

2 **SHB 2372** - S AMD - 226 (S5095.1 AMD BY #227)
3 By Senators Hargrove and Long

4 ADOPTED AS AMENDED 3/2/00

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

7 "**Sec. 1.** RCW 13.32A.060 and 1997 c 146 s 3 are each amended to
8 read as follows:

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

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

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

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

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

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

1 (c) After attempting to notify the parent, if a crisis residential
2 center is full, not available, or not located within a reasonable
3 distance, the officer may request the department to accept custody of
4 the child. If the department determines that an appropriate placement
5 is currently available, the department shall accept custody and place
6 the child in an out-of-home placement. Upon accepting custody of a
7 child from the officer, the department may place the child in an out-
8 of-home placement for up to seventy-two hours, excluding Saturdays,
9 Sundays, and holidays, without filing a child in need of services
10 petition under this chapter, obtaining parental consent, or obtaining
11 an order for placement under chapter 13.34 RCW. Upon transferring a
12 child to the department's custody, the officer shall provide written
13 documentation of the reasons and the statutory basis for taking the
14 child into custody. If the department declines to accept custody of
15 the child, the officer may release the child after attempting to take
16 the child to the following, in the order listed: The home of an adult
17 extended family member; a responsible adult; a licensed youth shelter
18 and shall immediately notify the department if no placement option is
19 available and the child is released.

20 (2) An officer taking a child into custody under RCW 13.32A.050(1)
21 (c) or (d) shall inform the child of the reason for custody. An
22 officer taking a child into custody under RCW 13.32A.050(1)(c) may
23 release the child to the supervising agency, or shall take the child to
24 a designated crisis residential center's secure facility. If the
25 secure facility is not available, not located within a reasonable
26 distance, or full, the officer shall take the child to a semi-secure
27 crisis residential center. An officer taking a child into custody
28 under RCW 13.32A.050(1)(d) may place the child in a juvenile detention
29 facility as provided in RCW 13.32A.065 or a secure facility, except
30 that the child shall be taken to either (a) a secure facility that is
31 a separate, secure section of a juvenile detention facility; or (b)
32 detention whenever the officer has been notified that a juvenile court
33 has entered ((a-detention)) an order directing such placement under
34 this chapter or chapter 13.34 RCW. In no case may a child in contempt
35 be confined in a secure facility that is free-standing outside a
36 juvenile detention facility.

37 (3) Whenever an officer transfers custody of a child to a crisis
38 residential center or the department, the child may reside in the
39 crisis residential center or may be placed by the department in an out-

1 of-home placement for an aggregate total period of time not to exceed
2 seventy-two hours excluding Saturdays, Sundays, and holidays, except
3 that a child placed in a secure facility under a court order entered
4 under RCW 13.32A.250 must remain in the secure facility as provided in
5 RCW 13.32A.065. Thereafter, the child may continue in out-of-home
6 placement only if the parents have consented, a child in need of
7 services petition has been filed under this chapter, or an order for
8 placement has been entered under chapter 13.34 RCW.

9 (4) The department shall ensure that all law enforcement
10 authorities are informed on a regular basis as to the location of all
11 designated secure and semi-secure facilities within centers in their
12 jurisdiction, where children taken into custody under RCW 13.32A.050
13 may be taken.

14 **Sec. 2.** RCW 13.32A.065 and 1996 c 133 s 12 are each amended to
15 read as follows:

16 (1) A child may be placed in either (a) a secure facility that is
17 a separate, secure section of a juvenile detention facility; or (b)
18 detention after being taken into custody pursuant to RCW
19 13.32A.050(1)(d). In no case may a child in contempt be confined in a
20 secure facility that is free-standing outside a juvenile detention
21 facility. The court shall hold a ~~((detention))~~ review hearing within
22 twenty-four hours, excluding Saturdays, Sundays, and holidays. The
23 court shall release the child after twenty-four hours, excluding
24 Saturdays, Sundays, and holidays, unless:

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

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

30 (2) If the court ~~((orders the child to remain in detention))~~ finds
31 that the conditions in subsection (1)(a) and (b) of this section have
32 been met, the court may order the child to remain confined either in
33 (a) a secure facility that is a separate, secure section of a juvenile
34 detention facility; or (b) detention, and shall set the matter for a
35 hearing on contempt within seventy-two hours, excluding Saturdays,
36 Sundays, and holidays. In no case may a child in contempt be confined
37 in a secure facility that is free-standing outside a juvenile detention
38 facility.

1 **Sec. 3.** RCW 13.32A.130 and 1997 c 146 s 4 are each amended to read
2 as follows:

3 (1) A child admitted to a secure facility within a crisis
4 residential center shall remain in the facility for not more than five
5 consecutive days, but for at least twenty-four hours after admission.
6 If the child admitted under this section is transferred between centers
7 or between secure and semi-secure facilities, the aggregate length of
8 time spent in all such centers or facilities may not exceed five
9 consecutive days.

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

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

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

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

1 (d) An administrator may transfer a child from a semi-secure
2 facility to a secure facility whenever he or she reasonably believes
3 that the child is likely to leave the semi-secure facility and not
4 return and after full consideration of all factors in (a)(i) and (ii)
5 of this subsection.

6 (3) If no parent is available or willing to remove the child during
7 the first seventy-two hours following admission, the department shall
8 consider the filing of a petition under RCW 13.32A.140.

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

20 (5) Crisis residential center staff shall make reasonable efforts
21 to protect the child and achieve a reconciliation of the family. If a
22 reconciliation and voluntary return of the child has not been achieved
23 within forty-eight hours from the time of intake, and if the
24 administrator of the center does not consider it likely that
25 reconciliation will be achieved within the five-day period, then the
26 administrator shall inform the parent and child of: (a) The
27 availability of counseling services; (b) the right to file a child in
28 need of services petition for an out-of-home placement, the right of a
29 parent to file an at-risk youth petition, and the right of the parent
30 and child to obtain assistance in filing the petition; (c) the right to
31 request the facility administrator or his or her designee to form a
32 multidisciplinary team; (d) the right to request a review of any out-
33 of-home placement; (e) the right to request a mental health or chemical
34 dependency evaluation by a county-designated professional or a private
35 treatment facility; and (f) the right to request treatment in a program
36 to address the child's at-risk behavior under RCW 13.32A.197.

