
SUBSTITUTE SENATE BILL 6445

State of Washington

55th Legislature

1998 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Long, Hargrove, Haugen, Zarelli, McAuliffe, Franklin and Winsley)

Read first time 02/06/98.

1 AN ACT Relating to the placement of children under the jurisdiction
2 of the department of social and health services; amending RCW
3 72.05.020, 74.15.020, and 28A.600.475; reenacting and amending RCW
4 13.50.010; adding new sections to chapter 72.05 RCW; adding a new
5 section to chapter 74.15 RCW; adding a new section to chapter 13.40
6 RCW; and creating new sections.

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

8 NEW SECTION. **Sec. 1.** It is the intent of the legislature to:

9 (1) Enhance public safety and maximize the rehabilitative potential
10 of juvenile offenders through modifications to licensed community
11 residential placements for juveniles;

12 (2) Ensure community support for community facilities by enabling
13 community participation in decisions involving these facilities and
14 assuring the safety of communities in which community facilities for
15 juvenile offenders are located; and

16 (3) Improve public safety by strengthening the safeguards in
17 placement, oversight, and monitoring of the juvenile offenders placed
18 in the community, and by establishing minimum standards for operation
19 of licensed residential community facilities. The legislature finds

1 that community support and participation is vital to the success of
2 community programming.

3 **Sec. 2.** RCW 72.05.020 and 1979 c 141 s 178 are each amended to
4 read as follows:

5 As used in this chapter, unless the context requires otherwise:

6 (1) "Community facility" means a group care facility operated for
7 the care of juveniles committed to the department under RCW 13.40.185.

8 (2) "Department" means the department of social and health
9 services.

10 (3) "Juvenile" means a person under the age of twenty-one who has
11 been sentenced to a term of confinement under the supervision of the
12 department under RCW 13.40.185.

13 (4) "Service provider" means the entity that operates a community
14 facility.

15 **Sec. 3.** RCW 74.15.020 and 1997 c 245 s 7 are each amended to read
16 as follows:

17 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless
18 otherwise clearly indicated by the context thereof, the following terms
19 shall mean:

20 (1) "Department" means the state department of social and health
21 services;

22 (2) "Secretary" means the secretary of social and health services;

23 (3) "Agency" means any person, firm, partnership, association,
24 corporation, or facility which receives children, expectant mothers, or
25 persons with developmental disabilities for control, care, or
26 maintenance outside their own homes, or which places, arranges the
27 placement of, or assists in the placement of children, expectant
28 mothers, or persons with developmental disabilities for foster care or
29 placement of children for adoption, and shall include the following
30 irrespective of whether there is compensation to the agency or to the
31 children, expectant mothers or persons with developmental disabilities
32 for services rendered:

33 (a) "Group-care facility" means an agency, other than a foster-
34 family home, which is maintained and operated for the care of a group
35 of children on a twenty-four hour basis;

36 (b) "Child-placing agency" means an agency which places a child or
37 children for temporary care, continued care, or for adoption;

1 (c) "Maternity service" means an agency which provides or arranges
2 for care or services to expectant mothers, before or during
3 confinement, or which provides care as needed to mothers and their
4 infants after confinement;

5 (d) "Child day-care center" means an agency which regularly
6 provides care for a group of children for periods of less than twenty-
7 four hours;

8 (e) "Family day-care provider" means a child day-care provider who
9 regularly provides child day care for not more than twelve children in
10 the provider's home in the family living quarters;

11 (f) "Foster-family home" means an agency which regularly provides
12 care on a twenty-four hour basis to one or more children, expectant
13 mothers, or persons with developmental disabilities in the family abode
14 of the person or persons under whose direct care and supervision the
15 child, expectant mother, or person with a developmental disability is
16 placed;

17 (g) "Crisis residential center" means an agency which is a
18 temporary protective residential facility operated to perform the
19 duties specified in chapter 13.32A RCW, in the manner provided in RCW
20 74.13.032 through 74.13.036;

21 (h) "Community facility" means a group care facility operated for
22 the care of juveniles committed to the department under RCW 13.40.185;

23 (i) "Service provider" means the entity that operates a community
24 facility.

