty of the attorney general in contested
4 cases brought by the department to present the evidence supporting any
5 petition alleging dependency or seeking the termination of a parent and
6 child relationship or any contested case filed under RCW 26.33.100 or
7 approving or disapproving (~~alternative residential~~) out-of-home
8 placement: PROVIDED, That in each county with a population of less
9 than two hundred ten thousand, the attorney general may contract with
10 the prosecuting attorney of the county to perform (~~said~~) the duties
11 of the attorney general under this section.

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

21 In developing this plan, the department shall identify existing
22 local and state services and barriers to those services for children.
23 The plan for intensive treatment services, to the extent possible,
24 shall build upon those existing resources.

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

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

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

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

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

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

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

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

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

25 (1) The department shall adopt rules establishing standards for
26 approved treatment programs, the process for the review and inspection
27 program applying to the department for certification as an approved
28 treatment program, and fixing the fees to be charged by the department
29 for the required inspections. The standards may concern the health
30 standards to be met and standards of services and treatment to be
31 afforded patients.

32 (2) The department may suspend, revoke, limit, restrict, or modify
33 an approval, or refuse to grant approval, for failure to meet the
34 provisions of this chapter, or the standards adopted under this
35 chapter. RCW 43.20A.205 governs notice of a license denial,
36 revocation, suspension, or modification and provides the right to an
37 adjudicative proceeding.

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

4 (4) Certification as an approved treatment program is effective for
5 one calendar year from the date of issuance of the certificate. The
6 certification shall specify the types of services provided by the
7 approved treatment program that meet the standards adopted under this
8 chapter. Renewal of certification shall be made in accordance with
9 this section for initial approval and in accordance with the standards
10 set forth in rules adopted by the secretary.

11 (5) Approved treatment programs shall not provide alcoholism or
12 other drug addiction treatment services for which the approved
13 treatment program has not been certified. Approved treatment programs
14 may provide services for which approval has been sought and is pending,
15 if approval for the services has not been previously revoked or denied.

16 (6) The department periodically shall inspect approved public and
17 private treatment programs at reasonable times and in a reasonable
18 manner.

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

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

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

37 (10) Upon petition of the department and after a hearing held upon
38 reasonable notice to the facility, the superior court may issue a
39 warrant to an officer or employee of the department authorizing him or

1 her to enter and inspect at reasonable times, and examine the books and
2 accounts of, any approved public or private treatment program refusing
3 to consent to inspection or examination by the department or which the
4 department has reasonable cause to believe is operating in violation of
5 this chapter.

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

8 (1) Any person ((fourteen)) thirteen years of age or older may give
9 consent for himself or herself to the furnishing of counseling, care,
10 treatment, or rehabilitation by a treatment program or by any person.
11 Consent of the parent, parents, or legal guardian of a person less than
12 eighteen years of age is not necessary to authorize the care, except
13 that the person shall not become a resident of the treatment program
14 without such permission except as provided in RCW 70.96A.120 or
15 70.96A.140. The parent, parents, or legal guardian of a person less
16 than eighteen years of age are not liable for payment of care for such
17 persons pursuant to this chapter, unless they have joined in the
18 consent to the counseling, care, treatment, or rehabilitation.

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

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

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

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

8 If the county-designated chemical dependency specialist determines
9 that continued inpatient treatment of the child is no longer medically
10 appropriate, the specialist shall notify the facility, the child, the
11 child's parents, and the department of the finding within twenty-four
12 hours of the determination.

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

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

27 (1) When a designated chemical dependency specialist receives
28 information alleging that a person is incapacitated as a result of
29 chemical dependency, the designated chemical dependency specialist,
30 after investigation and evaluation of the specific facts alleged and of
31 the reliability and credibility of the information, may file a petition
32 for commitment of such person with the superior court or district
33 court.

34 If a petition for commitment is not filed in the case of a minor,
35 the parent, guardian, or custodian who has custody of the minor may
36 seek review of that decision made by the designated chemical dependency
37 specialist in superior or district court. The parent, guardian, or

1 custodian shall file notice with the court and provide a copy of the
2 designated chemical dependency specialist's report.

3 If the designated chemical dependency specialist finds that the
4 initial needs of such person would be better served by placement within
5 the mental health system, the person shall be referred to an evaluation
6 and treatment facility as defined in RCW 71.05.020 or 71.34.020. If
7 placement in a chemical dependency program is available and deemed
8 appropriate, the petition shall allege that: The person is chemically
9 dependent and is incapacitated by alcohol or drug addiction, or that
10 the person has twice before in the preceding twelve months been
11 admitted for detoxification or chemical dependency treatment pursuant
12 to RCW 70.96A.110, and is in need of a more sustained treatment
13 program, or that the person is chemically dependent and has threatened,
14 attempted, or inflicted physical harm on another and is likely to
15 inflict physical harm on another unless committed. A refusal to
16 undergo treatment, by itself, does not constitute evidence of lack of
17 judgment as to the need for treatment. The petition shall be
18 accompanied by a certificate of a licensed physician who has examined
19 the person within five days before submission of the petition, unless
20 the person whose commitment is sought has refused to submit to a
21 medical examination, in which case the fact of refusal shall be alleged
22 in the petition. The certificate shall set forth the licensed
23 physician's findings in support of the allegations of the petition. A
24 physician employed by the petitioning program or the department is
25 eligible to be the certifying physician.

26 (2) Upon filing the petition, the court shall fix a date for a
27 hearing no less than two and no more than seven days after the date the
28 petition was filed unless the person petitioned against is presently
29 being detained in a program, pursuant to RCW 70.96A.120, 71.05.210, or
30 71.34.050, (~~as now or hereafter amended,~~) in which case the hearing
31 shall be held within seventy-two hours of the filing of the petition:
32 PROVIDED, HOWEVER, That the above specified seventy-two hours shall be
33 computed by excluding Saturdays, Sundays, and holidays: PROVIDED
34 FURTHER, That, the court may, upon motion of the person whose
35 commitment is sought, or upon motion of petitioner with written
36 permission of the person whose commitment is sought, or his or her
37 counsel and, upon good cause shown, extend the date for the hearing.
38 A copy of the petition and of the notice of the hearing, including the
39 date fixed by the court, shall be served by the designated chemical

1 dependency specialist on the person whose commitment is sought, his or
2 her next of kin, a parent or his or her legal guardian if he or she is
3 a minor, and any other person the court believes advisable. A copy of
4 the petition and certificate shall be delivered to each person
5 notified.

6 (3) At the hearing the court shall hear all relevant testimony,
7 including, if possible, the testimony, which may be telephonic, of at
8 least one licensed physician who has examined the person whose
9 commitment is sought. Communications otherwise deemed privileged under
10 the laws of this state are deemed to be waived in proceedings under
11 this chapter when a court of competent jurisdiction in its discretion
12 determines that the waiver is necessary to protect either the detained
13 person or the public. The waiver of a privilege under this section is
14 limited to records or testimony relevant to evaluation of the detained
15 person for purposes of a proceeding under this chapter. Upon motion by
16 the detained person, or on its own motion, the court shall examine a
17 record or testimony sought by a petitioner to determine whether it is
18 within the scope of the waiver.

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

38 (4) If after hearing all relevant evidence, including the results
39 of any diagnostic examination, the court finds that grounds for

1 involuntary commitment have been established by clear, cogent, and
2 convincing proof, it shall make an order of commitment to an approved
3 treatment program. It shall not order commitment of a person unless it
4 determines that an approved treatment program is available and able to
5 provide adequate and appropriate treatment for him or her.

