

2 SHB 2372 - S COMM AMD

3 By Committee on Human Services & Corrections

4 NOT ADOPTED 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 No contract entered on or after the effective date of this act  
21 between the department and any entity for the operation of a secure  
22 facility that is a separate, secure section of a juvenile detention  
23 facility may allow payment by the department for capacity used by any  
24 juvenile placed under RCW 13.32A.250 or 28A.225.090.

25 NEW SECTION. Sec. 11. This act expires June 30, 2002."

26 **SHB 2372** - S COMM AMD  
27 By Committee on Human Services & Corrections

28 NOT ADOPTED 3/2/00

29 In line 1 of the title, after "facilities;" strike the remainder of  
30 the title and insert "amending RCW 13.32A.060, 13.32A.065, 13.32A.130,  
31 13.32A.250, 28A.225.090, 74.13.033, and 74.13.034; adding new sections  
32 to chapter 13.32A RCW; and providing an expiration date."

--- END ---