25 (4) "Agency" shall not include the following:

26 (a) Persons related to the child, expectant mother, or person with
27 developmental disability in the following ways:

28 (i) Any blood relative, including those of half-blood, and
29 including first cousins, nephews or nieces, and persons of preceding
30 generations as denoted by prefixes of grand, great, or great-great;

31 (ii) Stepfather, stepmother, stepbrother, and stepsister;

32 (iii) A person who legally adopts a child or the child's parent as
33 well as the natural and other legally adopted children of such persons,
34 and other relatives of the adoptive parents in accordance with state
35 law;

36 (iv) Spouses of any persons named in (i), (ii), or (iii) of this
37 subsection (4)(a), even after the marriage is terminated; or

38 (v) Extended family members, as defined by the law or custom of the
39 Indian child's tribe or, in the absence of such law or custom, a person

1 who has reached the age of eighteen and who is the Indian child's
2 grandparent, aunt or uncle, brother or sister, brother-in-law or
3 sister-in-law, niece or nephew, first or second cousin, or stepparent
4 who provides care in the family abode on a twenty-four-hour basis to an
5 Indian child as defined in 25 U.S.C. Sec. 1903(4);

6 (b) Persons who are legal guardians of the child, expectant mother,
7 or persons with developmental disabilities;

8 (c) Persons who care for a neighbor's or friend's child or
9 children, with or without compensation, where: (i) The person
10 providing care for periods of less than twenty-four hours does not
11 conduct such activity on an ongoing, regularly scheduled basis for the
12 purpose of engaging in business, which includes, but is not limited to,
13 advertising such care; or (ii) the parent and person providing care on
14 a twenty-four-hour basis have agreed to the placement in writing and
15 the state is not providing any payment for the care;

16 (d) Parents on a mutually cooperative basis exchange care of one
17 another's children;

18 (e) A person, partnership, corporation, or other entity that
19 provides placement or similar services to exchange students or
20 international student exchange visitors or persons who have the care of
21 an exchange student in their home;

22 (f) Nursery schools or kindergartens which are engaged primarily in
23 educational work with preschool children and in which no child is
24 enrolled on a regular basis for more than four hours per day;

25 (g) Schools, including boarding schools, which are engaged
26 primarily in education, operate on a definite school year schedule,
27 follow a stated academic curriculum, accept only school-age children
28 and do not accept custody of children;

29 (h) Seasonal camps of three months' or less duration engaged
30 primarily in recreational or educational activities;

31 (i) Hospitals licensed pursuant to chapter 70.41 RCW when
32 performing functions defined in chapter 70.41 RCW, nursing homes
33 licensed under chapter 18.51 RCW and boarding homes licensed under
34 chapter 18.20 RCW;

35 (j) Licensed physicians or lawyers;

36 (k) Facilities providing care to children for periods of less than
37 twenty-four hours whose parents remain on the premises to participate
38 in activities other than employment;

39 (l) Facilities approved and certified under chapter 71A.22 RCW;

1 (m) Any agency having been in operation in this state ten years
2 prior to June 8, 1967, and not seeking or accepting moneys or
3 assistance from any state or federal agency, and is supported in part
4 by an endowment or trust fund;

5 (n) Persons who have a child in their home for purposes of
6 adoption, if the child was placed in such home by a licensed child-
7 placing agency, an authorized public or tribal agency or court or if a
8 replacement report has been filed under chapter 26.33 RCW and the
9 placement has been approved by the court;

10 (o) An agency operated by any unit of local, state, or federal
11 government or an agency, located within the boundaries of a federally
12 recognized Indian reservation, licensed by the Indian tribe;

13 (p) An agency located on a federal military reservation, except
14 where the military authorities request that such agency be subject to
15 the licensing requirements of this chapter.

16 (5) "Requirement" means any rule, regulation, or standard of care
17 to be maintained by an agency.

18 (6) "Probationary license" means a license issued as a disciplinary
19 measure to an agency that has previously been issued a full license but
20 is out of compliance with licensing standards.

21 (7) "Juvenile" means a person under the age of twenty-one who has
22 been sentenced to a term of confinement under the supervision of the
23 department under RCW 13.40.185.