6 (5) A person committed under this section shall remain in the
7 program for treatment for a period of sixty days unless sooner
8 discharged. At the end of the sixty-day period, he or she shall be
9 discharged automatically unless the program, before expiration of the
10 period, files a petition for his or her recommitment upon the grounds
11 set forth in subsection (1) of this section for a further period of
12 ninety days unless sooner discharged.

13 If a petition for recommitment is not filed in the case of a minor,
14 the parent, guardian, or custodian who has custody of the minor may
15 seek review of that decision made by the designated chemical dependency
16 specialist in superior or district court. The parent, guardian, or
17 custodian shall file notice with the court and provide a copy of the
18 treatment progress report.

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

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

37 (7) The approved treatment program shall provide for adequate and
38 appropriate treatment of a person committed to its custody. A person

1 committed under this section may be transferred from one approved
2 public treatment program to another if transfer is medically advisable.

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

7 (a) In case of a chemically dependent person committed on the
8 grounds of likelihood of infliction of physical harm upon himself,
9 herself, or another, the likelihood no longer exists; or further
10 treatment will not be likely to bring about significant improvement in
11 the person's condition, or treatment is no longer adequate or
12 appropriate.

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

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

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

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

36 (12) When in the opinion of the professional person in charge of
37 the program providing involuntary treatment under this chapter, the
38 committed patient can be appropriately served by less restrictive
39 treatment before expiration of the period of commitment, then the less

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

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

37 ***Any provider of treatment in an approved treatment program who***
38 ***provides treatment to a minor under RCW 70.96A.095(1) must provide***

1 *notice of the request for treatment to the minor's parents. The notice*
2 *must be made within forty-eight hours of the request for treatment,*
3 *excluding Saturdays, Sundays, and holidays, and must contain the same*
4 *information as required under RCW 71.34.030(2)(b).*

5 *Sec. 50 was vetoed. See message at end of chapter.

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

8 *Nothing in this chapter authorizes school district personnel to*
9 *refer minors to any treatment program or treatment provider without*
10 *providing notice of the referral to the parent, parents, or guardians.*

11 *Sec. 51 was vetoed. See message at end of chapter.

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

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

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

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

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

33 ~~((e))~~ (b) *A minor thirteen years or older may, with the*
34 *concurrence of the professional person in charge of an evaluation and*
35 *treatment facility, admit himself or herself without parental consent*
36 *to the evaluation and treatment facility, provided that notice is given*
37 *by the facility to the minor's parent in accordance with the following*
38 *requirements:*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 If the minor is not taken into custody for evaluation and
35 treatment, the parent who has custody of the minor may seek review of
36 that decision made by the county designated mental health professional
37 in court. The parent shall file notice with the court and provide a

1 copy of the county designated mental health professional's report or
2 notes.

3 (2) Within twelve hours of the minor's arrival at the evaluation
4 and treatment facility, the county-designated mental health
5 professional shall serve on the minor a copy of the petition for
6 initial detention, notice of initial detention, and statement of
7 rights. The county-designated mental health professional shall file
8 with the court on the next judicial day following the initial detention
9 the original petition for initial detention, notice of initial
10 detention, and statement of rights along with an affidavit of service.
11 The county-designated mental health professional shall commence service
12 of the petition for initial detention and notice of the initial
13 detention on the minor's parent and the minor's attorney as soon as
14 possible following the initial detention.

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

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

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

32 (5) If a minor is not approved for admission by the inpatient
33 evaluation and treatment facility, the facility shall make such
34 recommendations and referrals for further care and treatment of the
35 minor as necessary.

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

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

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

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

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

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

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

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

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

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

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

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

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

36 ***NEW SECTION.** *Sec. 55. A new section is added to chapter 71.34*
37 *RCW to read as follows:*

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

7 *Sec. 55 was vetoed. See message at end of chapter.

8 NEW SECTION. **Sec. 56.** A new section is added to chapter 71.34 RCW
9 to read as follows:

10 (1) The admission of any child under RCW 71.34.030 may be reviewed
11 by the county-designated mental health professional between fifteen and
12 thirty days following admission. The county-designated mental health
13 professional may undertake the review on his or her own initiative and
14 may seek reimbursement from the parents, their insurance, or medicaid
15 for the expense of the review.

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

23 If the county-designated mental health professional determines that
24 continued inpatient treatment of the child is no longer medically
25 appropriate, the professional shall notify the facility, the child, the
26 child's parents, and the department of the finding within twenty-four
27 hours of the determination.

28 (3) For purposes of eligibility for medical assistance under
29 chapter 74.09 RCW, children in inpatient mental health or chemical
30 dependency treatment shall be considered to be part of their parent's
31 or legal guardian's household, unless the child has been assessed by
32 the department of social and health services or its designee as likely
33 to require such treatment for at least ninety consecutive days, or is
34 in out-of-home care in accordance with chapter 13.34 RCW, or the
35 child's parents are found to not be exercising responsibility for care
36 and control of the child. Payment for such care by the department of
37 social and health services shall be made only in accordance with rules,

1 guidelines, and clinical criteria applicable to inpatient treatment of
2 minors established by the department.

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

5 *Nothing in this chapter authorizes school district personnel to*
6 *refer minors to any evaluation and treatment program or mental health*
7 *professional without providing notice of the referral to the minor's*
8 *parent.*

9 **Sec. 57 was vetoed. See message at end of chapter.*

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

12 *The department shall randomly select and review the information on*
13 *children who are admitted to in-patient treatment on application of the*
14 *child's parent. The review shall determine whether the children*
15 *reviewed were appropriately admitted into treatment based on an*
16 *objective evaluation of the child's condition and the outcome of the*
17 *child's treatment.*

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

20 *The department shall have the duty to provide child welfare*
21 *services as defined in RCW 74.13.020, and shall:*

22 *(1) Develop, administer, supervise, and monitor a coordinated and*
23 *comprehensive plan that establishes, aids, and strengthens services for*
24 *the protection and care of homeless, runaway, dependent, or neglected*
25 *children.*

26 *(2) Develop a recruiting plan for recruiting an adequate number of*
27 *prospective adoptive and foster homes, both regular and specialized,*
28 *((i.e.)) including homes for children of ethnic minority, ((including))*
29 *Indian homes for Indian children, sibling groups, handicapped and*
30 *emotionally disturbed, and annually submit the plan for review to the*
31 *((house and senate committees on social and health services))*
32 *legislature. The plan shall include a section entitled "Foster Home*
33 *Turn-Over, Causes and Recommendations."*

34 *(3) Investigate complaints of neglect, abuse, or abandonment of*
35 *children, and on the basis of the findings of such investigation, offer*
36 *child welfare services in relation to the problem to such parents,*

1 legal custodians, or persons serving in loco parentis, and/or bring the
2 situation to the attention of an appropriate court, or another
3 community agency(~~(: PROVIDED, That an)~~). No investigation is ((not))
4 required of nonaccidental injuries which are clearly not the result of
5 a lack of care or supervision by the child's parents, legal custodians,
6 or persons serving in loco parentis. If ((the)) an investigation
7 reveals that a crime may have been committed, the department shall
8 notify the appropriate law enforcement agency.