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

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

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

10 (8) This section does not apply to children admitted to a secure
11 facility that is a separate, secure section of a juvenile detention
12 facility under a court order issued under RCW 13.32A.250(3) or
13 28A.225.090(2). In no case may a child in contempt be confined in a
14 secure facility that is free-standing outside a juvenile detention
15 facility.

16 **Sec. 4.** RCW 13.32A.250 and 1998 c 296 s 37 are each amended to
17 read as follows:

18 (1) In all child in need of services proceedings and at-risk youth
19 proceedings, the court shall verbally notify the parents and the child
20 of the possibility of a finding of contempt for failure to comply with
21 the terms of a court order entered pursuant to this chapter. Except as
22 otherwise provided in this section, the court shall treat the parents
23 and the child equally for the purposes of applying contempt of court
24 processes and penalties under this section.

25 (2) Failure by a party to comply with an order entered under this
26 chapter is a civil contempt of court as provided in RCW 7.21.030(2)(e),
27 subject to the limitations of subsection (3) of this section.

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

31 (4) A child placed in confinement for contempt under this section
32 shall be placed in confinement (~~only~~) either in a secure juvenile
33 detention facility operated by or pursuant to a contract with a county
34 or a secure facility that is a separate, secure section of a juvenile
35 detention facility. In no case may a child in contempt be confined in
36 a secure facility that is free-standing outside a juvenile detention
37 facility.

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

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

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

16 No placement of a juvenile in a secure facility under RCW
17 13.32A.060, 13.32A.065, 13.32A.130, 13.32A.250, 28A.225.090, 74.13.033,
18 or 74.13.034 as a result of an order entered under RCW 13.32A.250 or
19 28A.225.090(2) may displace, or prevent the placement of, a juvenile in
20 a secure facility under RCW 13.32A.050, 13.32A.060, or 13.32A.130. If
21 a secure facility is located in a separate, secure section of a
22 juvenile detention facility, no more than fifty percent of its capacity
23 may be occupied by juveniles placed under RCW 13.32A.250 or
24 28A.225.090(2). If any capacity of a secure facility located in a
25 juvenile detention facility is taken by a juvenile placed under RCW
26 13.32A.250 or 28A.225.090 and a juvenile is brought to the secure
27 facility under RCW 13.32A.050, 13.32A.060, or 13.32A.130, that juvenile
28 must be placed in the secure facility and a juvenile placed under RCW
29 13.32A.250 or 28A.225.090 be moved immediately to the juvenile
30 detention facility.

31 **Sec. 6.** RCW 28A.225.090 and 1999 c 319 s 4 are each amended to
32 read as follows:

33 (1) A court may order a child subject to a petition under RCW
34 28A.225.035 to:

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

36 (b) If there is space available and the program can provide
37 educational services appropriate for the child, order the child to

1 attend another public school, an alternative education program, center,
2 a skill center, dropout prevention program, or another public
3 educational program;

4 (c) Attend a private nonsectarian school or program including an
5 education center. Before ordering a child to attend an approved or
6 certified private nonsectarian school or program, the court shall: (i)
7 Consider the public and private programs available; (ii) find that
8 placement is in the best interest of the child; and (iii) find that the
9 private school or program is willing to accept the child and will not
10 charge any fees in addition to those established by contract with the
11 student's school district. If the court orders the child to enroll in
12 a private school or program, the child's school district shall contract
13 with the school or program to provide educational services for the
14 child. The school district shall not be required to contract for a
15 weekly rate that exceeds the state general apportionment dollars
16 calculated on a weekly basis generated by the child and received by the
17 district. A school district shall not be required to enter into a
18 contract that is longer than the remainder of the school year. A
19 school district shall not be required to enter into or continue a
20 contract if the child is no longer enrolled in the district;

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

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

26 (2) If the child fails to comply with the court order, the court
27 may order the child to be (~~subject to detention, as provided in RCW~~
28 7.21.030(2)(e)) placed in confinement for contempt, either in a
29 juvenile detention facility operated by or under a contract with a
30 county or in a secure facility that is a separate, secure section of a
31 juvenile detention facility, or may impose alternatives to
32 (~~detention~~) confinement such as community service. Failure by a
33 child to comply with an order issued under this subsection shall not be
34 subject to detention for a period greater than that permitted pursuant
35 to a civil contempt proceeding against a child under chapter 13.32A
36 RCW. In no case may a child in contempt be confined in a secure
37 facility that is free-standing outside a juvenile detention facility.

38 (3) Any parent violating any of the provisions of either RCW
39 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than

1 twenty-five dollars for each day of unexcused absence from school. It
2 shall be a defense for a parent charged with violating RCW 28A.225.010
3 to show that he or she exercised reasonable diligence in attempting to
4 cause a child in his or her custody to attend school or that the
5 child's school did not perform its duties as required in RCW
6 28A.225.020. The court may order the parent to provide community
7 service instead of imposing a fine. Any fine imposed pursuant to this
8 section may be suspended upon the condition that a parent charged with
9 violating RCW 28A.225.010 shall participate with the school and the
10 child in a supervised plan for the child's attendance at school or upon
11 condition that the parent attend a conference or conferences scheduled
12 by a school for the purpose of analyzing the causes of a child's
13 absence.

14 (4) If a child continues to be truant after entering into a court-
15 approved order with the truancy board under RCW 28A.225.035, the
16 juvenile court shall find the child in contempt, and the court may
17 order the child to be subject to detention, as provided in RCW
18 7.21.030(2)(e), or may impose alternatives to detention such as
19 meaningful community service. Failure by a child to comply with an
20 order issued under this subsection may not subject a child to detention
21 for a period greater than that permitted under a civil contempt
22 proceeding against a child under chapter 13.32A RCW.

23 (5) Subsections (1), (2), and (4) of this section shall not apply
24 to a six or seven year-old child required to attend public school under
25 RCW 28A.225.015.