24 **Sec. 4.** RCW 13.50.010 and 1997 c 386 s 21 and 1997 c 338 s 39 are
25 each reenacted and amended to read as follows:

26 (1) For purposes of this chapter:

27 (a) "Juvenile justice or care agency" means any of the following:
28 Police, diversion units, court, prosecuting attorney, defense attorney,
29 detention center, attorney general, the legislative children's
30 oversight committee, the office of family and children's ombudsman, the
31 department of social and health services and its contracting agencies,
32 schools; ~~((and, in addition,))~~ persons or public or private agencies
33 having children committed to their custody; and any placement oversight
34 committee created under section 9 of this act;

35 (b) "Official juvenile court file" means the legal file of the
36 juvenile court containing the petition or information, motions,
37 memorandums, briefs, findings of the court, and court orders;

1 (c) "Social file" means the juvenile court file containing the
2 records and reports of the probation counselor;

3 (d) "Records" means the official juvenile court file, the social
4 file, and records of any other juvenile justice or care agency in the
5 case.

6 (2) Each petition or information filed with the court may include
7 only one juvenile and each petition or information shall be filed under
8 a separate docket number. The social file shall be filed separately
9 from the official juvenile court file.

10 (3) It is the duty of any juvenile justice or care agency to
11 maintain accurate records. To this end:

12 (a) The agency may never knowingly record inaccurate information.
13 Any information in records maintained by the department of social and
14 health services relating to a petition filed pursuant to chapter 13.34
15 RCW that is found by the court(~~(, upon proof presented,)~~) to be false
16 or inaccurate shall be corrected or expunged from such records by the
17 agency;

18 (b) An agency shall take reasonable steps to assure the security of
19 its records and prevent tampering with them; and

20 (c) An agency shall make reasonable efforts to insure the
21 completeness of its records, including action taken by other agencies
22 with respect to matters in its files.

23 (4) Each juvenile justice or care agency shall implement procedures
24 consistent with the provisions of this chapter to facilitate inquiries
25 concerning records.

26 (5) Any person who has reasonable cause to believe information
27 concerning that person is included in the records of a juvenile justice
28 or care agency and who has been denied access to those records by the
29 agency may make a motion to the court for an order authorizing that
30 person to inspect the juvenile justice or care agency record concerning
31 that person. The court shall grant the motion to examine records
32 unless it finds that in the interests of justice or in the best
33 interests of the juvenile the records or parts of them should remain
34 confidential.

35 (6) A juvenile, or his or her parents, or any person who has
36 reasonable cause to believe information concerning that person is
37 included in the records of a juvenile justice or care agency may make
38 a motion to the court challenging the accuracy of any information
39 concerning the moving party in the record or challenging the continued

1 possession of the record by the agency. If the court grants the
2 motion, it shall order the record or information to be corrected or
3 destroyed.

4 (7) The person making a motion under subsection (5) or (6) of this
5 section shall give reasonable notice of the motion to all parties to
6 the original action and to any agency whose records will be affected by
7 the motion.

8 (8) The court may permit inspection of records by, or release of
9 information to, any clinic, hospital, or agency which has the subject
10 person under care or treatment. The court may also permit inspection
11 by or release to individuals or agencies, including juvenile justice
12 advisory committees of county law and justice councils, engaged in
13 legitimate research for educational, scientific, or public purposes.
14 The court may also permit inspection of, or release of information
15 from, records which have been sealed pursuant to RCW 13.50.050(11).
16 The court shall release to the sentencing guidelines commission records
17 needed for its research and data-gathering functions under RCW
18 9.94A.040 and other statutes. Access to records or information for
19 research purposes shall be permitted only if the anonymity of all
20 persons mentioned in the records or information will be preserved.
21 Each person granted permission to inspect juvenile justice or care
22 agency records for research purposes shall present a notarized
23 statement to the court stating that the names of juveniles and parents
24 will remain confidential.

25 (9) Juvenile detention facilities shall release records to the
26 sentencing guidelines commission under RCW 9.94A.040 upon request. The
27 commission shall not disclose the names of any juveniles or parents
28 mentioned in the records without the named individual's written
29 permission.

30 (10) Requirements in this chapter relating to the court's authority
31 to compel disclosure shall not apply to the legislative children's
32 oversight committee or the office of the family and children's
33 ombudsman.