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

11 (5) Monitor out-of-home placements, on a timely and routine basis,
12 to assure the safety, well-being, and quality of care being provided is
13 within the scope of the intent of the legislature as defined in RCW
14 74.13.010 and 74.15.010, and annually submit a report delineating the
15 results to the ((house and senate committees on social and health
16 services)) legislature.

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

26 (7) Have authority to provide temporary shelter to children who
27 have run away from home and who are admitted to crisis residential
28 centers.

29 (8) Have authority to purchase care for children((;)) and ((shall
30 follow in general the policy of using)) use properly approved private
31 agency services for the ((actual)) care and supervision of such
32 children insofar as they are available, paying for care of such
33 children as are accepted by the department as eligible for support at
34 reasonable rates established by the department.

35 (9) Establish a children's services advisory committee which shall
36 assist the secretary in the development of a partnership plan for
37 utilizing resources of the public and private sectors, and advise on
38 all matters pertaining to child welfare, day care, licensing of child
39 care agencies, adoption, and related services ((related thereto)). At

1 least one-third of the membership shall be (~~composed of~~) child care
2 providers, and at least one member shall represent the adoption
3 community.

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

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

14 Notwithstanding any other provision of RCW 13.32A.170 through
15 13.32A.200 and 74.13.032 through 74.13.036, or of this section, all
16 services to be provided by the department of social and health services
17 under subsections (4)(~~7~~) and (6)(~~7~~) of this section,
18 subject to the limitations of these subsections, may be provided by any
19 program offering such services funded pursuant to Titles II and III of
20 the federal juvenile justice and delinquency prevention act of 1974.

21 *Sec. 59 was vetoed. See message at end of chapter.

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

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

34 (2) Within available funds appropriated for this purpose, the
35 department shall establish, by contracts with private vendors, regional
36 crisis residential centers with secure facilities. These facilities
37 shall be facilities licensed under rules adopted by the department.

1 These centers may also include semi-secure facilities and to such
2 extent shall be subject to subsection (1) of this section.

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

8 (4) The staff at the facilities established under this section
9 shall be trained so that they may effectively counsel juveniles
10 admitted to the centers, provide treatment, supervision, and structure
11 to the juveniles that recognize the need for support and the varying
12 circumstances that cause children to leave their families, and carry
13 out the responsibilities stated in RCW 13.32A.090. The
14 responsibilities stated in RCW 13.32A.090 may, in any of the centers,
15 be carried out by the department.

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

22 (6) A center with secure facilities created under this section may
23 not be located within, or on the same grounds as, other secure
24 structures including jails, juvenile detention facilities operated by
25 the state, or units of local government. However, the secretary may,
26 following consultation with the appropriate county legislative
27 authority, make a written finding that location of a center with secure
28 facilities on the same grounds as another secure structure is the only
29 practical location for a secure facility. Upon the written finding a
30 secure facility may be located on the same grounds as the secure
31 structure. Where a center is located in or adjacent to a secure
32 juvenile detention facility, the center shall be operated in a manner
33 that prevents in-person contact between the residents of the center and
34 the persons held in such facility.

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

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

4 **Sec. 62.** RCW 74.13.033 and 1992 c 205 s 213 are each amended to
5 read as follows:

6 (1) If a resident of a center becomes by his or her behavior
7 disruptive to the facility's program, such resident may be immediately
8 removed to a separate area within the facility and counseled on an
9 individual basis until such time as the child regains his or her
10 composure. The department may set rules and regulations establishing
11 additional procedures for dealing with severely disruptive children on
12 the premises(~~(, which procedures are consistent with the federal~~
13 ~~juvenile justice and delinquency prevention act of 1974 and regulations~~
14 ~~and clarifying instructions promulgated thereunder. Nothing in this~~
15 ~~section shall prohibit a center from referring any child who, as the~~
16 ~~result of a mental or emotional disorder, or intoxication by alcohol or~~
17 ~~other drugs, is suicidal, seriously assaultive or seriously destructive~~
18 ~~toward others, or otherwise similarly evidences an immediate need for~~
19 ~~emergency medical evaluation and possible care, for evaluation pursuant~~
20 ~~to chapter 71.34 RCW or to a mental health professional pursuant to~~
21 ~~chapter 71.05 RCW whenever such action is deemed appropriate and~~
22 ~~consistent with law)).~~

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

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

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

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

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

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

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

11 (4) A juvenile taking unauthorized leave from ~~((this residence~~
12 ~~may))~~ a facility shall be apprehended and returned to it by law
13 enforcement officers or other persons designated as having this
14 authority as provided in RCW 13.32A.050. If returned to the facility
15 after having taken unauthorized leave for a period of more than twenty-
16 four hours a juvenile ~~((may))~~ shall be supervised by such a facility
17 for a period, pursuant to this chapter, which, unless where otherwise
18 provided, may not exceed five consecutive days on the premises. Costs
19 of housing juveniles admitted to crisis residential centers shall be
20 assumed by the department for a period not to exceed five consecutive
21 days.

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

24 (1) A child taken into custody and taken to a crisis residential
25 center established pursuant to RCW 74.13.032~~((+2))~~ may, if the center
26 is unable to provide appropriate treatment, supervision, and structure
27 to the child, be taken at department expense to another crisis
28 residential center ~~((or)),~~ the nearest regional secure crisis
29 residential center, or a secure facility with which it is collocated
30 under RCW 74.13.032. Placement in both ~~((centers))~~ locations shall not
31 exceed five consecutive days from the point of intake as provided in
32 RCW 13.32A.130.

33 (2) A child taken into custody and taken to a crisis residential
34 center established by this chapter may be placed physically by the
35 department or the department's designee and, at departmental expense
36 and approval, in a secure juvenile detention facility operated by the
37 county in which the center is located for a maximum of forty-eight
38 hours, including Saturdays, Sundays, and holidays, if the child has

1 taken unauthorized leave from the center and the person in charge of
2 the center determines that the center cannot provide supervision and
3 structure adequate to ensure that the child will not again take
4 unauthorized leave. Juveniles placed in such a facility pursuant to
5 this section may not, to the extent possible, come in contact with
6 alleged or convicted juvenile or adult offenders.

7 (3) Any child placed in secure detention pursuant to this section
8 shall, during the period of confinement, be provided with appropriate
9 treatment by the department or the department's designee, which shall
10 include the services defined in RCW 74.13.033(2). If the child placed
11 in secure detention is not returned home or if an alternative living
12 arrangement agreeable to the parent and the child is not made within
13 twenty-four hours after the child's admission, the child shall be taken
14 at the department's expense to a crisis residential center. Placement
15 in the crisis residential center or centers plus placement in juvenile
16 detention shall not exceed five consecutive days from the point of
17 intake as provided in RCW 13.32A.130.

