

2 **SSB 6208** - H COMM AMD

3 By Committee on Children & Family Services

4 ADOPTED AS AMENDED 3/6/98

5 Strike everything after the enacting clause and insert the
6 following:

7 **"PART I - CRISIS RESIDENTIAL CENTERS AND STAFF-SECURE**
8 **TREATMENT CENTERS**

9 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.13 RCW
10 to read as follows:

11 Any county or group of counties may make application to the
12 department of social and health services in the manner and form
13 prescribed by the department to administer and provide the services
14 established under RCW 13.32A.197. Any such application must include a
15 plan or plans for providing such services to at-risk youth.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.13 RCW
17 to read as follows:

18 No county may receive any state funds provided by section 1 of this
19 act until its application and plan are received by the department.

20 (1) The distribution of funds to a county or a group of counties
21 shall be based on criteria including but not limited to the county's
22 per capita income, regional or county at-risk populations, rates of
23 poverty, and the presence of existing programs serving at-risk
24 children.

25 (2) The secretary of social and health services shall reimburse a
26 county upon presentation and approval of a valid claim pursuant to this
27 chapter based on actual performance in meeting the terms and conditions
28 of the approved plan and contract. Funds received by participating
29 counties under this chapter shall not be used to replace local funds
30 for existing programs.

31 (3) Funds available for county-operated staff-secure facilities and
32 services under RCW 13.32A.197 shall not exceed the appropriation for
33 these services specified in the biennial operating budget.

1 **Sec. 3.** RCW 74.13.031 and 1997 c 386 s 32 and 1997 c 272 s 1 are
2 each reenacted and amended to read as follows:

3 The department shall have the duty to provide child welfare
4 services and shall:

5 (1) Develop, administer, supervise, and monitor a coordinated and
6 comprehensive plan that establishes, aids, and strengthens services for
7 the protection and care of homeless, runaway, dependent, or neglected
8 children.

9 (2) Within available resources, recruit an adequate number of
10 prospective adoptive and foster homes, both regular and specialized,
11 i.e. homes for children of ethnic minority, including Indian homes for
12 Indian children, sibling groups, handicapped and emotionally disturbed,
13 teens, pregnant and parenting teens, and annually report to the
14 governor and the legislature concerning the department's success in:
15 (a) Meeting the need for adoptive and foster home placements; (b)
16 reducing the foster parent turnover rate; (c) completing home studies
17 for legally free children; and (d) implementing and operating the
18 passport program required by RCW 74.13.285. The report shall include
19 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

20 (3) Investigate complaints of alleged neglect, abuse, or
21 abandonment of children, and on the basis of the findings of such
22 investigation, offer child welfare services in relation to the problem
23 to such parents, legal custodians, or persons serving in loco parentis,
24 and/or bring the situation to the attention of an appropriate court, or
25 another community agency: PROVIDED, That an investigation is not
26 required of nonaccidental injuries which are clearly not the result of
27 a lack of care or supervision by the child's parents, legal custodians,
28 or persons serving in loco parentis. If the investigation reveals that
29 a crime may have been committed, the department shall notify the
30 appropriate law enforcement agency.

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

33 (5) Monitor out-of-home placements, on a timely and routine basis,
34 to assure the safety, well-being, and quality of care being provided is
35 within the scope of the intent of the legislature as defined in RCW
36 74.13.010 and 74.15.010, and annually submit a report measuring the
37 extent to which the department achieved the specified goals to the
38 governor and the legislature.

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

10 (7) Have authority to provide temporary shelter to children who
11 have run away from home and who are admitted to crisis residential
12 centers.

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

19 (9) Establish a children's services advisory committee which shall
20 assist the secretary in the development of a partnership plan for
21 utilizing resources of the public and private sectors, and advise on
22 all matters pertaining to child welfare, licensing of child care
23 agencies, adoption, and services related thereto. At least one member
24 shall represent the adoption community.

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

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

35 (12) Provide funding for counties to operate treatment facilities
36 and provide treatment services to children who have been ordered placed
37 in a staff secure facility under RCW 13.32A.197.

38 Notwithstanding any other provision of RCW 13.32A.170 through
39 13.32A.200 and 74.13.032 through 74.13.036, or of this section all

1 services to be provided by the department of social and health services
2 under subsections (4), (6), and (7) of this section, or counties under
3 subsection (12) of this section, subject to the limitations of these
4 subsections, may be provided by any program offering such services
5 funded pursuant to Titles II and III of the federal juvenile justice
6 and delinquency prevention act of 1974.

7 **Sec. 4.** RCW 74.13.032 and 1995 c 312 s 60 are each amended to read
8 as follows:

9 (1) The department shall establish, by contracts with private or
10 public vendors, regional crisis residential centers with semi-secure
11 facilities. These facilities shall be structured group care facilities
12 licensed under rules adopted by the department and shall have an
13 average of at least four adult staff members and in no event less than
14 three adult staff members to every eight children.

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

21 (3) The department shall, in addition to the facilities established
22 under subsections (1) and (2) of this section, establish additional
23 crisis residential centers pursuant to contract with licensed private
24 group care facilities.

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

33 (5) The secure facilities located within crisis residential centers
34 shall be operated to conform with the definition in RCW 13.32A.030.
35 The facilities shall have an average of no ~~((more))~~ less than ~~((three))~~
36 one adult staff member~~((s))~~ to every ~~((eight))~~ ten children. The
37 staffing ratio shall continue to ensure the safety of the children.

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

14 NEW SECTION. Sec. 5. A new section is added to chapter 74.13 RCW
15 to read as follows:

16 (1) A county or group of counties operating a staff-secure facility
17 under sections 1 and 2 of this act shall establish, by contracts with
18 private or public vendors, treatment centers with staff secure
19 facilities. These facilities shall be structured group care facilities
20 licensed under rules adopted by the department.

21 (2) The staff at the facilities established under RCW 13.32A.197
22 shall be trained so that they may effectively counsel, supervise,
23 provide treatment for behavioral difficulties or needs, and provide
24 structure to the juveniles admitted to treatment facilities. The
25 treatment, supervision, and counseling must recognize the need for
26 support and the varying circumstances that cause children to leave
27 their families.

28 (3) Juveniles shall be admitted to the facilities based on a court
29 order for placement at a staff secure facility to receive treatment
30 under RCW 13.32A.197. Juveniles shall not be denied admission based on
31 their county of residence.