26 **Sec. 7.** RCW 74.13.033 and 1995 c 312 s 62 are each amended to read
27 as follows:

28 (1) If a resident of a center becomes by his or her behavior
29 disruptive to the facility's program, such resident may be immediately
30 removed to a separate area within the facility and counseled on an
31 individual basis until such time as the child regains his or her
32 composure. The department may set rules and regulations establishing
33 additional procedures for dealing with severely disruptive children on
34 the premises. A child confined in a secure facility that is a
35 separate, secure section of a juvenile detention facility under RCW
36 13.32A.250(3) or 28A.225.090(2) may be moved to an available bed in a
37 juvenile detention facility. In no case may a child in contempt be

1 confined in a secure facility that is free-standing outside a juvenile
2 detention facility.

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

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

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

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

14 (d) Provide additional crisis counseling as needed, to the end that
15 placement of the child in the crisis residential center will be
16 required for the shortest time possible, but not to exceed five
17 consecutive days or, in the case of a child admitted by court order
18 issued under RCW 13.32A.250(3) or 28A.225.090(2), seven consecutive
19 days; and

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

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

31 (4) A juvenile taking unauthorized leave from a facility shall be
32 apprehended and returned to it by law enforcement officers or other
33 persons designated as having this authority as provided in RCW
34 13.32A.050. If returned to the facility after having taken
35 unauthorized leave for a period of more than twenty-four hours a
36 juvenile shall be supervised by such a facility for a period, pursuant
37 to this chapter, which, unless where otherwise provided, may not exceed
38 five consecutive days on the premises. Costs of housing juveniles

1 admitted to crisis residential centers shall be assumed by the
2 department for a period not to exceed five consecutive days.

3 **Sec. 8.** RCW 74.13.034 and 1995 c 312 s 63 are each amended to read
4 as follows:

5 (1) A child taken into custody and taken to a crisis residential
6 center established pursuant to RCW 74.13.032 may, if the center is
7 unable to provide appropriate treatment, supervision, and structure to
8 the child, be taken at department expense to another crisis residential
9 center, the nearest regional secure crisis residential center, or a
10 secure facility with which it is collocated under RCW 74.13.032.
11 Placement in both locations shall not exceed five consecutive days from
12 the point of intake as provided in RCW 13.32A.130 or, in the case of a
13 child admitted by court order issued under RCW 13.32A.250(3) or
14 28A.225.090(2), seven consecutive days.

15 (2) A child taken into custody and taken to a crisis residential
16 center established by this chapter may be placed physically by the
17 department or the department's designee and, at departmental expense
18 and approval, in a secure juvenile detention facility operated by the
19 county in which the center is located for a maximum of forty-eight
20 hours, including Saturdays, Sundays, and holidays, if the child has
21 taken unauthorized leave from the center and the person in charge of
22 the center determines that the center cannot provide supervision and
23 structure adequate to ensure that the child will not again take
24 unauthorized leave. Juveniles placed in such a facility pursuant to
25 this section may not, to the extent possible, come in contact with
26 alleged or convicted juvenile or adult offenders.

27 (3) Any child placed in secure detention pursuant to this section
28 shall, during the period of confinement, be provided with appropriate
29 treatment by the department or the department's designee, which shall
30 include the services defined in RCW 74.13.033(2). If the child placed
31 in secure detention is not returned home or if an alternative living
32 arrangement agreeable to the parent and the child is not made within
33 twenty-four hours after the child's admission, the child shall be taken
34 at the department's expense to a crisis residential center. Placement
35 in the crisis residential center or centers plus placement in juvenile
36 detention shall not exceed five consecutive days from the point of
37 intake as provided in RCW 13.32A.130 or, in the case of a child

1 admitted by court order issued under RCW 13.32A.250(3) or
2 28A.225.090(2), seven consecutive days.

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

10 NEW SECTION. Sec. 9. A new section is added to chapter 13.32A RCW
11 to read as follows:

12 The department has no responsibility to attend hearings, provide
13 transportation, case management, or any other services to youth
14 confined in a secure facility that is a separate, secure section of a
15 juvenile detention facility unless it is otherwise ordered by a court
16 under a petition relating to a child in need of services, an at-risk
17 youth, or truancy.

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

20 The cost to county juvenile court administrators of housing youths
21 held in contempt and confined in secure crisis residential centers
22 located in juvenile detention facilities shall be credited against the
23 funds appropriated to fund the costs of processing truancy, children in
24 need of services, and at-risk youth petitions.

25 **Sec. 11.** RCW 13.32A.060 and 2000 c . . . s 1 (section 1 of this
26 act) are each amended to read as follows:

27 (1) An officer taking a child into custody under RCW 13.32A.050(1)
28 (a) or (b) shall inform the child of the reason for such custody and
29 shall:

30 (a) Transport the child to his or her home or to a parent at his or
31 her place of employment, if no parent is at home. The parent may
32 request that the officer take the child to the home of an adult
33 extended family member, responsible adult, crisis residential center,
34 the department, or a licensed youth shelter. In responding to the
35 request of the parent, the officer shall take the child to a requested
36 place which, in the officer's belief, is within a reasonable distance

1 of the parent's home. The officer releasing a child into the custody
2 of a parent, an adult extended family member, responsible adult, or a
3 licensed youth shelter shall inform the person receiving the child of
4 the reason for taking the child into custody and inform all parties of
5 the nature and location of appropriate services available in the
6 community; or

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

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

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

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

19 (c) After attempting to notify the parent, if a crisis residential
20 center is full, not available, or not located within a reasonable
21 distance, the officer may request the department to accept custody of
22 the child. If the department determines that an appropriate placement
23 is currently available, the department shall accept custody and place
24 the child in an out-of-home placement. Upon accepting custody of a
25 child from the officer, the department may place the child in an out-
26 of-home placement for up to seventy-two hours, excluding Saturdays,
27 Sundays, and holidays, without filing a child in need of services
28 petition under this chapter, obtaining parental consent, or obtaining
29 an order for placement under chapter 13.34 RCW. Upon transferring a
30 child to the department's custody, the officer shall provide written
31 documentation of the reasons and the statutory basis for taking the
32 child into custody. If the department declines to accept custody of
33 the child, the officer may release the child after attempting to take
34 the child to the following, in the order listed: The home of an adult
35 extended family member; a responsible adult; a licensed youth shelter
36 and shall immediately notify the department if no placement option is
37 available and the child is released.