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

25 ~~((5) It is the intent of the legislature that by July 1, 1982,~~
26 ~~crisis residential centers, supplemented by community mental health~~
27 ~~programs and mental health professionals, will be able to respond~~
28 ~~appropriately to children admitted to centers under this chapter and~~
29 ~~will be able to respond to the needs of such children with appropriate~~
30 ~~treatment, supervision, and structure.))~~

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

33 ***Crisis residential centers shall compile ((yearly)) quarterly***
34 ***records which shall be transmitted to the department and which shall***
35 ***contain information regarding population profiles of the children***
36 ***admitted to the centers during each past calendar year. Such***
37 ***information shall include but shall not be limited to the following:***

1 (1) *The number, county of residency, age, and sex of children*
2 *admitted to custody;*

3 (2) *Who brought the children to the center;*

4 (3) *Services provided to children admitted to the center;*

5 (4) *The circumstances which necessitated the children being brought*
6 *to the center;*

7 (5) *The ultimate disposition of cases;*

8 (6) *The number of children admitted to custody who ran away from*
9 *the center and their ultimate disposition, if any;*

10 (7) *Length of stay.*

11 *The department may require the provision of additional information and*
12 *may require each center to provide all such necessary information in a*
13 *uniform manner.*

14 *The department shall report to the legislature within one year of*
15 *the initial contracts establishing crisis residential centers operated*
16 *as a secure facility. The report shall evaluate and compare the*
17 *information required to be compiled in this section for the secure and*
18 *semi-secure facilities of crisis residential centers. The department*
19 *shall include plans for establishing secure facilities as funds are*
20 *appropriated.*

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

25 **Sec. 64 was vetoed. See message at end of chapter.*

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

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

36 (2) The department shall((~~, by January 1, 1986,~~)) develop a plan
37 and procedures, in cooperation with the state-wide advisory committee,

1 to insure the full implementation of the provisions of chapter 13.32A
2 RCW. Such plan and procedures shall include but are not limited to:

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

6 (b) Procedures for designating department staff responsible for
7 family reconciliation services;

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

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

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

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

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

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

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

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

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

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

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

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

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

3 For purposes of this chapter, "community truancy board" means a
4 board composed of members of the local community in which the child
5 attends school. The local school district boards of directors may
6 create a community truancy board. Members of the board shall be
7 selected from representatives of the community. Duties of a community
8 truancy board shall include, but not be limited to, recommending
9 methods for improving school attendance.

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

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

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

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

28 (3) Take steps to eliminate or reduce the ((juvenile's)) child's
29 absences. These steps shall include, where appropriate, adjusting the
30 ((juvenile's)) child's school program or school or course assignment,
31 providing more individualized or remedial instruction, ((preparing the
32 juvenile for employment with specific)) providing appropriate
33 vocational courses or work experience, or ((both)) refer the child to
34 a community truancy board, ((and)) or assisting the parent or
35 ((student)) child to obtain supplementary services that might eliminate
36 or ameliorate the cause or causes for the absence from school.

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

3 If the actions taken by a school ((pursuant to)) district under RCW
4 28A.225.020 ((is)) are not successful in substantially reducing ((a))
5 an enrolled student's absences from school, ((any of the following
6 actions may be taken after five or more)) upon the fifth unexcused
7 absence((s)) by a child within any month during the current school year
8 or upon the tenth unexcused absence during the current school year((÷
9 (1) The attendance officer of)) the school district ((through its
10 attorney may)) shall file a petition with the juvenile court ((to
11 assume jurisdiction under RCW 28A.200.010, 28A.200.020, and 28A.225.010
12 through 28A.225.150 for the purpose of)) alleging a violation of RCW
13 28A.225.010: (1) By the parent; ((or)) (2) ((a petition alleging a
14 violation of RCW 28A.225.010 by a)) by the child ((may be filed with
15 the juvenile court by the parent of such child or by the attendance
16 officer of the school district through its attorney at the request of
17 the parent. If the court assumes jurisdiction in such an instance, the
18 provisions of RCW 28A.200.010, 28A.200.020, and 28A.225.010 through
19 28A.225.150, except where otherwise stated, shall apply)); or (3) by
20 the parent and the child.

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

26 **NEW SECTION. Sec. 69.** A new section is added to chapter 28A.225
27 RCW to read as follows:

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

30 (a) The child has five or more unexcused absences within any month
31 during the current school year or ten or more unexcused absences in the
32 current school year;

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

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

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

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

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

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

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

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

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

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

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

23 (7) If the court assumes jurisdiction, the school district shall
24 regularly report to the court any additional unexcused absences by the
25 child.

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

28 Clerks of superior courts shall collect the following fees for
29 their official services:

30 (1) The party filing the first or initial paper in any civil
31 action, including an action for restitution, or change of name, shall
32 pay, at the time (~~said~~) the paper is filed, a fee of one hundred ten
33 dollars except in proceedings filed under RCW 26.50.030 or 49.60.227
34 where the petitioner shall pay a filing fee of twenty dollars, or in
35 proceedings filed under RCW 28A.225.030 alleging a violation of the
36 compulsory attendance laws where the petitioner shall not pay a filing
37 fee, or an unlawful detainer action under chapter 59.18 or 59.20 RCW
38 where the plaintiff shall pay a filing fee of thirty dollars. If the

1 defendant serves or files an answer to an unlawful detainer complaint
2 under chapter 59.18 or 59.20 RCW, the plaintiff shall pay, prior to
3 proceeding with the unlawful detainer action, an additional eighty
4 dollars which shall be considered part of the filing fee. The thirty
5 dollar filing fee under this subsection for an unlawful detainer action
6 shall not include an order to show cause or any other order or judgment
7 except a default order or default judgment in an unlawful detainer
8 action.

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

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

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

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

21 (6) The party filing a demand for jury of six in a civil action,
22 shall pay, at the time of filing, a fee of fifty dollars; if the demand
23 is for a jury of twelve the fee shall be one hundred dollars. If,
24 after the party files a demand for a jury of six and pays the required
25 fee, any other party to the action requests a jury of twelve, an
26 additional fifty-dollar fee will be required of the party demanding the
27 increased number of jurors.

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

34 (8) For preparing, transcribing or certifying any instrument on
35 file or of record in the clerk's office, with or without seal, for the
36 first page or portion thereof, a fee of two dollars, and for each
37 additional page or portion thereof, a fee of one dollar. For
38 authenticating or exemplifying any instrument, a fee of one dollar for
39 each additional seal affixed.

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

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

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

9 (12) In probate proceedings, the party instituting such
10 proceedings, shall pay at the time of filing the first paper therein,
11 a fee of one hundred ten dollars: PROVIDED, HOWEVER, A fee of twenty
12 dollars shall be charged for filing a will only, when no probate of the
13 will is contemplated. Except as provided for in subsection (13) of
14 this section a fee of two dollars shall be charged for filing a
15 petition, written agreement, or memorandum as provided in RCW
16 11.96.170.

17 (13) For filing any petition to contest a will admitted to probate
18 or a petition to admit a will which has been rejected, or a petition
19 objecting to a written agreement or memorandum as provided in RCW
20 11.96.170, there shall be paid a fee of one hundred ten dollars.

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

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

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

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

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

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

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

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

12 In any judicial district having a court commissioner, the court
13 commissioner shall have the power, authority, and jurisdiction,
14 concurrent with a juvenile court judge, to hear all cases under RCW
15 28A.225.030, 28A.225.090, and section 69 of this act and to enter
16 judgment and make orders with the same power, force, and effect as any
17 judge of the juvenile court, subject to motion or demand by any party
18 within ten days from the entry of the order or judgment by the court
19 commissioner as provided in RCW 2.24.050. In any judicial district
20 having a family law commissioner appointed pursuant to chapter 26.12
21 RCW, the family law commissioner shall have the power, authority, and
22 jurisdiction, concurrent with a juvenile court judge, to hear cases
23 under RCW 28A.225.030, 28A.225.090, and section 69 of this act and to
24 enter judgment and make orders with the same power, force, and effect
25 as any judge of the juvenile court, subject to motion or demand by any
26 party within ten days from the entry of the order or judgment by the
27 court commissioner as provided in RCW 2.24.050.