32 **PART II - MENTAL HEALTH AND CHEMICAL DEPENDENCY TREATMENT**

33 NEW SECTION. Sec. 6. The legislature finds it is often necessary
34 for parents to obtain mental health or chemical dependency treatment
35 for their minor children prior to the time the child's condition
36 presents a likelihood of serious harm or the child becomes gravely

1 disabled. The legislature finds that treatment of such conditions is
2 not the equivalent of incarceration or detention, but is a legitimate
3 act of parental discretion, when supported by decisions of credentialed
4 professionals. The legislature finds that, consistent with *Parham v.*
5 *J.R.*, 442 U.S. 584 (1979), state action is not involved in the
6 determination of a parent and professional person to admit a minor
7 child to treatment and finds this act provides sufficient independent
8 review by the department of social and health services, as a neutral
9 fact-finder, to protect the interests of all parties. The legislature
10 intends and recognizes that children affected by the provisions of this
11 act are not children whose mental or substance abuse problems are
12 adequately addressed by chapters 70.96A and 71.34 RCW. Therefore, the
13 legislature finds it is necessary to provide parents a statutory
14 process, other than the petition process provided in chapters 70.96A
15 and 71.34 RCW, to obtain treatment for their minor children without the
16 consent of the children.

17 The legislature finds that differing standards of admission and
18 review in parent-initiated mental health and chemical dependency
19 treatment for their minor children are necessary and the admission
20 standards and procedures under state involuntary treatment procedures
21 are not adequate to provide safeguards for the safety and well-being of
22 all children. The legislature finds the timeline for admission and
23 reviews under existing law do not provide sufficient opportunities for
24 assessment of the mental health and chemically dependent status of
25 every minor child and that additional time and different standards will
26 facilitate the likelihood of successful treatment of children who are
27 in need of assistance but unwilling to obtain it voluntarily. The
28 legislature finds there are children whose behavior presents a clear
29 need of medical treatment but is not so extreme as to require immediate
30 state intervention under the state involuntary treatment procedures.

31 **PART II-A - MENTAL HEALTH**

32 **Sec. 7.** RCW 71.34.010 and 1992 c 205 s 302 are each amended to
33 read as follows:

34 It is the purpose of this chapter to ~~((ensure))~~ assure that minors
35 in need of mental health care and treatment receive an appropriate
36 continuum of culturally relevant care and treatment, ~~((from))~~ including
37 prevention and early intervention ~~((to))~~, self-directed care, parent-

1 directed care, and involuntary treatment. To facilitate the continuum
2 of care and treatment to minors in out-of-home placements, all
3 divisions of the department that provide mental health services to
4 minors shall jointly plan and deliver those services.

5 It is also the purpose of this chapter to protect the rights of
6 minors against needless hospitalization and deprivations of liberty and
7 to enable treatment decisions to be made in response to clinical needs
8 in accordance with sound professional judgment. The mental health care
9 and treatment providers shall encourage the use of voluntary services
10 and, whenever clinically appropriate, the providers shall offer less
11 restrictive alternatives to inpatient treatment. Additionally, all
12 mental health care and treatment providers shall ((ensure)) assure that
13 minors' parents are given an opportunity to participate in the
14 treatment decisions for their minor children. The mental health care
15 and treatment providers shall, to the extent possible, offer services
16 that involve minors' parents or family.

17 It is also the purpose of this chapter to assure the ability of
18 parents to exercise reasonable, compassionate care and control of their
19 minor children when there is a medical necessity for treatment and
20 without the requirement of filing a petition under this chapter.

21 **Sec. 8.** RCW 71.34.020 and 1985 c 354 s 2 are each amended to read
22 as follows:

23 Unless the context clearly requires otherwise, the definitions in
24 this section apply throughout this chapter.

25 (1) "Child psychiatrist" means a person having a license as a
26 physician and surgeon in this state, who has had graduate training in
27 child psychiatry in a program approved by the American Medical
28 Association or the American Osteopathic Association, and who is board
29 eligible or board certified in child psychiatry.

30 (2) "Children's mental health specialist" means:

31 (a) A mental health professional who has completed a minimum of one
32 hundred actual hours, not quarter or semester hours, of specialized
33 training devoted to the study of child development and the treatment of
34 children; and

35 (b) A mental health professional who has the equivalent of one year
36 of full-time experience in the treatment of children under the
37 supervision of a children's mental health specialist.

1 (3) "Commitment" means a determination by a judge or court
2 commissioner, made after a commitment hearing, that the minor is in
3 need of inpatient diagnosis, evaluation, or treatment or that the minor
4 is in need of less restrictive alternative treatment.

5 (4) "County-designated mental health professional" means a mental
6 health professional designated by one or more counties to perform the
7 functions of a county-designated mental health professional described
8 in this chapter.

9 (5) "Department" means the department of social and health
10 services.

11 (6) "Evaluation and treatment facility" means a public or private
12 facility or unit that is certified by the department to provide
13 emergency, inpatient, residential, or outpatient mental health
14 evaluation and treatment services for minors. A physically separate
15 and separately-operated portion of a state hospital may be designated
16 as an evaluation and treatment facility for minors. A facility which
17 is part of or operated by the department or federal agency does not
18 require certification. No correctional institution or facility,
19 juvenile court detention facility, or jail may be an evaluation and
20 treatment facility within the meaning of this chapter.

21 (7) "Evaluation and treatment program" means the total system of
22 services and facilities coordinated and approved by a county or
23 combination of counties for the evaluation and treatment of minors
24 under this chapter.

25 (8) "Gravely disabled minor" means a minor who, as a result of a
26 mental disorder, is in danger of serious physical harm resulting from
27 a failure to provide for his or her essential human needs of health or
28 safety, or manifests severe deterioration in routine functioning
29 evidenced by repeated and escalating loss of cognitive or volitional
30 control over his or her actions and is not receiving such care as is
31 essential for his or her health or safety.

32 (9) "Inpatient treatment" means twenty-four-hour-per-day mental
33 health care provided within a general hospital, psychiatric hospital,
34 or residential treatment facility certified by the department as an
35 evaluation and treatment facility for minors.

36 (10) "Less restrictive alternative" or "less restrictive setting"
37 means outpatient treatment provided to a minor who is not residing in
38 a facility providing inpatient treatment as defined in this chapter.

1 (11) "Likelihood of serious harm" means either: (a) A substantial
2 risk that physical harm will be inflicted by an individual upon his or
3 her own person, as evidenced by threats or attempts to commit suicide
4 or inflict physical harm on oneself; (b) a substantial risk that
5 physical harm will be inflicted by an individual upon another, as
6 evidenced by behavior which has caused such harm or which places
7 another person or persons in reasonable fear of sustaining such harm;
8 or (c) a substantial risk that physical harm will be inflicted by an
9 individual upon the property of others, as evidenced by behavior which
10 has caused substantial loss or damage to the property of others.

