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**SUBSTITUTE HOUSE BILL 1864**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** House Committee on Children & Family Services (originally sponsored by Representatives Cooke, Dickerson, Boldt and McDonald)

Read first time 02/28/97.

1 AN ACT Relating to prevention and early intervention; amending RCW  
2 26.44.056; providing an effective date; and declaring an emergency.

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

4 **Sec. 1.** RCW 26.44.056 and 1983 c 246 s 3 are each amended to read  
5 as follows:

6 (1) An administrator of a hospital or similar institution or any  
7 physician, licensed pursuant to chapters 18.71 or 18.57 RCW, may detain  
8 a child without consent of a person legally responsible for the child  
9 whether or not medical treatment is required, if the circumstances or  
10 conditions of the child are such that the detaining individual has  
11 reasonable cause to believe that permitting the child to continue in  
12 his or her place of residence or in the care and custody of the parent,  
13 guardian, custodian or other person legally responsible for the child's  
14 care would present an imminent danger to that child's safety:  
15 PROVIDED, That such administrator or physician shall notify or cause to  
16 be notified the appropriate law enforcement agency or child protective  
17 services pursuant to RCW 26.44.040. Such notification shall be made as  
18 soon as possible and in no case longer than seventy-two hours. Such  
19 temporary protective custody by an administrator or doctor shall not be

1 deemed an arrest. Child protective services may detain the child until  
2 the court assumes custody, but in no case longer than seventy-two  
3 hours, excluding Saturdays, Sundays, and holidays.

4 (2) Whenever an administrator or physician has reasonable cause to  
5 believe that a child would be in imminent danger if released to a  
6 parent, guardian, custodian, or other person or is in imminent danger  
7 if left in the custody of a parent, guardian, custodian, or other  
8 person, the administrator or physician may notify a law enforcement  
9 agency and the law enforcement agency shall take the child into custody  
10 or cause the child to be taken into custody. The law enforcement  
11 agency shall release the child to the custody of child protective  
12 services. Child protective services shall detain the child until the  
13 court assumes custody or upon a documented and substantiated record  
14 that in the professional judgment of the child protective services the  
15 child's safety will not be endangered if the child is returned. If the  
16 child is returned, the department shall establish a six-month plan to  
17 monitor and assure the continued safety of the child's life or health.  
18 The monitoring period may be extended for good cause.

19 (3) A child protective services employee, an administrator, doctor,  
20 or law enforcement officer shall not be held liable in any civil action  
21 for the decision for taking the child into custody, if done in good  
22 faith under this section.

23 (4) An administrator of a hospital or similar institution, nurse  
24 practitioner licensed under Title 18 RCW, or any physician, licensed  
25 under chapter 18.71 or 18.57 RCW, shall detain a child without consent  
26 of a person legally responsible for the child when a baby tests  
27 positive for alcohol or drugs at birth. The baby may be held at a  
28 hospital, pediatric interim care facility, or similar program or  
29 facility. The administrator or physician shall notify or cause to be  
30 notified the appropriate law enforcement agency or child protective  
31 services under RCW 26.44.040. Notification shall be made as soon as  
32 possible and in no case longer than seventy-two hours. Child  
33 protective services shall refer mothers of babies detained under this  
34 subsection to appropriate mandatory treatment programs. Babies who  
35 require drug withdrawal shall be supervised by licensed health care  
36 professionals.

37 NEW SECTION. Sec. 2. This act is necessary for the immediate  
38 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect  
2 July 1, 1997.

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