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

30 (1) Each school shall document the actions taken under RCW
31 28A.225.020 and 28A.225.030 and report this information at the end of
32 each grading period to the school district superintendent who shall
33 compile the data for all the schools in the district and prepare an
34 annual school district report for each school year and submit the
35 report to the superintendent of public instruction. The reports shall
36 be made upon forms furnished by the superintendent of public

1 instruction and shall be transmitted as determined by the
2 superintendent of public instruction.

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

4 (a) The number of enrolled students and the number of excused and
5 unexcused absences;

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

8 (c) The number of enrolled students with ten or more unexcused
9 absences in a school year or five or more unexcused absences in a month
10 during a school year;

11 (d) Documentation of success by the school district in
12 substantially reducing enrolled student absences for students with five
13 or more absences in any month or ten or more unexcused absences in any
14 school year;

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

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

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

22 (4) The superintendent of public instruction shall collect these
23 reports from all school districts and prepare an annual report for each
24 school year to be submitted to the legislature no later than December
25 15th of each year.

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

28 Any (~~attendance officer~~) school district official, sheriff,
29 deputy sheriff, marshal, police officer, or any other officer
30 authorized to make arrests, (~~shall~~) may take into custody without a
31 warrant a child who is required under the provisions of RCW 28A.225.010
32 through 28A.225.140 to attend school (~~(, such child then being a truant~~
33 ~~from instruction at the school which he or she is lawfully required to~~
34 ~~attend)) and is absent from school without an approved excuse, and
35 shall (~~forthwith~~) deliver (~~a child so detained either~~) the child
36 to: (1) (~~to~~) The custody of a person in parental relation to the
37 child (~~or~~); (2) (~~to~~) the school from which the child is (~~then a~~
38 ~~truant~~) absent; or (3) a program designated by the school district.~~

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

3 Any person violating any of the provisions of either RCW
4 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five
5 dollars for each day of unexcused absence from school. However, a
6 child found to be in violation of RCW 28A.225.010 shall be required to
7 attend school and shall not be fined. If the child fails to comply
8 with the court order to attend school, the court may: (1) Order the
9 child be punished by detention; or ~~((may))~~ (2) impose alternatives to
10 detention such as community service hours or participation in dropout
11 prevention programs or referral to a community truancy board, if
12 available. Failure by a child to comply with an order issued under
13 this section shall not be punishable by detention for a period greater
14 than that permitted pursuant to a contempt proceeding against a child
15 under chapter 13.32A RCW. It shall be a defense for a parent charged
16 with violating RCW 28A.225.010 to show that he or she exercised
17 reasonable diligence in attempting to cause a child in his or her
18 custody to attend school or that the ~~((juvenile's))~~ child's school did
19 not perform its duties as required in RCW 28A.225.020. The court may
20 order the parent to provide community service at the child's school
21 instead of imposing a fine. Any fine imposed pursuant to this section
22 may be suspended upon the condition that a parent charged with
23 violating RCW 28A.225.010 shall participate with the school and the
24 ~~((juvenile))~~ child in a supervised plan for the ~~((juvenile's))~~ child's
25 attendance at school or upon condition that the parent attend a
26 conference or conferences scheduled by a school for the purpose of
27 analyzing the causes of a child's absence.

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

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

33 Notwithstanding the provisions of RCW 10.82.070, fifty percent of
34 all fines except as otherwise provided in RCW 28A.225.010 through
35 28A.225.140 shall ~~((inure and))~~ be applied to the support of the public
36 schools in the school district where such offense was committed:
37 PROVIDED, That all fees, fines, forfeitures, and penalties collected or
38 assessed by a district court because of the violation of a state law

1 shall be remitted as provided in chapter 3.62 RCW (~~as now exists or is~~
2 ~~later amended~~), and fifty percent shall be paid to the county
3 treasurer who shall deposit such amount to the credit of the courts in
4 the county for the exclusive purpose of enforcing the provisions of RCW
5 28A.225.010 through 28A.225.140.

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

8 *(1) Prior to the beginning of each new semester, quarter, or other*
9 *academic period followed by a district, each district shall prepare a*
10 *list of its enrolled students who, during the previous one hundred*
11 *eighty days, have substantially failed to carry out their school*
12 *attendance responsibility under RCW 28A.225.010(1). The list shall be*
13 *effective for the duration of the new semester, quarter, or other*
14 *academic period. A student shall be considered to have "substantially*
15 *failed" to carry out this responsibility if the student has been absent*
16 *from school without excuse for five or more school days during the one*
17 *hundred eighty school days preceding the date on which the list is*
18 *published. For purposes of this subsection, the number of "school*
19 *days" absent without excuse shall be determined by dividing the number*
20 *of hours the student was absent without excuse by the number of hours*
21 *in the student's average school day.*

22 *(2) No student on the district's list prepared under subsection (1)*
23 *of this section shall be permitted to enroll in a traffic safety*
24 *education course offered by a school district or offered by a driver*
25 *training school under chapter 46.82 RCW or shall be permitted to obtain*
26 *an application for a driver's license under chapter 46.20 RCW. A*
27 *school district shall provide the notice specified under section 79 of*
28 *this act, resulting in the suspension of the student's driving*
29 *privilege.*

30 **Sec. 76 was vetoed. See message at end of chapter.*

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

33 *A driver training school may not provide instruction in the*
34 *operation of an automobile to a minor who is subject to section 76 of*
35 *this act, unless the driver training school is provided with a*
36 *statement by the principal of the minor's school that the minor is not*

1 on the school district's list of students who have substantially failed
2 to carry out their school attendance responsibilities.

3 *Sec. 77 was vetoed. See message at end of chapter.

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

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

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

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

18 (3) The applicant has satisfactorily completed a traffic safety
19 education course as defined in RCW 28A.220.020, conducted by a
20 recognized secondary school, that meets the standards established by
21 the office of the state superintendent of public instruction or the
22 applicant has satisfactorily completed a traffic safety education
23 course, conducted by a commercial driving instruction enterprise, that
24 meets the standards established by the office of the superintendent of
25 public instruction and is officially approved by that office on an
26 annual basis: PROVIDED, HOWEVER, That the director may upon a showing
27 that an applicant was unable to take or complete a driver education
28 course waive that requirement if the applicant shows to the
29 satisfaction of the department that a need exists for the applicant to
30 operate a motor vehicle and he or she has the ability to operate a
31 motor vehicle in such a manner as not to jeopardize the safety of
32 persons or property, under rules to be promulgated by the department in
33 concert with the supervisor of the traffic safety education section,
34 office of the superintendent of public instruction. For a person under
35 the age of eighteen years to obtain a motorcycle endorsement, he or she
36 must successfully complete a motorcycle safety education course that
37 meets the standards established by the department of licensing.

1 The department may waive any education requirement under this
2 subsection for an applicant previously licensed to drive a motor
3 vehicle or motorcycle outside this state if the applicant provides
4 proof satisfactory to the department that he or she has had education
5 equivalent to that required under this subsection.

6 *Sec. 78 was vetoed. See message at end of chapter.

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

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

15 *Sec. 79 was vetoed. See message at end of chapter.

16 *NEW SECTION. Sec. 80. The superintendent of public instruction,
17 in consultation with school districts and the department of licensing,
18 shall develop necessary forms and procedures for demonstrating that
19 juveniles are not on the school district's list of students who have
20 substantially failed to carry out their school attendance
21 responsibilities. The procedures shall be established and operational
22 by September 1, 1996.