11 (12) "Medical necessity" for inpatient care means a requested
12 service which is reasonably calculated to: (a) Diagnose, correct,
13 cure, or alleviate a mental disorder; or (b) prevent the worsening of
14 mental conditions that endanger life or cause suffering and pain, or
15 result in illness or infirmity or threaten to cause or aggravate a
16 handicap, or cause physical deformity or malfunction, and there is no
17 adequate less restrictive alternative available.

18 (13) "Mental disorder" means any organic, mental, or emotional
19 impairment that has substantial adverse effects on an individual's
20 cognitive or volitional functions. The presence of alcohol abuse, drug
21 abuse, juvenile criminal history, antisocial behavior, or mental
22 retardation alone is insufficient to justify a finding of "mental
23 disorder" within the meaning of this section.

24 (~~(13)~~) (14) "Mental health professional" means a psychiatrist,
25 psychologist, psychiatric nurse, or social worker, and such other
26 mental health professionals as may be defined by rules adopted by the
27 secretary under this chapter.

28 (~~(14)~~) (15) "Minor" means any person under the age of eighteen
29 years.

30 (~~(15)~~) (16) "Outpatient treatment" means any of the
31 nonresidential services mandated under chapter 71.24 RCW and provided
32 by licensed services providers as identified by RCW 71.24.025(3).

33 (~~(16)~~) (17) "Parent" means:

34 (a) A biological or adoptive parent who has legal custody of the
35 child, including either parent if custody is shared under a joint
36 custody agreement; or

37 (b) A person or agency judicially appointed as legal guardian or
38 custodian of the child.

1 (~~(17)~~) (18) "Professional person in charge" or "professional
2 person" means a physician or other mental health professional empowered
3 by an evaluation and treatment facility with authority to make
4 admission and discharge decisions on behalf of that facility.

5 (~~(18)~~) (19) "Psychiatric nurse" means a registered nurse who has
6 a bachelor's degree from an accredited college or university, and who
7 has had, in addition, at least two years' experience in the direct
8 treatment of mentally ill or emotionally disturbed persons, such
9 experience gained under the supervision of a mental health
10 professional. "Psychiatric nurse" shall also mean any other registered
11 nurse who has three years of such experience.

12 (~~(19)~~) (20) "Psychiatrist" means a person having a license as a
13 physician in this state who has completed residency training in
14 psychiatry in a program approved by the American Medical Association or
15 the American Osteopathic Association, and is board eligible or board
16 certified in psychiatry.

17 (~~(20)~~) (21) "Psychologist" means a person licensed as a
18 psychologist under chapter 18.83 RCW.

19 (~~(21)~~) (22) "Responsible other" means the minor, the minor's
20 parent or estate, or any other person legally responsible for support
21 of the minor.

22 (~~(22)~~) (23) "Secretary" means the secretary of the department or
23 secretary's designee.

24 (~~(23)~~) (24) "Start of initial detention" means the time of
25 arrival of the minor at the first evaluation and treatment facility
26 offering inpatient treatment if the minor is being involuntarily
27 detained at the time. With regard to voluntary patients, "start of
28 initial detention" means the time at which the minor gives notice of
29 intent to leave under the provisions of this chapter.

30 **Sec. 9.** RCW 71.34.025 and 1995 c 312 s 56 are each amended to read
31 as follows:

32 (1) (~~The admission of any child under RCW 71.34.030 may be~~
33 ~~reviewed by the county-designated mental health professional between~~
34 ~~fifteen and thirty days following admission. The county-designated~~
35 ~~mental health professional may undertake the review on his or her own~~
36 ~~initiative and may seek reimbursement from the parents, their~~
37 ~~insurance, or medicaid for the expense of the review.~~

1 ~~(2))~~ The department shall ~~((ensure))~~ assure that, for any minor
2 admitted to inpatient treatment under section 17 of this act, a review
3 is conducted ((no later than sixty days)) by a physician or other
4 mental health professional who is employed by the department, or an
5 agency under contract with the department, and who neither has a
6 financial interest in continued inpatient treatment of the minor nor is
7 affiliated with the facility providing the treatment. The physician or
8 other mental health professional shall conduct the review not less than
9 seven nor more than fourteen days following ((admission)) the date the
10 minor was brought to the facility under section 17 of this act to
11 determine whether it is ((medically appropriate)) a medical necessity
12 to continue the ((child's)) minor's treatment on an inpatient basis.
13 ~~((The department may, subject to available funds, contract with a~~
14 ~~county for the conduct of the review conducted under this subsection~~
15 ~~and may seek reimbursement from the parents, their insurance, or~~
16 ~~medicaid for the expense of any review conducted by an agency under~~
17 ~~contract.~~

18 If the county designated mental health professional determines that
19 continued inpatient treatment of the child is no longer medically
20 appropriate, the professional shall notify the facility, the child, the
21 child's parents, and the department of the finding within twenty four
22 hours of the determination.

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

35 (2) In making a determination under subsection (1) of this section,
36 the department shall consider the opinion of the treatment provider,
37 the safety of the minor, and the likelihood the minor's mental health
38 will deteriorate if released from inpatient treatment. The department
39 shall consult with the parent in advance of making its determination.

1 (3) If, after any review conducted by the department under this
2 section, the department determines it is no longer a medical necessity
3 for a minor to receive inpatient treatment, the department shall
4 immediately notify the parents and the facility. The facility shall
5 release the minor to the parents within twenty-four hours of receiving
6 notice. If the professional person in charge and the parent believe
7 that it is a medical necessity for the minor to remain in inpatient
8 treatment, the minor shall be released to the parent on the second
9 judicial day following the department's determination in order to allow
10 the parent time to file an at-risk youth petition under chapter 13.32A
11 RCW. If the department determines it is a medical necessity for the
12 minor to receive outpatient treatment and the minor declines to obtain
13 such treatment, such refusal shall be grounds for the parent to file an
14 at-risk youth petition.

15 (4) If the evaluation conducted under section 17 of this act is
16 done by the department, the reviews required by subsection (1) of this
17 section shall be done by contract with an independent agency.

18 (5) The department may, subject to available funds, contract with
19 other governmental agencies to conduct the reviews under this section.
20 The department may seek reimbursement from the parents, their
21 insurance, or medicaid for the expense of any review conducted by an
22 agency under contract.

23 (6) In addition to the review required under this section, the
24 department may periodically determine and redetermine the medical
25 necessity of treatment for purposes of payment with public funds.