34 NEW SECTION. **Sec. 5.** A new section is added to chapter 72.05 RCW
35 to read as follows:

36 (1) Whenever the department operates, or the secretary enters a
37 contract to operate, a community facility, the community facility may

1 be operated only after the public notification and opportunities for
2 review and comment as required by this section.

3 (2) The secretary shall establish a process for early and
4 continuous public participation in establishing or relocating community
5 facilities. The process shall include, at a minimum, public meetings
6 in the local communities affected, as well as opportunities for written
7 and oral comments, in the following manner:

8 (a) If there are more than three sites initially selected as
9 potential locations and the selection process by the secretary or a
10 service provider reduces the number of possible sites for a community
11 facility to no fewer than three, the secretary or the chief operating
12 officer of the service provider shall notify the public of the possible
13 siting and hold at least two public hearings in each community where a
14 community facility may be sited.

15 (b) When the secretary or service provider has determined the
16 community facility's location, the secretary or the chief operating
17 officer of the service provider shall hold at least one additional
18 public hearing in the community where the community facility will be
19 sited.

20 (c) When the secretary has entered negotiations with a service
21 provider and only one site is under consideration, then at least two
22 public hearings shall be held.

23 (d) To provide adequate notice of, and opportunity for interested
24 persons to comment on, a proposed location, the secretary or the chief
25 operating officer of the service provider shall provide at least
26 fourteen days advance notice of the meeting to all newspapers of
27 general circulation in the community, all radio and television stations
28 generally available to persons in the community, any school district in
29 which the community facility would be sited or whose boundary is within
30 two miles of a proposed community facility, any library district in
31 which the community facility would be sited, local business or
32 fraternal organizations that request notification from the secretary or
33 agency, and any person or property owner within a one-half mile radius
34 of the proposed community facility. Before initiating this process,
35 the department shall contact local government planning agencies in the
36 communities containing the proposed community facility. The department
37 shall coordinate with local government agencies to ensure that
38 opportunities are provided for effective citizen input and to reduce
39 the duplication of notice and meetings.

1 (3) The secretary shall not issue a license to any service provider
2 until the service provider submits proof that the requirements of this
3 section have been met.

4 NEW SECTION. **Sec. 6.** A new section is added to chapter 72.05 RCW
5 to read as follows:

6 The department shall adopt an infraction policy for juveniles
7 placed in community facilities. The policy shall require written
8 documentation by the department and service providers of all
9 infractions and violations by juveniles of conditions set by the
10 department. Any juvenile who commits a serious infraction or a serious
11 violation of conditions set by the department shall be returned to an
12 institution. The secretary shall not return a juvenile to a community
13 facility until a new risk assessment has been completed and the
14 secretary reasonably believes that the juvenile can adhere to the
15 conditions set by the department. The department shall define the
16 terms "serious infraction" and "serious violation" in rule and shall
17 include the commission of any criminal offense, any unlawful use or
18 possession of a controlled substance, and any use or possession of an
19 alcoholic beverage.

20 NEW SECTION. **Sec. 7.** A new section is added to chapter 74.15 RCW
21 to read as follows:

22 Whenever the secretary contracts with a service provider to operate
23 a community facility, the contract shall include a requirement that
24 each service provider must report to the department any known
25 infraction or violation of conditions committed by any juvenile under
26 its supervision. The report must be made immediately upon learning of
27 serious infractions or violations and within twenty-four hours for
28 other infractions or violations.

29 The secretary shall adopt rules to implement and enforce the
30 provisions of this section. The rules shall contain a schedule of
31 monetary penalties not to exceed the total compensation set forth in
32 the contract, and include provisions for termination of all contracts
33 with a service provider that has repeated violations of this section
34 and the rules adopted under this section.

35 The secretary shall document in writing all violations of this
36 section and the rules adopted under this section, penalties, actions by
37 the department to remove juveniles from a community facility, and

1 contract terminations. The department shall give great weight to a
2 service provider's record of violations, penalties, actions by the
3 department to remove juveniles from a community facility, and contract
4 terminations in determining to execute, renew, or renegotiate a
5 contract with a service provider.

6 NEW SECTION. **Sec. 8.** A new section is added to chapter 72.05 RCW
7 to read as follows:

8 (1) The department shall publish and operate a staffed, toll-free
9 twenty-four-hour hotline for the purpose of receiving reports of
10 violation of conditions set for juveniles who are placed in community
11 facilities.