23 *Sec. 80 was vetoed. See message at end of chapter.

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

- 27 (a) The number of petitions filed by school districts;
28 (b) The disposition of petitions filed;
29 (c) The frequency of penalties and fines ordered by the courts;
30 (d) The frequency of contempt orders issued to enforce court
31 orders; and
32 (e) The effectiveness of the petition process in reducing unexcused
33 absences.

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

36 (2) The institute, in consultation with the superintendent of
37 public instruction and other members of the education community, shall

1 review and evaluate the need to develop a state-wide definition of
2 excused and unexcused absences. The institute shall submit a report of
3 its findings to the legislature by January 1, 1996.

4 (3) The institute, in consultation with the superintendent of
5 public instruction, the state board of education, and other members of
6 the education community, shall review and evaluate the need to prohibit
7 school districts from suspending or expelling students as disciplinary
8 measures in response to unexcused absences of the students. The
9 institute shall submit a report of its findings to the legislature by
10 January 1, 1996.

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

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

16 School district boards of directors shall review school district
17 policies regarding access and egress by students from secondary school
18 grounds during school hours. Each school district board of directors
19 shall adopt a policy specifying any restrictions on students leaving
20 secondary school grounds during school hours.

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

23 The legislature finds and declares that local government criminal
24 justice systems are in need of assistance. Many counties and cities
25 are unable to provide sufficient funding for additional police
26 protection, mitigation of congested court systems, public safety
27 education, and relief of overcrowded jails.

28 In order to ensure public safety, it is necessary to provide fiscal
29 assistance to help local governments to respond immediately to these
30 criminal justice problems, while initiating a review of the criminal
31 justice needs of cities and counties and the resources available to
32 address those needs.

33 To provide for a more efficient and effective response to these
34 problems, the legislature encourages cities and counties to coordinate
35 strategies against crime and use multijurisdictional and innovative
36 approaches in addressing criminal justice problems.

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

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

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

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

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

15 (b) The city has levied the tax authorized in RCW 82.14.030(2) at
16 the maximum rate or the tax authorized in RCW 82.46.010(3) at the
17 maximum rate; and

18 (c) The city has a per capita yield from the tax imposed under RCW
19 82.14.030(1) at the maximum rate of less than one hundred fifty percent
20 of the state-wide average per capita yield for all cities from such
21 local sales and use tax.

22 (3) The moneys deposited in the municipal criminal justice
23 assistance account for distribution under this section shall be
24 distributed at such times as distributions are made under RCW
25 82.44.150. The distributions shall be made as follows:

26 (a) Unless reduced by this subsection, thirty percent of the moneys
27 shall be distributed ratably based on population as last determined by
28 the office of financial management to those cities eligible under
29 subsection (2) of this section that have a crime rate determined under
30 subsection (2)(a) of this section which is greater than one hundred
31 seventy-five percent of the state-wide average crime rate. No city may
32 receive more than fifty percent of any moneys distributed under this
33 subsection (a) but, if a city distribution is reduced as a result of
34 exceeding the fifty percent limitation, the amount not distributed
35 shall be distributed under (b) of this subsection.

36 (b) The remainder of the moneys, including any moneys not
37 distributed in subsection (2)(a) of this section, shall be distributed
38 to all cities eligible under subsection (2) of this section ratably

1 based on population as last determined by the office of financial
2 management.

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

5 (5) Notwithstanding other provisions of this section, the
6 distributions to any city that substantially decriminalizes or repeals
7 its criminal code after July 1, 1990, and that does not reimburse the
8 county for costs associated with criminal cases under RCW 3.50.800 or
9 3.50.805(2), shall be made to the county in which the city is located.

10 (6) Moneys distributed under this section shall be expended
11 exclusively for criminal justice purposes and shall not be used to
12 replace or supplant existing funding. Criminal justice purposes are
13 defined as activities that substantially assist the criminal justice
14 system, which may include circumstances where ancillary benefit to the
15 civil justice system occurs, and which includes domestic violence
16 services such as those provided by domestic violence programs,
17 community advocates, and legal advocates, as defined in RCW 70.123.020,
18 and publications and public educational efforts designed to provide
19 information and assistance to parents in dealing with runaway or at-
20 risk youth. Existing funding for purposes of this subsection is
21 defined as calendar year 1989 actual operating expenditures for
22 criminal justice purposes. Calendar year 1989 actual operating
23 expenditures for criminal justice purposes exclude the following:
24 Expenditures for extraordinary events not likely to reoccur, changes in
25 contract provisions for criminal justice services, beyond the control
26 of the local jurisdiction receiving the services, and major
27 nonrecurring capital expenditures.

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

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

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

33 (1) RCW 28A.225.040 and 1990 c 33 s 221 & 1969 ex.s. c 223 s
34 28A.27.030;

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

1 (3) RCW 28A.225.070 and 1990 c 33 s 224, 1975 1st ex.s. c 275 s 57,
2 1969 ex.s. c 176 s 106, & 1969 ex.s. c 223 s 28A.27.080;

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

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

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

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

11 NEW SECTION. **Sec. 87.** If specific funding for the purposes of
12 this act, referencing this act by bill number, is not provided by June
13 30, 1995, in the omnibus appropriations act, this act is null and void.

Passed the Senate April 23, 1995.

Passed the House April 23, 1995.

Approved by the Governor May 10, 1995, with the exception of
certain items which were vetoed.

Filed in Office of Secretary of State May 10, 1995.

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

2 "I am returning herewith, without my approval as to sections 9, 30,
3 31, 33, 35, 38, 50, 51, 55, 57, 59, 64, 76, 77, 78, 79 and 80 Engrossed
4 Second Substitute Senate Bill 5439 entitled:

5 "AN ACT Relating to revising procedures for nonoffender at-risk
6 youth and their families;"

7 I commend the legislature for its hard work and bipartisan approach
8 in passing Engrossed Second Substitute Senate Bill No. 5439. This
9 important legislation, which relates primarily to the laws governing
10 at-risk youth and families in conflict, squarely addresses the major
11 problems that have arisen since the enactment of our 1977 Juvenile
12 Justice Act. It empowers parents to help their children when they have
13 run away or when their child's substance abuse or mental health
14 problems place them in serious danger of harming themselves or others.
15 In addition, it establishes a voluntary, community-based process to
16 assist families in conflict, thereby helping to prevent or alleviate
17 such problems as truancy, running away, substance abuse, mental
18 illness, and juvenile delinquency. Further, it compels school
19 districts to address the troubling issue of truancy among their
20 students.

21 Although I am vetoing certain sections of the bill -- some for
22 technical purposes and others for their unintended effects -- our goal
23 of supporting parents and protecting our children remains
24 uncompromised.

25 In signing Engrossed Second Substitute Senate Bill No. 5439, I am
26 confirming the understanding and intent that the criteria specified in
27 section 12(2)(a) apply to and must be satisfied in any and all
28 situations where a youth is to be placed or to remain for any period of
29 time in a secure crisis residential center (CRC) up to the five-day

1 limit specified. Those situations include, but are not limited to,
2 when a youth first appears at a secure CRC and remains for any period
3 of time; when a youth first appears at a semi-secure CRC and is
4 immediately transferred to a secure CRC; or when a youth first appears
5 at or is placed in a semi-secure CRC, at any time during the five-day
6 period.