26 NEW SECTION. Sec. 10. A new section is added to chapter 71.34 RCW
27 to read as follows:

28 For the purpose of gathering information related to parent-
29 initiated mental health treatment, the department shall report to the
30 appropriate committees of the legislature by December 1 of each year
31 the following information:

32 (1) The total number of parent-initiated admissions of minors to
33 evaluation and treatment facilities under section 17 of this act for
34 the prior year;

35 (2) The number of minors in the prior year admitted to evaluation
36 or treatment facilities under section 17 of this act who are released
37 from treatment, pursuant to RCW 71.34.025(3), because the department

1 determined that it was not a medical necessity to continue the minor's
2 treatment on an inpatient basis;

3 (3) The lengths of time in treatment for minors admitted in the
4 prior year to evaluation and treatment facilities under section 17 of
5 this act.

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

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

19 **PART II-B - VOLUNTARY MENTAL HEALTH OUTPATIENT TREATMENT**

20 **Sec. 12.** RCW 71.34.030 and 1995 c 312 s 52 are each amended to
21 read as follows:

22 ~~((1))~~ Any minor thirteen years or older may request and receive
23 outpatient treatment without the consent of the minor's parent.
24 Parental authorization is required for outpatient treatment of a minor
25 under the age of thirteen.

26 ~~((2) When in the judgment of the professional person in charge of
27 an evaluation and treatment facility there is reason to believe that a
28 minor is in need of inpatient treatment because of a mental disorder,
29 and the facility provides the type of evaluation and treatment needed
30 by the minor, and it is not feasible to treat the minor in any less
31 restrictive setting or the minor's home, the minor may be admitted to
32 an evaluation and treatment facility in accordance with the following
33 requirements:~~

34 ~~(a) A minor may be voluntarily admitted by application of the
35 parent. The consent of the minor is not required for the minor to be
36 evaluated and admitted as appropriate.~~

1 ~~(b) A minor thirteen years or older may, with the concurrence of~~
2 ~~the professional person in charge of an evaluation and treatment~~
3 ~~facility, admit himself or herself without parental consent to the~~
4 ~~evaluation and treatment facility, provided that notice is given by the~~
5 ~~facility to the minor's parent in accordance with the following~~
6 ~~requirements:~~

7 ~~(i) Notice of the minor's admission shall be in the form most~~
8 ~~likely to reach the parent within twenty four hours of the minor's~~
9 ~~voluntary admission and shall advise the parent that the minor has been~~
10 ~~admitted to inpatient treatment; the location and telephone number of~~
11 ~~the facility providing such treatment; and the name of a professional~~
12 ~~person on the staff of the facility providing treatment who is~~
13 ~~designated to discuss the minor's need for inpatient treatment with the~~
14 ~~parent.~~

15 ~~(ii) The minor shall be released to the parent at the parent's~~
16 ~~request for release unless the facility files a petition with the~~
17 ~~superior court of the county in which treatment is being provided~~
18 ~~setting forth the basis for the facility's belief that the minor is in~~
19 ~~need of inpatient treatment and that release would constitute a threat~~
20 ~~to the minor's health or safety.~~

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

23 ~~(iv) The parent may apply to the court for separate counsel to~~
24 ~~represent the parent if the parent cannot afford counsel.~~

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

27 ~~(vi) The hearing shall be conducted by a judge, court commissioner,~~
28 ~~or licensed attorney designated by the superior court as a hearing~~
29 ~~officer for such hearing. The hearing may be held at the treatment~~
30 ~~facility.~~

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

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

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

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

4 ~~(a) Any minor under the age of thirteen must be discharged~~
5 ~~immediately upon written request of the parent.~~

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

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

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

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

26 NEW SECTION. **Sec. 13.** For the purpose of gathering information
27 related to parental notification of outpatient mental health treatment
28 of minors, the department of health shall conduct a survey of providers
29 of outpatient treatment, as defined in chapter 71.34 RCW. The survey
30 shall gather information from a statistically valid sample of
31 providers. In accordance with confidentiality statutes and the
32 physician-patient privilege, the survey shall secure information from
33 the providers related to:

34 (1) The number of minors receiving outpatient treatment;

35 (2) The number of parents of minors in treatment notified of the
36 minor's treatment;

37 (3) The average number of outpatient visits prior to parental
38 notification;

- 1 (4) The average number of treatments with parental notification;
2 (5) The average number of treatments without parental notification;
3 (6) The percentage of minors in treatment who are prescribed
4 medication;
5 (7) The medication prescribed;
6 (8) The number of patients terminating treatment due to parental
7 notification; and
8 (9) Any other pertinent information.
9 The department shall submit the survey results to the governor and
10 the appropriate committees of the legislature by December 1, 1998.
11 This section expires June 1, 1999.

12 **PART II-C - VOLUNTARY MENTAL HEALTH INPATIENT TREATMENT**

13 NEW SECTION. **Sec. 14.** A new section is added to chapter 71.34 RCW
14 to read as follows:

15 (1) A minor thirteen years or older may admit himself or herself to
16 an evaluation and treatment facility for inpatient mental treatment,
17 without parental consent. The admission shall occur only if the
18 professional person in charge of the facility concurs with the need for
19 inpatient treatment.

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

27 (3) Written renewal of voluntary consent must be obtained from the
28 applicant no less than once every twelve months. The minor's need for
29 continued inpatient treatments shall be reviewed and documented no less
30 than every one hundred eighty days.

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

33 The administrator of the treatment facility shall provide notice to
34 the parents of a minor when the minor is voluntarily admitted to
35 inpatient treatment under section 14 of this act. The notice shall be
36 in the form most likely to reach the parent within twenty-four hours of

1 the minor's voluntary admission and shall advise the parent: (1) That
2 the minor has been admitted to inpatient treatment; (2) of the location
3 and telephone number of the facility providing such treatment; (3) of
4 the name of a professional person on the staff of the facility
5 providing treatment who is designated to discuss the minor's need for
6 inpatient treatment with the parent; and (4) of the medical necessity
7 for admission.

8 NEW SECTION. Sec. 16. A new section is added to chapter 71.34 RCW
9 to read as follows:

10 (1) Any minor thirteen years or older voluntarily admitted to an
11 evaluation and treatment facility under section 14 of this act may give
12 notice of intent to leave at any time. The notice need not follow any
13 specific form so long as it is written and the intent of the minor can
14 be discerned.