12 (2) The department shall include the phone number on all documents
13 distributed to the juvenile and the juvenile's employer, school,
14 parents, and treatment providers.

15 (3) The department shall include the phone number in every contract
16 it executes with any service provider after the effective date of this
17 act.

18 NEW SECTION. **Sec. 9.** A new section is added to chapter 72.05 RCW
19 to read as follows:

20 (1) Whenever the department operates, or the secretary enters a
21 contract to operate, a community facility, the community facility must
22 be operated in accordance with the requirements of this section.

23 (2) The secretary shall establish, or require the chief operating
24 officer of a service provider to establish, a placement oversight
25 committee. The committee may review and approve the residential and
26 appropriate educational placement of any juvenile who the secretary
27 proposes to locate in the community facility. The committee shall
28 include, at a minimum, four persons residing within a one-mile radius
29 of the community facility, representatives of local law enforcement,
30 and representatives of the school district in which offenders residing
31 at the community facility are likely to be enrolled.

32 (3) The secretary shall provide the committee with the name and all
33 relevant records of any juvenile offender who the secretary proposes
34 for placement in the community facility. The records shall include
35 previous placements in a community facility and all infractions and
36 violations of the conditions set by the department. The information

1 shall be in writing and provided at least ten days in advance of the
2 date of the intended placement.

3 (4) Members of the committee shall sign and adhere to a
4 confidentiality agreement that protects the juveniles from disclosure
5 of information deemed confidential by law.

6 (5) The committee may review and approve the proposed placement up
7 to three business days prior to the juvenile's transfer to the
8 community facility. If the committee disapproves a proposed placement
9 it shall notify the secretary immediately, in the most expedient manner
10 possible, and shall provide the secretary written notice of its
11 decision within two business days of its decision.

12 (6) The committee shall consider whether a juvenile who is proposed
13 for residence in a community facility is likely to adhere to conditions
14 of placement, commit offenses while in placement, continue in
15 appropriate treatment, or present a serious threat to other community
16 facility residents or staff, and may consider other relevant conditions
17 which bear on the likelihood the juvenile will succeed in making a
18 transition to nonoffender status.

19 (7) The committee and its members shall not be liable in any cause
20 of action as a result of its decision in regard to a proposed placement
21 of a juvenile so long as the committee acted reasonably in reviewing
22 and approving the placement.

23 (8) Members of the committee shall be reimbursed for travel
24 expenses as provided in RCW 43.03.050 and 43.03.060.

25 (9) Except as provided in RCW 13.40.215, at least seventy-two hours
26 prior to placing a juvenile in a community facility the secretary shall
27 provide to the chief law enforcement officer of the jurisdiction in
28 which the community facility is sited: (a) The name of the juvenile;
29 (b) the juvenile's criminal history; and (c) such other relevant and
30 disclosable information the law enforcement officer may request.

31 NEW SECTION. **Sec. 10.** A new section is added to chapter 72.05 RCW
32 to read as follows:

33 (1) The department shall not initially place an offender in a
34 community facility unless:

35 (a) The department has conducted a risk assessment, including a
36 determination of drug and alcohol abuse, and the results indicate the
37 juvenile will pose not more than a minimum risk to public safety; and

1 (b) The offender has spent at least ten percent of his or her
2 sentence, but in no event less than thirty days, in a secure
3 institution operated by, or under contract with, the department.

4 The risk assessment must include consideration of all prior
5 convictions and all available nonconviction data released upon request
6 under RCW 10.97.050, and any serious infractions or serious violations
7 while under the jurisdiction of the secretary or the courts.

8 (2) No juvenile offender may be placed in a community facility
9 until the juvenile's student records and information have been received
10 and the department has reviewed them in conjunction with all other
11 information used to assess risk, security classification, and placement
12 of the juvenile.

13 (3) A juvenile offender shall not be placed in a community facility
14 until the department's risk assessment and security classification is
15 complete, local law enforcement has been properly notified, and the
16 community placement oversight committee has reviewed and approved the
17 placement.