7 My reasons for vetoing these sections are as follows:

8 **Section 9 - Parental Financial Contribution**

9 Section 9 requires the parents of a child placed in a CRC to
10 contribute \$50 per day for the expense of the placement. The section
11 also permits the Department of Social and Health Services (DSHS) to
12 establish a payment schedule requiring lesser payment based on parents'
13 ability to pay. The underlying premise of this section -- that parents
14 should shoulder a reasonable proportion of the state's cost for
15 providing care to their children -- is something with which I
16 wholeheartedly agree. However, as drafted, this section is
17 inconsistent with federal child support guidelines and may jeopardize
18 our state's receipt of federal funding. Accordingly, I am directing
19 DSHS to collect parental contributions administratively using the
20 current child support system.

21 **Section 30 - Habitual Runaways**

22 Section 30 permits a court, during the disposition phase of an at-
23 risk youth (ARY) or a child in need of services (CHINS) petition
24 proceeding, to make a finding that the child who is the subject of the
25 proceeding is an habitual runaway. The court may place an habitual
26 runaway in a facility with adequate security for up to 180 days to
27 ensure that the child not only remains in the facility, but also
28 participates in programming designed to remedy the child's "behavioral
29 difficulties." To order this disposition, the court must find that the
30 placement is clearly necessary to protect the child and that less
31 restrictive orders would be inadequate. This section also permits the
32 court, as an additional sanction, to order the suspension of an
33 habitual runaway's driver's license for 90 days.

34 I have several concerns with this section. First, I am concerned
35 about the serious constitutional issue raised by the unusual procedure
36 set forth. This section allows the court to find that a child is an
37 habitual runaway without requiring this allegation to be pled and
38 proved during the fact-finding hearing. This appears to violate the
39 due process rights of youth who would have no opportunity to contest
40 such a finding during a proceeding. The language does not provide a
41 clear understanding of the legislature's intent in establishing this
42 disposition and gives courts almost unlimited discretion in using it.
43 The section allows the court to place an habitual runaway in a secure
44 "facility" that offers programming designed to remedy "behavior
45 difficulties." Unfortunately, these terms are not defined, leaving it
46 unclear what type of secure facilities and programming the legislature
47 intends to make available for habitual runaways. Further, there is
48 nothing in this section that prohibits the court from placing a youth
49 in an out-of-state facility or in a facility program that is not state
50 approved or certified, nothing requiring a court to consider whether
51 the receiving facility has any space available that is appropriate to
52 meet the child's needs, and nothing restricting a court from ordering

1 a 180-day secure placement in cases where the parent has neither sought
2 nor desires such an intrusive action.

3 Second, this section appears to be punishment-oriented in contrast
4 to the overall focus of the legislation which is more appropriately
5 oriented toward treatment. The section explicitly refers to the
6 ability of the court to suspend an habitual runaway's driver's license
7 as an "additional sanction." This referral suggests that the preceding
8 portion of section 30, relating to 180-day placements, is a sanction as
9 well. By locking up young people as a sanction for running away from
10 home, this section essentially recriminalizes this conduct. Such an
11 effect is clearly contrary to the intent of treating troubled youth,
12 and not punishing runaways.

13 Third, I am concerned about the fiscal issues relating to this
14 provision. The section currently states that only state funds
15 specifically appropriated for this purpose may be used to pay for these
16 secure placements. If no funds are appropriated, this placement
17 becomes an option only for those parents who can afford it. Even if
18 funds were specifically appropriated, however, the level would likely
19 be insufficient to cover the costs of this expensive disposition. I
20 believe that scarce resources can be better targeted toward the bill's
21 more treatment-oriented provisions.

22 Finally, I believe this provision is unnecessary in light of the
23 other significant tools provided in this legislation to strengthen
24 parents' ability to protect and help their children. For example, this
25 bill allows the state to briefly hold a runaway in a locked CRC for the
26 purpose of assessing the youth's condition and treatment needs. This
27 brief "hold" period provides parents with the opportunity to
28 reestablish contact with their runaway child (where such contact is not
29 inappropriate) and to obtain services or other assistance that might be
30 helpful in resolving the family conflict. To assist families who may
31 need services, the bill authorizes the formation of community-based,
32 multidisciplinary teams which are to develop voluntary treatment plans
33 and coordinate referrals.

34 Parents' ability to maintain the care, custody, and control of
35 their child are strengthened by requiring courts to accept properly
36 filed at-risk youth petitions -- the process through which parents may
37 obtain a court order requiring their child to obey reasonable parental
38 authority which includes regular school attendance, counseling,
39 employment, refraining from the use of alcohol or drugs, and
40 participation in a substance abuse or mental health outpatient
41 treatment program. Current law provides that youth who violate these
42 court orders may be found in contempt and placed in confinement for up
43 to 7 days. Parents who wish to place their minor child in an approved
44 substance abuse or mental health treatment program may apply for
45 admission without their child's consent. The bill also permits parents
46 to appeal the decision of a county designated specialist not to commit
47 the parents' minor child for involuntary inpatient treatment and seek
48 court approval of an out-of-home placement for their child for a total
49 period not to exceed 180 days. In light of this diverse and powerful
50 set of tools, section 30 is unnecessary to help parents ensure the
51 protection of their children.

52 **Section 31 - Driver's License Suspensions**

53 Section 31 requires the Department of Licensing (DOL) to suspend a
54 juvenile's driving privileges for 90 days upon receiving an order

1 pursuant to section 30. Because I have vetoed section 30, this section
2 is ineffective.

3 **Section 33 - Placement Review Hearings**

4 Section 33 requires that permanency planning occur when children
5 are placed in out-of-home care pursuant to an order under chapter RCW
6 13.32A. Specifically, a hearing must be held whenever any child under
7 age 10 has remained in out-of-home care for more than nine months. If
8 a child over age 10 has remained in out-of-home care for more than 15
9 months, a hearing must be held. At the hearing, the court must
10 determine if the matter should be referred to DSHS for the filing of a
11 dependency petition. In determining whether the case should be
12 referred, the court must also determine if it is in the best interest
13 of the child and family to begin permanency planning.

14 This section conflicts with existing state law that strictly limits
15 the duration of placements and proceedings under RCW 13.32A. It also
16 conflicts with federal funding requirements for permanency planning for
17 children. Whenever a child is placed in out-of-home care under DSHS
18 supervision, permanency planning begins from the date of placement and
19 continues until the child returns home or some alternative permanency
20 planning goal is achieved.

21 Section 33 also assumes that a child placed in out-of-home care
22 under RCW 13.32A would remain there indefinitely. However, section
23 24(1) and (4) of this bill limits the duration of an out-of-home
24 placement under a CHINS petition to a maximum of nine months.

25 **Section 35 - Violation of Shelter Notification as a Misdemeanor Offense**

26 Section 35 makes the violation of the requirements in section 34 of
27 this legislation a misdemeanor. Section 34 requires shelter providers
28 to report the location of a known runaway to the youth's parent, local
29 law enforcement, or DSHS within 8 hours.

30 Youth shelters play an important role in providing many of our most
31 vulnerable youth with a safe refuge from the streets. While I believe
32 that shelter providers should have to notify DSHS, a parent, or law
33 enforcement of the youth's presence as a way to access appropriate
34 services or to reunite the family, where appropriate, I do not agree
35 with making a violation of this requirement a crime.