15 (2) The staff member receiving the notice shall date it
16 immediately, record its existence in the minor's clinical record, and
17 send copies of it to the minor's attorney, if any, the county-
18 designated mental health professional, and the parent.

19 (3) The professional person shall discharge the minor, thirteen
20 years or older, from the facility upon receipt of the minor's notice of
21 intent to leave.

22 **PART II-D - PARENT-INITIATED MENTAL HEALTH TREATMENT**

23 NEW SECTION. Sec. 17. A new section is added to chapter 71.34 RCW
24 to read as follows:

25 (1) A parent may bring, or authorize the bringing of, his or her
26 minor child to an evaluation and treatment facility and request that
27 the professional person examine the minor to determine whether the
28 minor has a mental disorder and is in need of inpatient treatment.

29 (2) The consent of the minor is not required for admission,
30 evaluation, and treatment if the parent brings the minor to the
31 facility.

32 (3) An appropriately trained professional person may evaluate
33 whether the minor has a mental disorder. The evaluation shall be
34 completed within twenty-four hours of the time the minor was brought to
35 the facility, unless the professional person determines that the
36 condition of the minor necessitates additional time for evaluation. In

1 no event shall a minor be held longer than seventy-two hours for
2 evaluation. If, in the judgment of the professional person, it is
3 determined it is a medical necessity for the minor to receive inpatient
4 treatment, the minor may be held for treatment. The facility shall
5 limit treatment to that which the professional person determines is
6 medically necessary to stabilize the minor's condition until the
7 evaluation has been completed. Within twenty-four hours of completion
8 of the evaluation, the professional person shall notify the department
9 if the child is held for treatment and of the date of admission.

10 (4) No provider is obligated to provide treatment to a minor under
11 the provisions of this section. No provider may admit a minor to
12 treatment under this section unless it is medically necessary.

13 (5) No minor receiving inpatient treatment under this section may
14 be discharged from the facility based solely on his or her request.

15 (6) Prior to the review conducted under RCW 71.34.025, the
16 professional person shall notify the minor of his or her right to
17 petition superior court for release from the facility.

18 (7) For the purposes of this section "professional person" does not
19 include a social worker, unless the social worker is certified under
20 RCW 18.19.110 and appropriately trained and qualified by education and
21 experience, as defined by the department, in psychiatric social work.

22 NEW SECTION. **Sec. 18.** A new section is added to chapter 71.34 RCW
23 to read as follows:

24 (1) A parent may bring, or authorize the bringing of, his or her
25 minor child to a provider of outpatient mental health treatment and
26 request that an appropriately trained professional person examine the
27 minor to determine whether the minor has a mental disorder and is in
28 need of outpatient treatment.

29 (2) The consent of the minor is not required for evaluation if the
30 parent brings the minor to the provider.

31 (3) The professional person may evaluate whether the minor has a
32 mental disorder and is in need of outpatient treatment.

33 (4) Any minor admitted to inpatient treatment under section 14 or
34 17 of this act shall be discharged immediately from inpatient treatment
35 upon written request of the parent.

36 NEW SECTION. **Sec. 19.** A new section is added to chapter 71.34 RCW
37 to read as follows:

1 Following the review conducted under RCW 71.34.025, a minor child
2 may petition the superior court for his or her release from the
3 facility. The petition may be filed not sooner than five days
4 following the review. The court shall release the minor unless it
5 finds, upon a preponderance of the evidence, that it is a medical
6 necessity for the minor to remain at the facility.

7 NEW SECTION. **Sec. 20.** A new section is added to chapter 71.34 RCW
8 to read as follows:

9 If the minor is not released as a result of the petition filed
10 under section 19 of this act, he or she shall be released not later
11 than thirty days following the later of: (1) The date of the
12 department's determination under RCW 71.34.025(2); or (2) the filing of
13 a petition for judicial review under section 19 of this act, unless a
14 professional person or the county designated mental health professional
15 initiates proceedings under this chapter.

16 NEW SECTION. **Sec. 21.** A new section is added to chapter 71.34 RCW
17 to read as follows:

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

23 **PART II-E - CHEMICAL DEPENDENCY**

24 **Sec. 22.** RCW 70.96A.020 and 1996 c 178 s 23 and 1996 c 133 s 33
25 are each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (18) "Medical necessity" for inpatient care of a minor means a
27 requested certified inpatient service that is reasonably calculated to:
28 (a) Diagnose, arrest, or alleviate a chemical dependency; or (b)
29 prevent the worsening of chemical dependency conditions that endanger
30 life or cause suffering and pain, or result in illness or infirmity or
31 threaten to cause or aggravate a handicap, or cause physical deformity
32 or malfunction, and there is no adequate less restrictive alternative
33 available.

34 (19) "Minor" means a person less than eighteen years of age.

35 (~~(19)~~) (20) "Parent" means the parent or parents who have the
36 legal right to custody of the child. Parent includes custodian or
37 guardian.

38 (~~(20)~~) (21) "Peace officer" means a law enforcement official of
39 a public agency or governmental unit, and includes persons specifically

1 given peace officer powers by any state law, local ordinance, or
2 judicial order of appointment.

3 ~~((21))~~ (22) "Person" means an individual, including a minor.

4 ~~((22))~~ (23) "Professional person in charge" or "professional
5 person" means a physician or chemical dependency counselor as defined
6 in rule by the department, who is empowered by a certified treatment
7 program with authority to make assessment, admission, continuing care,
8 and discharge decisions on behalf of the certified program.

9 (24) "Secretary" means the secretary of the department of social
10 and health services.

11 ~~((23))~~ (25) "Treatment" means the broad range of emergency,
12 detoxification, residential, and outpatient services and care,
13 including diagnostic evaluation, chemical dependency education and
14 counseling, medical, psychiatric, psychological, and social service
15 care, vocational rehabilitation and career counseling, which may be
16 extended to alcoholics and other drug addicts and their families,
17 persons incapacitated by alcohol or other psychoactive chemicals, and
18 intoxicated persons.

19 ~~((24))~~ (26) "Treatment program" means an organization,
20 institution, or corporation, public or private, engaged in the care,
21 treatment, or rehabilitation of alcoholics or other drug addicts.