18 **Sec. 11.** RCW 28A.600.475 and 1992 c 205 s 120 are each amended to
19 read as follows:

20 School districts may participate in the exchange of information
21 with law enforcement and juvenile court officials to the extent
22 permitted by the family educational and privacy rights act of 1974, 20
23 U.S.C. Sec. 1232g. When directed by court order or pursuant to any
24 lawfully issued subpoena, a school district shall make student records
25 and information available to law enforcement officials, probation
26 officers, court personnel, and others legally entitled to the
27 information. Except as provided in section 12 of this act, parents and
28 students shall be notified by the school district of all such orders or
29 subpoenas in advance of compliance with them.

30 NEW SECTION. **Sec. 12.** A new section is added to chapter 13.40 RCW
31 to read as follows:

32 Pursuant to RCW 28A.600.475, and to the extent permitted by the
33 family educational and privacy rights act of 1974, 20 U.S.C. Sec.
34 1232g(b), and in order to serve the juvenile while in detention and to
35 prepare any postconviction services, schools shall make all student
36 records and information necessary for risk assessment, security

1 classification, and placement available to court personnel and the
2 department within three working days of a request under this section.

3 When a juvenile has one or more prior convictions, a request for
4 records shall be made by the county prosecuting attorney, or probation
5 department if available, to the school not more than ten days following
6 the juvenile's arrest or detention, whichever occurs later, and prior
7 to trial. The request may be made by subpoena.

8 Where a juvenile has no prior conviction, a request to release
9 records shall be made by subpoena upon the juvenile's conviction. When
10 the request for a juvenile's student records and information is made by
11 subpoena following conviction, the court or other issuing agency shall
12 order the school on which the subpoena is served not to disclose to any
13 person the existence or contents of the subpoena or any information
14 furnished in response to the subpoena. When the court or issuing
15 agency so orders, the school shall not provide notice to the juvenile
16 or his or her parents.

17 NEW SECTION. **Sec. 13.** A new section is added to chapter 72.05 RCW
18 to read as follows:

19 (1) The department shall establish by rule, in consultation with
20 the office of the superintendent of public instruction, those student
21 records and information necessary to conduct a risk assessment, make a
22 security classification, and ensure proper placement. Those records
23 shall include:

24 (a) Any history of placement in special education programs;

25 (b) Any past, current, or pending disciplinary action;

26 (c) Any history of violent or disruptive behavior, or gang
27 membership, or behavior listed in RCW 13.04.155;

28 (d) Any referrals for drug or alcohol abuse; and

29 (e) Any health conditions affecting the juvenile's placement needs.

30 (2) For purposes of this section "gang" has the meaning defined in
31 RCW 28A.225.225.

32 NEW SECTION. **Sec. 14.** A new section is added to chapter 72.05 RCW
33 to read as follows:

34 (1) Whenever the department operates, or the secretary enters a
35 contract to operate, a community facility, the placement and
36 supervision of juveniles must be accomplished in accordance with this
37 section.

1 (2) The secretary shall require that any juvenile placed in a
2 community facility and who is employed or regularly assigned as a
3 volunteer be subject to monitoring for compliance with requirements for
4 attendance at his or her job or assignment. The monitoring
5 requirements shall be included in a written agreement between the
6 employer or supervisor, the secretary or chief operating officer of the
7 contracting agency, and the juvenile. The requirements shall include,
8 at a minimum, the following:

9 (a) Acknowledgment of the juvenile's offender status;

10 (b) The name, address, and telephone number of the community
11 facility at which the juvenile resides;

12 (c) The twenty-four-hour telephone number required under section 8
13 of this act;

14 (d) The name and work telephone number of all persons responsible
15 for the supervision of the juvenile;

16 (e) A prohibition on the juvenile's departure from the work or
17 volunteer site without prior approval of the person in charge of the
18 community facility;

19 (f) A prohibition on personal telephone calls except to the
20 community facility;

21 (g) A prohibition on receiving compensation in any form other than
22 a negotiable instrument;

23 (h) A requirement that rest breaks during work hours be taken only
24 in those areas at the location which are designated for such breaks;

25 (i) A prohibition on visits from persons not approved in advance by
26 the person in charge of the community facility;

27 (j) A requirement that any unexcused absence, tardiness, or
28 departure by the juvenile be reported immediately upon discovery to the
29 person in charge of the community facility;

30 (k) A requirement that any notice from the juvenile that he or she
31 will not report to the work or volunteer site be verified as legitimate
32 by contacting the person in charge of the community facility; and

33 (l) An agreement that the community facility will conduct and
34 document random visits to determine compliance by the juvenile with the
35 terms of this section.