38 (2) An officer taking a child into custody under RCW 13.32A.050(1)
39 (c) or (d) shall inform the child of the reason for custody. An

1 officer taking a child into custody under RCW 13.32A.050(1)(c) may
2 release the child to the supervising agency, or shall take the child to
3 a designated crisis residential center's secure facility. If the
4 secure facility is not available, not located within a reasonable
5 distance, or full, the officer shall take the child to a semi-secure
6 crisis residential center. An officer taking a child into custody
7 under RCW 13.32A.050(1)(d) may place the child in a juvenile detention
8 facility as provided in RCW 13.32A.065 or a secure facility, except
9 that the child shall be taken to (~~either (a) a secure facility that is~~
10 ~~a separate, secure section of a juvenile detention facility; or (b))~~)
11 detention whenever the officer has been notified that a juvenile court
12 has entered (~~(an)~~) a detention order (~~(directing such placement)~~) under
13 this chapter or chapter 13.34 RCW. (~~In no case may a child in~~
14 ~~contempt be confined in a secure facility that is free standing outside~~
15 ~~a juvenile detention facility.~~)

16 (3) Whenever an officer transfers custody of a child to a crisis
17 residential center or the department, the child may reside in the
18 crisis residential center or may be placed by the department in an out-
19 of-home placement for an aggregate total period of time not to exceed
20 seventy-two hours excluding Saturdays, Sundays, and holidays(~~, except~~
21 ~~that a child placed in a secure facility under a court order entered~~
22 ~~under RCW 13.32A.250 must remain in the secure facility as provided in~~
23 ~~RCW 13.32A.065)). Thereafter, the child may continue in out-of-home~~
24 placement only if the parents have consented, a child in need of
25 services petition has been filed under this chapter, or an order for
26 placement has been entered under chapter 13.34 RCW.

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

32 **Sec. 12.** RCW 13.32A.065 and 2000 c . . . s 2 (section 2 of this
33 act) are each amended to read as follows:

34 (1) A child may be placed in (~~either (a) a secure facility that is~~
35 ~~a separate, secure section of a juvenile detention facility; or (b))~~)
36 detention after being taken into custody pursuant to RCW
37 13.32A.050(1)(d). (~~In no case may a child in contempt be confined in~~
38 ~~a secure facility that is free standing outside a juvenile detention~~

1 ~~facility.~~) The court shall hold a detention review hearing within
2 twenty-four hours, excluding Saturdays, Sundays, and holidays. The
3 court shall release the child after twenty-four hours, excluding
4 Saturdays, Sundays, and holidays, unless:

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

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

10 (2) If the court ~~((finds that the conditions in subsection (1)(a)~~
11 ~~and (b) of this section have been met))~~ orders the child to remain in
12 detention, the court ~~((may order the child to remain confined either in~~
13 ~~(a) a secure facility that is a separate, secure section of a juvenile~~
14 ~~detention facility; or (b) detention, and))~~ shall set the matter for a
15 hearing on contempt within seventy-two hours, excluding Saturdays,
16 Sundays, and holidays. ~~((In no case may a child in contempt be~~
17 ~~confined in a secure facility that is free standing outside a juvenile~~
18 ~~detention facility.))~~

19 **Sec. 13.** RCW 13.32A.130 and 2000 c . . . s 3 (section 3 of this
20 act) are each amended to read as follows:

21 (1) A child admitted to a secure facility within a crisis
22 residential center shall remain in the facility for not more than five
23 consecutive days, but for at least twenty-four hours after admission.
24 If the child admitted under this section is transferred between centers
25 or between secure and semi-secure facilities, the aggregate length of
26 time spent in all such centers or facilities may not exceed five
27 consecutive days.

28 (2)(a)(i) The facility administrator shall determine within twenty-
29 four hours after a child's admission to a secure facility whether the
30 child is likely to remain in a semi-secure facility and may transfer
31 the child to a semi-secure facility or release the child to the
32 department. The determination shall be based on: (A) The need for
33 continued assessment, protection, and treatment of the child in a
34 secure facility; and (B) the likelihood the child would remain at a
35 semi-secure facility until his or her parents can take the child home
36 or a petition can be filed under this title.

37 (ii) In making the determination the administrator shall consider
38 the following information if known: (A) The child's age and maturity;

1 (B) the child's condition upon arrival at the center; (C) the
2 circumstances that led to the child's being taken to the center; (D)
3 whether the child's behavior endangers the health, safety, or welfare
4 of the child or any other person; (E) the child's history of running
5 away which has endangered the health, safety, and welfare of the child;
6 and (F) the child's willingness to cooperate in the assessment.

7 (b) If the administrator of a secure facility determines the child
8 is unlikely to remain in a semi-secure facility, the administrator
9 shall keep the child in the secure facility pursuant to this chapter
10 and in order to provide for space for the child may transfer another
11 child who has been in the facility for at least seventy-two hours to a
12 semi-secure facility. The administrator shall only make a transfer of
13 a child after determining that the child who may be transferred is
14 likely to remain at the semi-secure facility.

15 (c) A crisis residential center administrator is authorized to
16 transfer a child to a crisis residential center in the area where the
17 child's parents reside or where the child's lawfully prescribed
18 residence is located.

19 (d) An administrator may transfer a child from a semi-secure
20 facility to a secure facility whenever he or she reasonably believes
21 that the child is likely to leave the semi-secure facility and not
22 return and after full consideration of all factors in (a)(i) and (ii)
23 of this subsection.

24 (3) If no parent is available or willing to remove the child during
25 the first seventy-two hours following admission, the department shall
26 consider the filing of a petition under RCW 13.32A.140.

27 (4) Notwithstanding the provisions of subsection (1) of this
28 section, the parents may remove the child at any time during the five-
29 day period unless the staff of the crisis residential center has
30 reasonable cause to believe that the child is absent from the home
31 because he or she is abused or neglected or if allegations of abuse or
32 neglect have been made against the parents. The department or any
33 agency legally charged with the supervision of a child may remove a
34 child from a crisis residential center at any time after the first
35 twenty-four-hour period after admission has elapsed and only after full
36 consideration by all parties of the factors in subsection (2)(a) of
37 this section.