22 **PART II-F - VOLUNTARY CHEMICAL DEPENDENCY OUTPATIENT TREATMENT**

23 **Sec. 23.** RCW 70.96A.095 and 1996 c 133 s 34 are each amended to
24 read as follows:

25 ~~((1))~~ Any person thirteen years of age or older may give consent
26 for himself or herself to the furnishing of outpatient treatment by a
27 chemical dependency treatment program certified by the department.
28 ~~((Consent of the parent of a person less than eighteen years of age for~~
29 ~~inpatient treatment is necessary to authorize the care unless the child~~
30 ~~meets the definition of a child in need of services in RCW~~
31 ~~13.32A.030(4)(c), as determined by the department.))~~ Parental
32 authorization is required for any treatment of a minor under the age of
33 thirteen. ~~((The parent of a minor is not liable for payment of care~~
34 ~~for such persons pursuant to this chapter, unless they have joined in~~
35 ~~the consent to the treatment.~~

36 ~~(2) The parent of any minor child may apply to a certified~~
37 ~~treatment program for the admission of his or her minor child for~~

1 purposes authorized in this chapter. The consent of the minor child
2 shall not be required for the application or admission. The certified
3 treatment program shall accept the application and evaluate the child
4 for admission. The ability of a parent to apply to a certified
5 treatment program for the admission of his or her minor child does not
6 create a right to obtain or benefit from any funds or resources of the
7 state. However, the state may provide services for indigent minors to
8 the extent that funds are available therefor.

9 (3) Any provider of outpatient treatment who provides outpatient
10 treatment to a minor thirteen years of age or older shall provide
11 notice of the minor's request for treatment to the minor's parents if:
12 (a) The minor signs a written consent authorizing the disclosure; or
13 (b) the treatment program director determines that the minor lacks
14 capacity to make a rational choice regarding consenting to disclosure.
15 The notice shall be made within seven days of the request for
16 treatment, excluding Saturdays, Sundays, and holidays, and shall
17 contain the name, location, and telephone number of the facility
18 providing treatment, and the name of a professional person on the staff
19 of the facility providing treatment who is designated to discuss the
20 minor's need for treatment with the parent.))

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

23 Any provider of outpatient treatment who provides outpatient
24 treatment to a minor thirteen years of age or older shall provide
25 notice of the minor's request for treatment to the minor's parents if:
26 (1) The minor signs a written consent authorizing the disclosure; or
27 (2) the treatment program director determines that the minor lacks
28 capacity to make a rational choice regarding consenting to disclosure.
29 The notice shall be made within seven days of the request for
30 treatment, excluding Saturdays, Sundays, and holidays, and shall
31 contain the name, location, and telephone number of the facility
32 providing treatment, and the name of a professional person on the staff
33 of the facility providing treatment who is designated to discuss the
34 minor's need for treatment with the parent.

35 **PART II-G - VOLUNTARY CHEMICAL DEPENDENCY INPATIENT TREATMENT**

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

3 Parental consent is required for inpatient chemical dependency
4 treatment of a minor, unless the child meets the definition of a child
5 in need of services in RCW 13.32A.030(4)(c) as determined by the
6 department: PROVIDED, That parental consent is required for any
7 treatment of a minor under the age of thirteen.

8 This section does not apply to petitions filed under this chapter.

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

11 (1) The parent of a minor is not liable for payment of inpatient or
12 outpatient chemical dependency treatment unless the parent has joined
13 in the consent to the treatment.

14 (2) The ability of a parent to apply to a certified treatment
15 program for the admission of his or her minor child does not create a
16 right to obtain or benefit from any funds or resources of the state.
17 However, the state may provide services for indigent minors to the
18 extent that funds are available therefor.

19 **PART II-H - PARENT-INITIATED CHEMICAL DEPENDENCY TREATMENT**

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

22 (1) A parent may bring, or authorize the bringing of, his or her
23 minor child to a certified treatment program and request that a
24 chemical dependency assessment be conducted by a professional person to
25 determine whether the minor is chemically dependent and in need of
26 inpatient treatment.

27 (2) The consent of the minor is not required for admission,
28 evaluation, and treatment if the parent brings the minor to the
29 program.

30 (3) An appropriately trained professional person may evaluate
31 whether the minor is chemically dependent. The evaluation shall be
32 completed within twenty-four hours of the time the minor was brought to
33 the program, unless the professional person determines that the
34 condition of the minor necessitates additional time for evaluation. In
35 no event shall a minor be held longer than seventy-two hours for
36 evaluation. If, in the judgment of the professional person, it is

1 determined it is a medical necessity for the minor to receive inpatient
2 treatment, the minor may be held for treatment. The facility shall
3 limit treatment to that which the professional person determines is
4 medically necessary to stabilize the minor's condition until the
5 evaluation has been completed. Within twenty-four hours of completion
6 of the evaluation, the professional person shall notify the department
7 if the child is held for treatment and of the date of admission.

8 (4) No provider is obligated to provide treatment to a minor under
9 the provisions of this section. No provider may admit a minor to
10 treatment under this section unless it is medically necessary.

11 (5) No minor receiving inpatient treatment under this section may
12 be discharged from the program based solely on his or her request.

13 **Sec. 28.** RCW 70.96A.097 and 1995 c 312 s 48 are each amended to
14 read as follows:

15 ~~(1) ((The admission of any child under RCW 70.96A.095 may be
16 reviewed by the county designated chemical dependency specialist
17 between fifteen and thirty days following admission. The county-
18 designated chemical dependency specialist may undertake the review on
19 his or her own initiative and may seek reimbursement from the parents,
20 their insurance, or medicaid for the expense of the review.~~

21 ~~(2))~~ The department shall ensure that, for any minor admitted to
22 inpatient treatment under section 27 of this act, a review is conducted
23 ((no later than sixty days)) by a physician or chemical dependency
24 counselor, as defined in rule by the department, who is employed by the
25 department or an agency under contract with the department and who
26 neither has a financial interest in continued inpatient treatment of
27 the minor nor is affiliated with the program providing the treatment.
28 The physician or chemical dependency counselor shall conduct the review
29 not less than seven nor more than fourteen days following ((admission))
30 the date the minor was brought to the facility under section 27(1) of
31 this act to determine whether it is ((medically appropriate)) a medical
32 necessity to continue the ((child's)) minor's treatment on an inpatient
33 basis. ((The department may, subject to available funds, contract with
34 a county for the conduct of the review conducted under this subsection
35 and may seek reimbursement from the parents, their insurance, or
36 medicaid for the expense of any review conducted by an agency under
37 contract.

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

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

18 (2) In making a determination under subsection (1) of this section
19 whether it is a medical necessity to release the minor from inpatient
20 treatment, the department shall consider the opinion of the treatment
21 provider, the safety of the minor, the likelihood the minor's chemical
22 dependency recovery will deteriorate if released from inpatient
23 treatment, and the wishes of the parent.