36 (3) The secretary shall require that any juvenile placed in a
37 community facility and who is enrolled in a public or private school be
38 subject to monitoring for compliance with requirements for attendance
39 at his or her school. The monitoring requirements shall be included in

1 a written agreement between the school district or appropriate
2 administrative officer, the secretary or chief operating officer of the
3 contracting agency, and the juvenile. The requirements shall include,
4 at a minimum, the following:

5 (a) Acknowledgment of the juvenile's offender status;

6 (b) The name, address, and telephone number of the community
7 facility at which the juvenile resides;

8 (c) The twenty-four-hour telephone number required under section 8
9 of this act;

10 (d) The name and work telephone number of at least two persons at
11 the school to contact if issues arise concerning the juvenile's
12 compliance with the terms of his or her attendance at school;

13 (e) A prohibition on the juvenile's departure from the school
14 without prior approval of the appropriate person at the school;

15 (f) A prohibition on personal telephone calls except to the
16 community facility;

17 (g) A requirement that the juvenile remain on school grounds except
18 for authorized and supervised school activities;

19 (h) A prohibition on visits from persons not approved in advance by
20 the person in charge of the community facility;

21 (i) A requirement that any unexcused absence or departure by the
22 juvenile be reported immediately upon discovery to the person in charge
23 of the community facility;

24 (j) A requirement that any notice from the juvenile that he or she
25 will not attend school be verified as legitimate by contacting the
26 person in charge of the community facility; and

27 (k) An agreement that the community facility will conduct and
28 document random visits to determine compliance by the juvenile with the
29 terms of this section.

30 (4) The secretary shall require that when any juvenile placed in a
31 community facility is employed, assigned as a volunteer, or enrolled in
32 a public or private school:

33 (a) Program staff members shall make periodic and random
34 accountability checks while the juvenile is at the school or work
35 facility;

36 (b) A program counselor assigned to the juvenile shall contact the
37 juvenile's employer, teacher, or school counselor regularly to discuss
38 school or job performance-related issues.

1 (5) The department shall maintain a copy of all agreements executed
2 under this section. The department shall also provide each affected
3 juvenile with a copy of every agreement to which he or she is a party.
4 The service provider shall maintain a copy of every agreement it
5 executes under this section.

6 NEW SECTION. **Sec. 15.** A new section is added to chapter 72.05 RCW
7 to read as follows:

8 (1) The department shall establish by rule a policy for the common
9 use of residential group homes for juvenile offenders under the
10 jurisdiction of the juvenile rehabilitation administration and the
11 children's administration.

12 (2) A juvenile under the jurisdiction of the juvenile
13 rehabilitation administration who is convicted of a class A felony is
14 not eligible for placement in a community facility operated by
15 children's administration that houses juveniles who are not under the
16 jurisdiction of juvenile rehabilitation administration.

17 NEW SECTION. **Sec. 16.** A new section is added to chapter 72.05 RCW
18 to read as follows:

19 (1) A person shall not be eligible for an employed or volunteer
20 position within the juvenile rehabilitation administration or any
21 agency with which it contracts in which the person may have regular
22 access to juveniles under the jurisdiction of the department of social
23 and health services or the department of corrections if the person has
24 been convicted of one or more of the following:

25 (a) Any felony sex offense;

26 (b) Any violent offense, as defined in RCW 9.94A.030.

27 (2) Subsection (1) of this section applies only to persons hired by
28 the department or any of its contracting agencies after the effective
29 date of this act.

30 (3) Any person employed by the juvenile rehabilitation
31 administration, or by any contracting agency, who may have regular
32 access to juveniles under the jurisdiction of the department or the
33 department of corrections and who is convicted of an offense set forth
34 in this section after the effective date of this act, shall report the
35 conviction to his or her supervisor. The report must be made within
36 seven days of conviction. Failure to report within seven days of
37 conviction constitutes misconduct under Title 50 RCW.

1 (4) For purposes of this section "may have regular access to
2 juveniles" means access for more than a nominal amount of time.