38 (5) Crisis residential center staff shall make reasonable efforts
39 to protect the child and achieve a reconciliation of the family. If a

1 reconciliation and voluntary return of the child has not been achieved
2 within forty-eight hours from the time of intake, and if the
3 administrator of the center does not consider it likely that
4 reconciliation will be achieved within the five-day period, then the
5 administrator shall inform the parent and child of: (a) The
6 availability of counseling services; (b) the right to file a child in
7 need of services petition for an out-of-home placement, the right of a
8 parent to file an at-risk youth petition, and the right of the parent
9 and child to obtain assistance in filing the petition; (c) the right to
10 request the facility administrator or his or her designee to form a
11 multidisciplinary team; (d) the right to request a review of any out-
12 of-home placement; (e) the right to request a mental health or chemical
13 dependency evaluation by a county-designated professional or a private
14 treatment facility; and (f) the right to request treatment in a program
15 to address the child's at-risk behavior under RCW 13.32A.197.

16 (6) At no time shall information regarding a parent's or child's
17 rights be withheld. The department shall develop and distribute to all
18 law enforcement agencies and to each crisis residential center
19 administrator a written statement delineating the services and rights.
20 Every officer taking a child into custody shall provide the child and
21 his or her parent(s) or responsible adult with whom the child is placed
22 with a copy of the statement. In addition, the administrator of the
23 facility or his or her designee shall provide every resident and parent
24 with a copy of the statement.

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

28 ~~((8) This section does not apply to children admitted to a secure
29 facility that is a separate, secure section of a juvenile detention
30 facility under a court order issued under RCW 13.32A.250(3) or
31 28A.225.090(2). In no case may a child in contempt be confined in a
32 secure facility that is free standing outside a juvenile detention
33 facility.))~~

34 **Sec. 14.** RCW 13.32A.250 and 2000 c . . . s 4 (section 4 of this
35 act) are each amended to read as follows:

36 (1) In all child in need of services proceedings and at-risk youth
37 proceedings, the court shall verbally notify the parents and the child
38 of the possibility of a finding of contempt for failure to comply with

1 the terms of a court order entered pursuant to this chapter. Except as
2 otherwise provided in this section, the court shall treat the parents
3 and the child equally for the purposes of applying contempt of court
4 processes and penalties under this section.

5 (2) Failure by a party to comply with an order entered under this
6 chapter is a civil contempt of court as provided in RCW 7.21.030(2)(e),
7 subject to the limitations of subsection (3) of this section.

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

11 (4) A child placed in confinement for contempt under this section
12 shall be placed in confinement (~~either~~) only in a secure juvenile
13 detention facility operated by or pursuant to a contract with a county
14 (~~or a secure facility that is a separate, secure section of a juvenile~~
15 ~~detention facility. In no case may a child in contempt be confined in~~
16 ~~a secure facility that is free standing outside a juvenile detention~~
17 ~~facility.))~~

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

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

31 **Sec. 15.** RCW 28A.225.090 and 2000 c . . . s 6 (section 6 of this
32 act) are each amended to read as follows:

33 (1) A court may order a child subject to a petition under RCW
34 28A.225.035 to:

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

36 (b) If there is space available and the program can provide
37 educational services appropriate for the child, order the child to
38 attend another public school, an alternative education program, center,

1 a skill center, dropout prevention program, or another public
2 educational program;

3 (c) Attend a private nonsectarian school or program including an
4 education center. Before ordering a child to attend an approved or
5 certified private nonsectarian school or program, the court shall: (i)
6 Consider the public and private programs available; (ii) find that
7 placement is in the best interest of the child; and (iii) find that the
8 private school or program is willing to accept the child and will not
9 charge any fees in addition to those established by contract with the
10 student's school district. If the court orders the child to enroll in
11 a private school or program, the child's school district shall contract
12 with the school or program to provide educational services for the
13 child. The school district shall not be required to contract for a
14 weekly rate that exceeds the state general apportionment dollars
15 calculated on a weekly basis generated by the child and received by the
16 district. A school district shall not be required to enter into a
17 contract that is longer than the remainder of the school year. A
18 school district shall not be required to enter into or continue a
19 contract if the child is no longer enrolled in the district;

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

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

25 (2) If the child fails to comply with the court order, the court
26 may order the child to be (~~placed in confinement for contempt, either~~
27 ~~in a juvenile detention facility operated by or under a contract with~~
28 ~~a county or in a secure facility that is a separate, secure section of~~
29 ~~a juvenile detention facility)) subject to detention, as provided in
30 RCW 7.21.030(2)(e), or may impose alternatives to (~~confinement~~)
31 detention such as community service. Failure by a child to comply with
32 an order issued under this subsection shall not be subject to detention
33 for a period greater than that permitted pursuant to a civil contempt
34 proceeding against a child under chapter 13.32A RCW. (~~In no case may~~
35 ~~a child in contempt be confined in a secure facility that is free-~~
36 ~~standing outside a juvenile detention facility.))~~~~

37 (3) Any parent violating any of the provisions of either RCW
38 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than
39 twenty-five dollars for each day of unexcused absence from school. It

1 shall be a defense for a parent charged with violating RCW 28A.225.010
2 to show that he or she exercised reasonable diligence in attempting to
3 cause a child in his or her custody to attend school or that the
4 child's school did not perform its duties as required in RCW
5 28A.225.020. The court may order the parent to provide community
6 service instead of imposing a fine. Any fine imposed pursuant to this
7 section may be suspended upon the condition that a parent charged with
8 violating RCW 28A.225.010 shall participate with the school and the
9 child in a supervised plan for the child's attendance at school or upon
10 condition that the parent attend a conference or conferences scheduled
11 by a school for the purpose of analyzing the causes of a child's
12 absence.

13 (4) If a child continues to be truant after entering into a court-
14 approved order with the truancy board under RCW 28A.225.035, the
15 juvenile court shall find the child in contempt, and the court may
16 order the child to be subject to detention, as provided in RCW
17 7.21.030(2)(e), or may impose alternatives to detention such as
18 meaningful community service. Failure by a child to comply with an
19 order issued under this subsection may not subject a child to detention
20 for a period greater than that permitted under a civil contempt
21 proceeding against a child under chapter 13.32A RCW.