24 (3) If, after any review conducted by the department under this
25 section, the department determines it is no longer a medical necessity
26 for a minor to receive inpatient treatment, the department shall
27 immediately notify the parents and the professional person in charge.
28 The professional person in charge shall release the minor to the
29 parents within twenty-four hours of receiving notice. If the
30 professional person in charge and the parent believe that it is a
31 medical necessity for the minor to remain in inpatient treatment, the
32 minor shall be released to the parent on the second judicial day
33 following the department's determination in order to allow the parent
34 time to file an at-risk youth petition under chapter 13.32A RCW. If the
35 department determines it is a medical necessity for the minor to
36 receive outpatient treatment and the minor declines to obtain such
37 treatment, such refusal shall be grounds for the parent to file an at-
38 risk youth petition.

1 (4) The department may, subject to available funds, contract with
2 other governmental agencies for the conduct of the reviews conducted
3 under this section and may seek reimbursement from the parents, their
4 insurance, or medicaid for the expense of any review conducted by an
5 agency under contract.

6 (5) In addition to the review required under this section, the
7 department may periodically determine and redetermine the medical
8 necessity of treatment for purposes of payment with public funds.

9 NEW SECTION. Sec. 29. A new section is added to chapter 70.96A
10 RCW to read as follows:

11 (1) A parent may bring, or authorize the bringing of, his or her
12 minor child to a provider of outpatient chemical dependency treatment
13 and request that an appropriately trained professional person examine
14 the minor to determine whether the minor has a chemical dependency and
15 is in need of outpatient treatment.

16 (2) The consent of the minor is not required for evaluation if the
17 parent brings the minor to the provider.

18 (3) The professional person in charge of the program may evaluate
19 whether the minor has a chemical dependency and is in need of
20 outpatient treatment.

21 (4) Any minor admitted to inpatient treatment under section 27 of
22 this act shall be discharged immediately from inpatient treatment upon
23 written request of the parent.

24 NEW SECTION. Sec. 30. A new section is added to chapter 70.96A
25 RCW to read as follows:

26 Following the review conducted under RCW 70.96A.097, a minor child
27 may petition the superior court for his or her release from the
28 facility. The petition may be filed not sooner than five days
29 following the review. The court shall release the minor unless it
30 finds, upon a preponderance of the evidence, that it is a medical
31 necessity for the minor to remain at the facility.

32 NEW SECTION. Sec. 31. A new section is added to chapter 70.96A
33 RCW to read as follows:

34 If the minor is not released as a result of the petition filed
35 under section 30 of this act, he or she shall be released not later
36 than thirty days following the later of: (1) The date of the

1 department's determination under RCW 70.96A.097(2); or (2) the filing
2 of a petition for judicial review under section 30 of this act, unless
3 a professional person or the designated chemical dependency specialist
4 initiates proceedings under this chapter.

5 NEW SECTION. **Sec. 32.** A new section is added to chapter 70.96A
6 RCW to read as follows:

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

18 NEW SECTION. **Sec. 33.** It is the purpose of sections 27 and 29 of
19 this act to assure the ability of parents to exercise reasonable,
20 compassionate care and control of their minor children when there is a
21 medical necessity for treatment and without the requirement of filing
22 a petition under chapter 70.96A RCW.

23 NEW SECTION. **Sec. 34.** The department of social and health
24 services shall adopt rules defining "appropriately trained professional
25 person" for the purposes of conducting mental health and chemical
26 dependency evaluations under sections 17(3), 18(1), 27(3), and 29(1) of
27 this act.

28 **PART III - MISCELLANEOUS**

29 NEW SECTION. **Sec. 35.** The legislature finds that an essential
30 component of the children in need of services, dependency, and truancy
31 laws is the use of juvenile detention. As chapter 7.21 RCW is
32 currently written, courts may not order detention time without a
33 criminal charge being filed. It is the intent of the legislature to
34 avoid the bringing of criminal charges against youth who need the

1 guidance of the court rather than its punishment. The legislature
2 further finds that ordering a child placed in detention is a remedial
3 action, not a punitive one. Since the legislature finds that the state
4 is required to provide instruction to children in detention, use of the
5 courts' contempt powers is an effective means for furthering the
6 education and protection of these children. Thus, it is the intent of
7 the legislature to authorize a limited sanction of time in juvenile
8 detention independent of chapter 7.21 RCW for failure to comply with
9 court orders in truancy, child in need of services, at-risk youth, and
10 dependency cases for the sole purpose of providing the courts with the
11 tools necessary to enforce orders in these limited types of cases
12 because other statutory contempt remedies are inadequate.

13 **Sec. 36.** RCW 7.21.030 and 1989 c 373 s 3 are each amended to read
14 as follows:

15 (1) The court may initiate a proceeding to impose a remedial
16 sanction on its own motion or on the motion of a person aggrieved by a
17 contempt of court in the proceeding to which the contempt is related.
18 Except as provided in RCW 7.21.050, the court, after notice and
19 hearing, may impose a remedial sanction authorized by this chapter.

20 (2) If the court finds that the person has failed or refused to
21 perform an act that is yet within the person's power to perform, the
22 court may find the person in contempt of court and impose one or more
23 of the following remedial sanctions:

24 (a) Imprisonment if the contempt of court is of a type defined in
25 RCW 7.21.010(1) (b) through (d). The imprisonment may extend only so
26 long as it serves a coercive purpose.

27 (b) A forfeiture not to exceed two thousand dollars for each day
28 the contempt of court continues.

29 (c) An order designed to ensure compliance with a prior order of
30 the court.

31 (d) Any other remedial sanction other than the sanctions specified
32 in (a) through (c) of this subsection if the court expressly finds that
33 those sanctions would be ineffectual to terminate a continuing contempt
34 of court.

35 (e) In cases under chapters 13.32A, 13.34, and 28A.225 RCW,
36 commitment to juvenile detention for a period of time not to exceed
37 seven days. This sanction may be imposed in addition to, or as an

1 alternative to, any other remedial sanction authorized by this chapter.
2 This remedy is specifically determined to be a remedial sanction.

3 (3) The court may, in addition to the remedial sanctions set forth
4 in subsection (2) of this section, order a person found in contempt of
5 court to pay a party for any losses suffered by the party as a result
6 of the contempt and any costs incurred in connection with the contempt
7 proceeding, including reasonable attorney's fees.

8 **Sec. 37.** RCW 13.32A.250 and 1996 c 133 s 28 are each amended to
9 read as follows:

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

17 (2) Failure by a party to comply with an order entered under this
18 chapter is a civil contempt of court as provided in (~~chapter 7.21~~)
19 RCW 7.21.030(2)(e), subject to the limitations of subsection (3) of
20 this section.