3 (5) The department shall adopt rules to implement this section.

4 NEW SECTION. **Sec. 17.** (1) The Washington state institute for
5 public policy shall conduct a special study of the contracts,
6 operations, and monitoring of community residential facilities that
7 house juvenile offenders who are under the jurisdiction of the
8 department's juvenile rehabilitation administration.

9 (2) The department shall enter into a contract with an independent
10 consultant to conduct the study.

11 (3) The contract must require the independent contractor to consult
12 with nearby residents, local sheriffs and police chiefs, courts,
13 probation departments, schools, and employers in the community in which
14 the community residential facility is located.

15 (4) The independent consultant shall investigate and report on at
16 least the following issues:

17 (a) Community residential security, staffing, and operation:

18 (i) Are the facilities physically secured with door locks, alarms,
19 video monitors, and other security features so that staff are
20 immediately aware of any unauthorized exits or unauthorized visitors?
21 Which homes are not?

22 (ii) What legal barriers exist, if any, that prevent equipping
23 community residential facilities with locks, alarms, video monitors,
24 and other equipment that would make the facilities more physically
25 secure?

26 (iii) How much would it cost to equip community residential
27 facilities with security equipment?

28 (iv) For each facility describe:

29 (A) The staffing level by shift;

30 (B) The times, if any, in which offenders are either locked inside
31 secure rooms or locked inside the facility;

32 (C) What constitutes an escape;

33 (D) How much time must elapse before an unauthorized absence
34 becomes an escape;

35 (E) The escape reporting procedure;

36 (F) Who may visit the offender and at what hours;

37 (G) What is the screening process used to authorize visitors;

1 (H) What controls exist to monitor and regulate persons who visit
2 the facilities; and

3 (I) Whether offenders share bedrooms.

4 (v) Describe the monitoring level by the juvenile rehabilitation
5 administration and specifically address the following:

6 (A) How often does the juvenile rehabilitation staff visit the
7 community residential facilities?

8 (B) How many of these visits are random, unannounced, or conducted
9 at night and on weekends and holidays?

10 (C) What does the juvenile rehabilitation staff person investigate
11 when conducting these visits?

12 (D) How often does the juvenile rehabilitation staff contact
13 neighbors, schools, employers, and law enforcement to determine whether
14 juvenile offenders in the community residential facilities are
15 disruptive or that staff is responsive to community concerns?

16 (b) Offender intake and assessment procedures:

17 (i) Identify procedural and financial barriers to sharing
18 information about juvenile offenders in community residential
19 facilities between the juvenile rehabilitation administration, schools,
20 courts, law enforcement, other department of social and health
21 services' programs including the division of children and family
22 services and the division of alcohol and substance abuse, and the
23 public.

24 (ii) What authority does the state have to remove the barriers?

25 (iii) Identify what entity is responsible for collecting risk
26 assessment data. Describe the process and if it varies in different
27 counties.

28 (iv) What types and sources of data are being collected
29 inconsistently?

30 (v) What types and sources of data are being used inconsistently in
31 performing risk assessments?

32 (vi) What safeguards exist to ensure that assessments are being
33 made with complete information?

34 (c) Violations or infractions committed by juvenile offenders in
35 community residential facilities:

36 (i) How many violations, by type and seriousness level, have
37 occurred or have been reported about juvenile offenders residing in
38 community residential facilities during fiscal year 1997?

1 (ii) What appeals process, if any, exists that governs an
2 offender's appeal from a finding that the offender committed an
3 infraction?

4 (5) The department shall require the independent contractor to
5 recommend changes to existing laws, procedures, and practices governing
6 community residential facilities to increase public safety, community
7 residential facility security, protection of juvenile offenders housed
8 in community residential facilities, and community comment and
9 participation in siting facilities and placement of offenders. The
10 contractor shall also identify costs associated with implementing
11 recommended changes.

12 (6) An initial status report of the progress of the study shall be
13 presented to the senate human services and corrections committee and
14 the house criminal justice and corrections committee no later than May
15 1, 1998. The department shall present a final report to those
16 committees no later than September 1, 1998.

17 NEW SECTION. **Sec. 18.** The code reviser shall alphabetize the
18 definitions in RCW 13.50.010 and 74.15.020 and correct any references.

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