22 (5) Subsections (1), (2), and (4) of this section shall not apply
23 to a six or seven year-old child required to attend public school under
24 RCW 28A.225.015.

25 **Sec. 16.** RCW 74.13.033 and 2000 c . . . s 7 (section 7 of this
26 act) are each amended to read as follows:

27 (1) If a resident of a center becomes by his or her behavior
28 disruptive to the facility's program, such resident may be immediately
29 removed to a separate area within the facility and counseled on an
30 individual basis until such time as the child regains his or her
31 composure. The department may set rules and regulations establishing
32 additional procedures for dealing with severely disruptive children on
33 the premises. (~~(A child confined in a secure facility that is a~~
34 ~~separate, secure section of a juvenile detention facility under RCW~~
35 ~~13.32A.250(3) or 28A.225.090(2) may be moved to an available bed in a~~
36 ~~juvenile detention facility. In no case may a child in contempt be~~
37 ~~confined in a secure facility that is free standing outside a juvenile~~
38 ~~detention facility.))~~

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

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

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

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

12 (d) Provide additional crisis counseling as needed, to the end that
13 placement of the child in the crisis residential center will be
14 required for the shortest time possible, but not to exceed five
15 consecutive days (~~or, in the case of a child admitted by court order~~
16 ~~issued under RCW 13.32A.250(3) or 28A.225.090(2), seven consecutive~~
17 ~~days)); and~~

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

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

29 (4) A juvenile taking unauthorized leave from a facility shall be
30 apprehended and returned to it by law enforcement officers or other
31 persons designated as having this authority as provided in RCW
32 13.32A.050. If returned to the facility after having taken
33 unauthorized leave for a period of more than twenty-four hours a
34 juvenile shall be supervised by such a facility for a period, pursuant
35 to this chapter, which, unless where otherwise provided, may not exceed
36 five consecutive days on the premises. Costs of housing juveniles
37 admitted to crisis residential centers shall be assumed by the
38 department for a period not to exceed five consecutive days.

1 **Sec. 17.** RCW 74.13.034 and 2000 c . . . s 8 (section 8 of this
2 act) are each amended to read as follows:

3 (1) A child taken into custody and taken to a crisis residential
4 center established pursuant to RCW 74.13.032 may, if the center is
5 unable to provide appropriate treatment, supervision, and structure to
6 the child, be taken at department expense to another crisis residential
7 center, the nearest regional secure crisis residential center, or a
8 secure facility with which it is collocated under RCW 74.13.032.
9 Placement in both locations shall not exceed five consecutive days from
10 the point of intake as provided in RCW 13.32A.130 (~~or, in the case of~~
11 ~~a child admitted by court order issued under RCW 13.32A.250(3) or~~
12 ~~28A.225.090(2), seven consecutive days~~)).

13 (2) A child taken into custody and taken to a crisis residential
14 center established by this chapter may be placed physically by the
15 department or the department's designee and, at departmental expense
16 and approval, in a secure juvenile detention facility operated by the
17 county in which the center is located for a maximum of forty-eight
18 hours, including Saturdays, Sundays, and holidays, if the child has
19 taken unauthorized leave from the center and the person in charge of
20 the center determines that the center cannot provide supervision and
21 structure adequate to ensure that the child will not again take
22 unauthorized leave. Juveniles placed in such a facility pursuant to
23 this section may not, to the extent possible, come in contact with
24 alleged or convicted juvenile or adult offenders.

25 (3) Any child placed in secure detention pursuant to this section
26 shall, during the period of confinement, be provided with appropriate
27 treatment by the department or the department's designee, which shall
28 include the services defined in RCW 74.13.033(2). If the child placed
29 in secure detention is not returned home or if an alternative living
30 arrangement agreeable to the parent and the child is not made within
31 twenty-four hours after the child's admission, the child shall be taken
32 at the department's expense to a crisis residential center. Placement
33 in the crisis residential center or centers plus placement in juvenile
34 detention shall not exceed five consecutive days from the point of
35 intake as provided in RCW 13.32A.130 (~~or, in the case of a child~~
36 ~~admitted by court order issued under RCW 13.32A.250(3) or~~
37 ~~28A.225.090(2), seven consecutive days~~)).

38 (4) Juvenile detention facilities used pursuant to this section
39 shall first be certified by the department to ensure that juveniles

1 placed in the facility pursuant to this section are provided with
2 living conditions suitable to the well-being of the child. Where space
3 is available, juvenile courts, when certified by the department to do
4 so, shall provide secure placement for juveniles pursuant to this
5 section, at department expense.

6 **Sec. 18.** RCW 13.50.100 and 1999 c 390 s 3 are each amended to read
7 as follows:

8 (1) This section governs records not covered by RCW 13.50.050.

9 (2) Records covered by this section shall be confidential and shall
10 be released only pursuant to this section and RCW 13.50.010.

11 (3) Records retained or produced by any juvenile justice or care
12 agency may be released to other participants in the juvenile justice or
13 care system only when an investigation or case involving the juvenile
14 in question is being pursued by the other participant or when that
15 other participant is assigned the responsibility of supervising the
16 juvenile. Records covered under this section and maintained by the
17 juvenile courts which relate to the official actions of the agency may
18 be entered in the state-wide juvenile court information system.

19 (4) A contracting agency or service provider of the department of
20 social and health services that provides counseling, psychological,
21 psychiatric, or medical services may release to the office of the
22 family and children's ombudsman information or records relating to
23 services provided to a juvenile who is dependent under chapter 13.34
24 RCW without the consent of the parent or guardian of the juvenile, or
25 of the juvenile if the juvenile is under the age of thirteen years,
26 unless such release is otherwise specifically prohibited by law.