36 In addition, I strongly believe that shelters providing services
37 for vulnerable youth must be licensed to protect their safety and well-
38 being. Yet, despite a law requiring licensure, a number of shelters
39 are not licensed. Accordingly, in an effort to achieve improved
40 compliance with this mandate, I am directing DSHS, in cooperation with
41 shelter providers or their representatives, to conduct a thorough
42 review of our current licensing requirements and to provide me with
43 recommended changes, including legislative amendments, by September 30,
44 1995.

45 **Section 38 - Sibling Information**

46 Section 38 requires CRC administrators to request from DSHS the
47 names of the admitting youth's siblings who have been under the
48 jurisdiction of the juvenile rehabilitation administration or who are
49 the subject of a dependency proceeding. In addition, DSHS must provide

1 information on whether the presenting youth has run away multiple
2 times.

3 Although sibling information may in some cases be useful in
4 assessing the situation of a runaway child, I am troubled by the
5 privacy implications of this section. I understand that some of this
6 information may be confidential and, under current law, cannot be
7 disclosed to the CRC administrator. The laws surrounding
8 confidentiality have posed a number of problems relating to records and
9 information sharing. As a result, several members of the legislature
10 have committed to conducting a comprehensive review of those laws
11 during the interim. I believe that this issue should be addressed as
12 part of that review, with any changes to statute coming after the
13 review is complete. We want to ensure that the privacy interests of
14 siblings and of their families are protected.

15 **Section 50 - Outpatient Drug/Alcohol Treatment: Notice to Parents**

16 Section 50 requires that treatment providers must notify parents
17 within 48 hours that their minor child has voluntarily requested
18 substance abuse treatment.

19 This section violates federal law governing confidentiality of
20 alcohol and drug abuse records which states that these treatment
21 records may be disclosed only with the consent of the patient or as
22 authorized by law. Where, as in this instance, there would be a
23 conflict between state and federal law, federal law would be
24 controlling. In addition, I am greatly concerned about the chilling
25 effect that this requirement may have on minors seeking treatment for
26 a substance abuse problem -- particularly older youth. Therapists and
27 counselors typically seek to involve the parents in a family counseling
28 setting which is a more effective and appropriate means to provide
29 parents such information.

30 **Sections 51 and 57 - Treatment Referrals by School District Personnel**

31 Section 51 and 57 state that school district personnel are not
32 authorized to refer minors to any treatment program or provider without
33 providing notice of the referral to the minor's parent.

34 The majority of referrals of minors to substance abuse programs
35 across the state come from school districts. From these referrals,
36 many youth receive assistance for their substance abuse problems. This
37 language would have the effect of prohibiting school districts from
38 making these referrals, thereby causing many youth with serious
39 problems not to seek the treatment they need. I do not want to erect
40 any obstacle that would prevent any youth who seeks treatment from
41 obtaining it.

42 **Section 55 - Notice to Parents for Outpatient Mental Health Treatment**

43 Section 55 requires treatment providers to notify parents that
44 their child has voluntarily sought outpatient mental health treatment.
45 I am vetoing this section because of the chilling effect it will have
46 on youth seeking such treatment.

1 **Section 59 - Child Welfare Services**

2 Section 59 includes technical changes to RCW 74.13.031. This
3 section was also substantively amended in Senate Bill No. 5029 which
4 makes changes related to a children's services advisory committee and
5 other changes not properly merged with this section.

6 **Section 64 - Specialized Foster Homes as CRCs**

7 Section 64 deletes the provision permitting specialized foster
8 homes to be used as CRC beds. It also requires DSHS to provide the
9 legislature with a report comparing secure and semi-secure CRCs.

10 I believe the deletion of specialized foster homes was an
11 inadvertent amendment by the legislature because the bill continues the
12 use of semi-secure CRCs, and specialized foster homes comprise a number
13 of these beds. However, I agree with the legislature that to the
14 extent we use secure CRC beds for a limited purpose, DSHS should report
15 to the legislature on their use. Accordingly, I am directing DSHS to
16 report to the legislature within one year after the initial contracts
17 establishing secure CRCs are established. The report shall evaluate
18 and compare the use and operation, including resident demographics of
19 semi-secure and secure facility CRCs.

20 **Sections 76 through 80 - Truancy**

21 As with the immediately preceding sections of this bill, sections
22 76 through 80 address the issue of truancy. Sections 76 through 79
23 attempt to discourage students' unexcused absences from school by
24 denying driving privileges to those students who have substantially
25 failed to carry out their attendance responsibilities.

26 Section 76 requires school districts, at the beginning of each new
27 academic period, to list those students who in the previous 180 days
28 have substantially failed to carry out their attendance
29 responsibilities. Because I am vetoing sections 77 through 80, which
30 deal with a minor's ability to apply for a driver's license, this
31 section is not necessary.

32 Section 77 prohibits a student from enrolling in commercial
33 driver's training unless the principal of the minor's school attests
34 that the student is not on the district's list of truant students.
35 Section 78 prohibits the Department of Licensing (DOL) from considering
36 an application of any minor for a driver's license unless DOL is
37 provided with proof that the applicant is not on the particular
38 district's list of truant students. Section 79 requires DOL, upon
39 notification by a school district that the student is on the district's
40 truancy list, to suspend the student's license for 90 days.

41 While I support the legislature's effort to compel students to
42 attend school regularly, I believe these provisions do not constitute
43 sound public policy. Rather than discouraging students from missing
44 school, I believe these sections could actually encourage students
45 older than age 15, who are not required by law to attend school, to
46 drop-out in order to protect their driving privilege. Thus, the actual
47 effect of these sections could be to increase the number of school
48 dropouts rather than to reduce truancy. Further, section 79 does not
49 require appropriate notice of students' license suspension to parents
50 and also lacks necessary due process in the form of a pre-suspension
51 hearing by the state.

1 Truancy is an extremely important issue as it frequently is an
2 early indicator of other problems. If we are going to address this
3 issue effectively, the whole community must be involved. Truancy is
4 not only the responsibility of our schools. Although the bill compels
5 school districts to take tangible steps to address this issue, it's
6 clearly not the entire answer. Accordingly, I urge the legislature,
7 together with representatives of schools, education organizations,
8 appropriate state agencies and other interested groups, to convene a
9 work group as soon as possible to develop effective recommendations
10 redefining compulsory attendance and truancy within the context of our
11 state's education restructuring efforts and evaluating the critical
12 connection between school attendance, youth violence, incarceration,
13 and related social problems. It is clear that the problems of school
14 attendance continue to be an obvious symptom of youth at-risk; however,
15 other significant factors beyond the classroom should also be
16 considered and addressed to ensure the safety and the quality education
17 of our students.

18 Section 80 requires the superintendent of public instruction, in
19 consultation with others, to develop necessary forms and procedures for
20 demonstrating that students are not on the school's truancy list.
21 Because I have vetoed sections 76 through 79, this section is not
22 necessary.

23 For these reasons, I have vetoed sections 9, 30, 31, 33, 35, 38,
24 50, 51, 55, 57, 59, 64, 76, 77, 78, 79 and 80 of Engrossed Second
25 Substitute Senate Bill No. 5439.

26 With the exception of sections 9, 30, 31, 33, 35, 38, 50, 51, 55,
27 57, 59, 64, 76, 77, 78, 79 and 80, Engrossed Second Substitute Senate
28 Bill No. 5439 is approved."