21 (3) The court may impose remedial sanctions including a fine of up
22 to one hundred dollars and confinement for up to seven days, or both
23 for contempt of court under this section.

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

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

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

1 **Sec. 38.** RCW 13.34.165 and 1996 c 133 s 29 are each amended to
2 read as follows:

3 (1) Failure by a party to comply with an order entered under this
4 chapter is civil contempt of court as provided in (~~chapter 7.21~~) RCW
5 7.21.030(2)(e).

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

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

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

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

24 **Sec. 39.** RCW 28A.225.090 and 1997 c 68 s 2 are each amended to
25 read as follows:

26 (1) A court may order a child subject to a petition under RCW
27 28A.225.035 to:

28 (a) Attend the child's current school;

29 (b) If there is space available and the program can provide
30 educational services appropriate for the child, order the child to
31 attend another public school, an alternative education program, center,
32 a skill center, dropout prevention program, or another public
33 educational program;

34 (c) Attend a private nonsectarian school or program including an
35 education center. Before ordering a child to attend an approved or
36 certified private nonsectarian school or program, the court shall: (i)
37 Consider the public and private programs available; (ii) find that
38 placement is in the best interest of the child; and (iii) find that the

1 private school or program is willing to accept the child and will not
2 charge any fees in addition to those established by contract with the
3 student's school district. If the court orders the child to enroll in
4 a private school or program, the child's school district shall contract
5 with the school or program to provide educational services for the
6 child. The school district shall not be required to contract for a
7 weekly rate that exceeds the state general apportionment dollars
8 calculated on a weekly basis generated by the child and received by the
9 district. A school district shall not be required to enter into a
10 contract that is longer than the remainder of the school year. A
11 school district shall not be required to enter into or continue a
12 contract if the child is no longer enrolled in the district;

13 (d) Be referred to a community truancy board, if available; or

14 (e) Submit to testing for the use of controlled substances or
15 alcohol based on a determination that such testing is appropriate to
16 the circumstances and behavior of the child and will facilitate the
17 child's compliance with the mandatory attendance law.

18 (2) If the child fails to comply with the court order, the court
19 may order the child to be punished by detention, as provided in RCW
20 7.21.030(2)(e), or may impose alternatives to detention such as
21 community service. Failure by a child to comply with an order issued
22 under this subsection shall not be punishable by detention for a period
23 greater than that permitted pursuant to a civil contempt proceeding
24 against a child under chapter 13.32A RCW.

25 (3) Any parent violating any of the provisions of either RCW
26 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five
27 dollars for each day of unexcused absence from school. It shall be a
28 defense for a parent charged with violating RCW 28A.225.010 to show
29 that he or she exercised reasonable diligence in attempting to cause a
30 child in his or her custody to attend school or that the child's school
31 did not perform its duties as required in RCW 28A.225.020. The court
32 may order the parent to provide community service instead of imposing
33 a fine. Any fine imposed pursuant to this section may be suspended
34 upon the condition that a parent charged with violating RCW 28A.225.010
35 shall participate with the school and the child in a supervised plan
36 for the child's attendance at school or upon condition that the parent
37 attend a conference or conferences scheduled by a school for the
38 purpose of analyzing the causes of a child's absence.

1 NEW SECTION. **Sec. 40.** The legislature finds that predatory
2 individuals, such as drug dealers, sexual marauders, and panderers,
3 provide shelter to at-risk youth as a means of preying upon them. The
4 legislature further finds that at-risk youth are vulnerable to the
5 influence of these individuals. Thus, the legislature finds that it is
6 important to the safety of Washington's youth that they be prevented
7 from coming in contact with these predatory individuals. The
8 legislature further finds that locating runaway children is the first
9 step to preventing individuals from preying on these youth and to
10 achieving family reconciliation. Therefore, the legislature intends to
11 use punitive measures to create a clear disincentive for predatory
12 individuals intending to take advantage of at-risk youth. The
13 legislature further intends that all persons be required to report the
14 location of a runaway minor, but that those individuals who fail to
15 make such a report because they wish to have the minor remain unlocated
16 as a means of preying upon them be punished for their failure to report
17 the child's location.

18 **Sec. 41.** RCW 13.32A.080 and 1994 sp.s. c 7 s 507 are each amended
19 to read as follows:

20 (1)(a) A person commits the crime of unlawful harboring of a minor
21 if the person provides shelter to a minor without the consent of a
22 parent of the minor and after the person knows that the minor is away
23 from the home of the parent, without the parent's permission, and if
24 the person intentionally:

25 (i) Fails to release the minor to a law enforcement officer after
26 being requested to do so by the officer; or

27 (ii) Fails to disclose the location of the minor to a law
28 enforcement officer after being requested to do so by the officer, if
29 the person knows the location of the minor and had either taken the
30 minor to that location or had assisted the minor in reaching that
31 location; or

32 (iii) Obstructs a law enforcement officer from taking the minor
33 into custody; or

34 (iv) Assists the minor in avoiding or attempting to avoid the
35 custody of the law enforcement officer; or

36 (v) Engages the child in a crime; or

1 (iv) Engages in a clear course of conduct that demonstrates an
2 intent to contribute to the delinquency of a minor or the involvement
3 of a minor in a sex offense as defined in RCW 9.94A.030.

4 (b) It is a defense to a prosecution under this section that the
5 defendant had custody of the minor pursuant to a court order.

6 (2) Harboring a minor is punishable as a gross misdemeanor.

7 (3) Any person who provides shelter to a child, absent from home,
8 may notify the department's local community service office of the
9 child's presence.

10 (4) An adult responsible for involving a child in the commission of
11 an offense may be prosecuted under existing criminal statutes
12 including, but not limited to:

13 (a) Distribution of a controlled substance to a minor, as defined
14 in RCW 69.50.406;

15 (b) Promoting prostitution as defined in chapter 9A.88 RCW; and

16 (c) Complicity of the adult in the crime of a minor, under RCW
17 9A.08.020.

18 **Sec. 42.** RCW 13.32A.082 and 1996 c 133 s 14 are each amended to
19 read as follows:

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

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

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

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

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

1 (4) A person who does not report a child's location in violation of
2 subsection (1) of this section with the intent to contribute to the
3 delinquency of a minor or engage the child in a crime is guilty of a
4 misdemeanor.

5 NEW SECTION. Sec. 43. Part headings used in this act do not
6 constitute any part of the law.

7 NEW SECTION. Sec. 44. This act may be known and cited as "the
8 Becca act of 1998."

9 Correct the title.

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