27 (5) A juvenile, his or her parents, the juvenile's attorney and the
28 juvenile's parent's attorney, shall, upon request, be given access to
29 all records and information collected or retained by a juvenile justice
30 or care agency which pertain to the juvenile except:

31 (a) If it is determined by the agency that release of this
32 information is likely to cause severe psychological or physical harm to
33 the juvenile or his or her parents the agency may withhold the
34 information subject to other order of the court: PROVIDED, That if the
35 court determines that limited release of the information is
36 appropriate, the court may specify terms and conditions for the release
37 of the information; or

1 (b) If the information or record has been obtained by a juvenile
2 justice or care agency in connection with the provision of counseling,
3 psychological, psychiatric, or medical services to the juvenile, when
4 the services have been sought voluntarily by the juvenile, and the
5 juvenile has a legal right to receive those services without the
6 consent of any person or agency, then the information or record may not
7 be disclosed to the juvenile's parents without the informed consent of
8 the juvenile unless otherwise authorized by law; or

9 (c) That the department of social and health services may delete
10 the name and identifying information regarding persons or organizations
11 who have reported alleged child abuse or neglect.

12 (6) A juvenile or his or her parent denied access to any records
13 following an agency determination under subsection (5) of this section
14 may file a motion in juvenile court requesting access to the records.
15 The court shall grant the motion unless it finds access may not be
16 permitted according to the standards found in subsections (5)(a) and
17 (b) of this section.

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

22 (8) Subject to the rules of discovery in civil cases, any party to
23 a proceeding seeking a declaration of dependency or a termination of
24 the parent-child relationship and any party's counsel and the guardian
25 ad litem of any party, shall have access to the records of any natural
26 or adoptive child of the parent, subject to the limitations in
27 subsection (5) of this section. A party denied access to records may
28 request judicial review of the denial. If the party prevails, he or
29 she shall be awarded attorneys' fees, costs, and an amount not less
30 than five dollars and not more than one hundred dollars for each day
31 the records were wrongfully denied.

32 (9) No unfounded allegation of child abuse or neglect as defined in
33 RCW 26.44.020(12) may be disclosed to a child-placing agency, private
34 adoption agency, or any other licensed provider.

35 **Sec. 19.** RCW 26.44.020 and 1999 c 176 s 29 are each amended to
36 read as follows:

37 The definitions in this section apply throughout this chapter
38 unless the context clearly requires otherwise.

- 1 (1) "Court" means the superior court of the state of Washington,
2 juvenile department.
- 3 (2) "Law enforcement agency" means the police department, the
4 prosecuting attorney, the state patrol, the director of public safety,
5 or the office of the sheriff.
- 6 (3) "Practitioner of the healing arts" or "practitioner" means a
7 person licensed by this state to practice podiatric medicine and
8 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
9 medicine and surgery, or medicine and surgery or to provide other
10 health services. The term "practitioner" includes a duly accredited
11 Christian Science practitioner: PROVIDED, HOWEVER, That a person who
12 is being furnished Christian Science treatment by a duly accredited
13 Christian Science practitioner will not be considered, for that reason
14 alone, a neglected person for the purposes of this chapter.
- 15 (4) "Institution" means a private or public hospital or any other
16 facility providing medical diagnosis, treatment or care.
- 17 (5) "Department" means the state department of social and health
18 services.
- 19 (6) "Child" or "children" means any person under the age of
20 eighteen years of age.
- 21 (7) "Professional school personnel" include, but are not limited
22 to, teachers, counselors, administrators, child care facility
23 personnel, and school nurses.
- 24 (8) "Social service counselor" means anyone engaged in a
25 professional capacity during the regular course of employment in
26 encouraging or promoting the health, welfare, support or education of
27 children, or providing social services to adults or families, including
28 mental health, drug and alcohol treatment, and domestic violence
29 programs, whether in an individual capacity, or as an employee or agent
30 of any public or private organization or institution.
- 31 (9) "Psychologist" means any person licensed to practice psychology
32 under chapter 18.83 RCW, whether acting in an individual capacity or as
33 an employee or agent of any public or private organization or
34 institution.
- 35 (10) "Pharmacist" means any registered pharmacist under chapter
36 18.64 RCW, whether acting in an individual capacity or as an employee
37 or agent of any public or private organization or institution.
- 38 (11) "Clergy" means any regularly licensed or ordained minister,
39 priest, or rabbi of any church or religious denomination, whether

1 acting in an individual capacity or as an employee or agent of any
2 public or private organization or institution.

3 (12) "Abuse or neglect" means the injury, sexual abuse, sexual
4 exploitation, negligent treatment, or maltreatment of a child by any
5 person under circumstances which indicate that the child's health,
6 welfare, and safety is harmed, excluding conduct permitted under RCW
7 9A.16.100. An abused child is a child who has been subjected to child
8 abuse or neglect as defined in this section.

9 (13) "Child protective services section" means the child protective
10 services section of the department.

11 (14) "Sexual exploitation" includes: (a) Allowing, permitting, or
12 encouraging a child to engage in prostitution by any person; or (b)
13 allowing, permitting, encouraging, or engaging in the obscene or
14 pornographic photographing, filming, or depicting of a child by any
15 person.

16 (15) "Negligent treatment or maltreatment" means an act or omission
17 that evidences a serious disregard of consequences of such magnitude as
18 to constitute a clear and present danger to the child's health,
19 welfare, and safety. The fact that siblings share a bedroom is not, in
20 and of itself, negligent treatment or maltreatment.

21 (16) "Child protective services" means those services provided by
22 the department designed to protect children from child abuse and
23 neglect and safeguard such children from future abuse and neglect, and
24 conduct investigations of child abuse and neglect reports.
25 Investigations may be conducted regardless of the location of the
26 alleged abuse or neglect. Child protective services includes referral
27 to services to ameliorate conditions that endanger the welfare of
28 children, the coordination of necessary programs and services relevant
29 to the prevention, intervention, and treatment of child abuse and
30 neglect, and services to children to ensure that each child has a
31 permanent home. In determining whether protective services should be
32 provided, the department shall not decline to provide such services
33 solely because of the child's unwillingness or developmental inability
34 to describe the nature and severity of the abuse or neglect.

35 (17) "Malice" or "maliciously" means an evil intent, wish, or
36 design to vex, annoy, or injure another person. Such malice may be
37 inferred from an act done in willful disregard of the rights of
38 another, or an act wrongfully done without just cause or excuse, or an
39 act or omission of duty betraying a willful disregard of social duty.

1 (18) "Sexually aggressive youth" means a child who is defined in
2 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

3 (19) "Unfounded" means available information indicates that, more
4 likely than not, child abuse or neglect did not occur. No unfounded
5 allegation of child abuse or neglect may be disclosed to a child-
6 placing agency, private adoption agency, or any other provider licensed
7 under chapter 74.15 RCW.

8 **Sec. 20.** RCW 74.15.030 and 1997 c 386 s 33 are each amended to
9 read as follows:

10 The secretary shall have the power and it shall be the secretary's
11 duty:

12 (1) In consultation with the children's services advisory
13 committee, and with the advice and assistance of persons representative
14 of the various type agencies to be licensed, to designate categories of
15 facilities for which separate or different requirements shall be
16 developed as may be appropriate whether because of variations in the
17 ages, sex and other characteristics of persons served, variations in
18 the purposes and services offered or size or structure of the agencies
19 to be licensed hereunder, or because of any other factor relevant
20 thereto;

21 (2) In consultation with the children's services advisory
22 committee, and with the advice and assistance of persons representative
23 of the various type agencies to be licensed, to adopt and publish
24 minimum requirements for licensing applicable to each of the various
25 categories of agencies to be licensed.

26 The minimum requirements shall be limited to:

27 (a) The size and suitability of a facility and the plan of
28 operation for carrying out the purpose for which an applicant seeks a
29 license;

30 (b) The character, suitability and competence of an agency and
31 other persons associated with an agency directly responsible for the
32 care and treatment of children, expectant mothers or developmentally
33 disabled persons. In consultation with law enforcement personnel, the
34 secretary shall investigate the conviction record or pending charges
35 and dependency record information under chapter 43.43 RCW of each
36 agency and its staff seeking licensure or relicensure. No unfounded
37 allegation of child abuse or neglect as defined in RCW 26.44.020 may be
38 disclosed to a child-placing agency, private adoption agency, or any

1 other provider licensed under this chapter. In order to determine the
2 suitability of applicants for an agency license, licensees, their
3 employees, and other persons who have unsupervised access to children
4 in care, and who have not resided in the state of Washington during the
5 three-year period before being authorized to care for children shall be
6 fingerprinted. The fingerprints shall be forwarded to the Washington
7 state patrol and federal bureau of investigation for a criminal history
8 records check. The fingerprint criminal history records checks will be
9 at the expense of the licensee except that in the case of a foster
10 family home, if this expense would work a hardship on the licensee, the
11 department shall pay the expense. The licensee may not pass this cost
12 on to the employee or prospective employee, unless the employee is
13 determined to be unsuitable due to his or her criminal history record.
14 The secretary shall use the information solely for the purpose of
15 determining eligibility for a license and for determining the
16 character, suitability, and competence of those persons or agencies,
17 excluding parents, not required to be licensed who are authorized to
18 care for children, expectant mothers, and developmentally disabled
19 persons. Criminal justice agencies shall provide the secretary such
20 information as they may have and that the secretary may require for
21 such purpose;

22 (c) The number of qualified persons required to render the type of
23 care and treatment for which an agency seeks a license;

24 (d) The safety, cleanliness, and general adequacy of the premises
25 to provide for the comfort, care and well-being of children, expectant
26 mothers or developmentally disabled persons;

27 (e) The provision of necessary care, including food, clothing,
28 supervision and discipline; physical, mental and social well-being; and
29 educational, recreational and spiritual opportunities for those served;

30 (f) The financial ability of an agency to comply with minimum
31 requirements established pursuant to chapter 74.15 RCW and RCW
32 74.13.031; and

33 (g) The maintenance of records pertaining to the admission,
34 progress, health and discharge of persons served;

35 (3) To investigate any person, including relatives by blood or
36 marriage except for parents, for character, suitability, and competence
37 in the care and treatment of children, expectant mothers, and
38 developmentally disabled persons prior to authorizing that person to
39 care for children, expectant mothers, and developmentally disabled

1 persons. However, if a child is placed with a relative under RCW
2 13.34.060 or 13.34.130, and if such relative appears otherwise suitable
3 and competent to provide care and treatment the criminal history
4 background check required by this section need not be completed before
5 placement, but shall be completed as soon as possible after placement;

6 (4) On reports of alleged child abuse and neglect, to investigate
7 agencies in accordance with chapter 26.44 RCW, including child day-care
8 centers and family day-care homes, to determine whether the alleged
9 abuse or neglect has occurred, and whether child protective services or
10 referral to a law enforcement agency is appropriate;

11 (5) To issue, revoke, or deny licenses to agencies pursuant to
12 chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the
13 category of care which an agency is authorized to render and the ages,
14 sex and number of persons to be served;

15 (6) To prescribe the procedures and the form and contents of
16 reports necessary for the administration of chapter 74.15 RCW and RCW
17 74.13.031 and to require regular reports from each licensee;

18 (7) To inspect agencies periodically to determine whether or not
19 there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the
20 requirements adopted hereunder;

21 (8) To review requirements adopted hereunder at least every two
22 years and to adopt appropriate changes after consultation with the
23 child care coordinating committee and other affected groups for child
24 day-care requirements and with the children's services advisory
25 committee for requirements for other agencies; and

26 (9) To consult with public and private agencies in order to help
27 them improve their methods and facilities for the care of children,
28 expectant mothers and developmentally disabled persons.

29 NEW SECTION. **Sec. 21.** Sections 11 through 17 of this act take
30 effect July 1, 2002.

31 NEW SECTION. **Sec. 22.** Sections 5, 9, and 10 of this act expire
32 June 30, 2002."

1 **SHB 2372** - S AMD - 226 (S5095.1 AMD BY #227)

2 By Senators Hargrove and Long

3 ADOPTED AS AMENDED 3/2/00

4 On page 1, line 1 of the title, after "Relating to" strike the
5 remainder of the title and insert "children; amending RCW 13.32A.060,
6 13.32A.065, 13.32A.130, 13.32A.250, 28A.225.090, 74.13.033, 74.13.034,
7 13.32A.060, 13.32A.065, 13.32A.130, 13.32A.250, 28A.225.090, 74.13.033,
8 74.13.034, 13.50.100, 26.44.020, and 74.15.030; adding new sections to
9 chapter 13.32A RCW; providing an effective date; and providing an
10 expiration date."

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