

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6218

Chapter 123, Laws of 2000

56th Legislature
2000 Regular Session

FAMILY RECONCILIATION ACT

EFFECTIVE DATE: 6/8/00

Passed by the Senate March 6, 2000
YEAS 42 NAYS 0

BRAD OWEN
President of the Senate

Passed by the House February 29, 2000
YEAS 97 NAYS 0

CLYDE BALLARD
Speaker of the
House of Representatives

FRANK CHOPP
Speaker of the
House of Representatives

Approved March 24, 2000

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6218** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK
Secretary

FILED

March 24, 2000 - 3:40 p.m.

Secretary of State
State of Washington

ENGROSSED SUBSTITUTE SENATE BILL 6218

AS AMENDED BY THE HOUSE

Passed Legislature - 2000 Regular Session

State of Washington 56th Legislature 2000 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long and Costa)

Read first time 01/28/2000.

1 AN ACT Relating to technical and clarifying amendments to the
2 family reconciliation act; amending RCW 13.32A.010, 13.32A.030,
3 13.32A.040, 13.32A.042, 13.32A.044, 13.32A.050, 13.32A.060, 13.32A.065,
4 13.32A.080, 13.32A.082, 13.32A.090, 13.32A.095, 13.32A.100, 13.32A.120,
5 13.32A.130, 13.32A.140, 13.32A.150, 13.32A.152, 13.32A.160, 13.32A.170,
6 13.32A.179, 13.32A.191, 13.32A.194, 13.32A.196, and 13.32A.200; adding
7 a new section to chapter 13.32A RCW; creating a new section; repealing
8 RCW 13.32A.210; and providing an expiration date.

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

10 **Sec. 1.** RCW 13.32A.010 and 1995 c 312 s 1 are each amended to read
11 as follows:

12 The legislature finds that within any group of people there exists
13 a need for guidelines for acceptable behavior and that, presumptively,
14 the experience and maturity of parents make them better qualified to
15 establish guidelines beneficial to and protective of their children.
16 The legislature further finds that it is the right and responsibility
17 of adults to establish laws for the benefit and protection of the
18 society; and that, in the same manner, the right and responsibility for
19 establishing reasonable guidelines for the family unit belongs to the

1 adults within that unit. Further, absent abuse or neglect, parents
2 (~~should~~) have the right to exercise control over their children. The
3 legislature reaffirms its position stated in RCW 13.34.020 that the
4 family unit is the fundamental resource of American life which should
5 be nurtured and that it should remain intact in the absence of
6 compelling evidence to the contrary.

7 The legislature recognizes there is a need for services and
8 assistance for parents and children who are in conflict. These
9 conflicts are manifested by children who exhibit various behaviors
10 including: Running away, substance abuse, serious acting out problems,
11 mental health needs, and other behaviors that endanger themselves or
12 others.

13 The legislature finds many parents do not know their rights
14 regarding their adolescent children and law enforcement. Parents and
15 courts feel they have insufficient legal recourse for the chronic
16 runaway child who is endangering himself or herself through his or her
17 behavior. The legislature further recognizes that for chronic runaways
18 whose behavior puts them in serious danger of harming themselves or
19 others, secure facilities must be provided to allow opportunities for
20 assessment, treatment, and to assist parents and protect their
21 children. The legislature intends to give tools to parents, courts,
22 and law enforcement to keep families together and reunite them whenever
23 possible.

24 The legislature recognizes that some children run away to protect
25 themselves from abuse or neglect in their homes. Abused and neglected
26 children should be dealt with pursuant to chapter 13.34 RCW and it is
27 not the intent of the legislature to handle dependency matters under
28 this chapter.

29 The legislature intends services offered under this chapter be on
30 a voluntary basis whenever possible to children and their families and
31 that the courts be used as a last resort.

32 The legislature intends to increase the safety of children through
33 the preservation of families and the provision of assessment,
34 treatment, and placement services for children in need of services and
35 at-risk youth including services and assessments conducted under
36 chapter 13.32A RCW and RCW 74.13.033. Within available funds, the
37 legislature intends to provide these services through crisis
38 residential centers in which children and youth may safely reside for
39 a limited period of time. The time in residence shall be used to

1 conduct an assessment of the needs of the children, youth, and their
2 families. The assessments are necessary to identify appropriate
3 services and placement options that will reduce the likelihood that
4 children will place themselves in dangerous or life-threatening
5 situations.

6 The legislature recognizes that crisis residential centers provide
7 an opportunity for children to receive short-term necessary support and
8 nurturing in cases where there may be abuse or neglect. The
9 legislature intends that center staff provide an atmosphere of concern,
10 care, and respect for children in the center and their parents.

11 The legislature intends to provide for the protection of children
12 who, through their behavior, are endangering themselves. The
13 legislature intends to provide appropriate residential services,
14 including secure facilities, to protect, stabilize, and treat children
15 with serious problems. The legislature further intends to empower
16 parents by providing them with the assistance they require to raise
17 their children.

18 **Sec. 2.** RCW 13.32A.030 and 1997 c 146 s 1 are each amended to read
19 as follows:

20 As used in this chapter the following terms have the meanings
21 indicated unless the context clearly requires otherwise:

22 (1) "Abuse or neglect" means the injury, sexual abuse, sexual
23 exploitation, negligent treatment, or maltreatment of a child by any
24 person under circumstances which indicate that the child's health,
25 welfare, and safety is harmed, excluding conduct permitted under RCW
26 9A.16.100. An abused child is a child who has been subjected to child
27 abuse or neglect as defined in this section.

28 (2) "Administrator" means the individual who has the daily
29 administrative responsibility of a crisis residential center, or his or
30 her designee.

31 ((+2)) (3) "At-risk youth" means a juvenile:

32 (a) Who is absent from home for at least seventy-two consecutive
33 hours without consent of his or her parent;

34 (b) Who is beyond the control of his or her parent such that the
35 child's behavior endangers the health, safety, or welfare of the child
36 or any other person; or

37 (c) Who has a substance abuse problem for which there are no
38 pending criminal charges related to the substance abuse.

1 (~~(+3)~~) (4) "Child," "juvenile," and "youth" mean any unemancipated
2 individual who is under the chronological age of eighteen years.

3 (~~(+4)~~) (5) "Child in need of services" means a juvenile:
4 (a) Who is beyond the control of his or her parent such that the
5 child's behavior endangers the health, safety, or welfare of the child
6 or other person;
7 (b) Who has been reported to law enforcement as absent without
8 consent for at least twenty-four consecutive hours on two or more
9 separate occasions from the home of either parent(~~'s home~~), a crisis
10 residential center, an out-of-home placement, or a court-ordered
11 placement (~~on two or more separate occasions~~); and
12 (i) Has exhibited a serious substance abuse problem; or
13 (ii) Has exhibited behaviors that create a serious risk of harm to
14 the health, safety, or welfare of the child or any other person; or
15 (c)(i) Who is in need of: (A) Necessary services, including food,
16 shelter, health care, clothing, (~~educational,~~) or education; or (B)
17 services designed to maintain or reunite the family;
18 (ii) Who lacks access to, or has declined(~~(7)~~) to utilize, these
19 services; and
20 (iii) Whose parents have evidenced continuing but unsuccessful
21 efforts to maintain the family structure or are unable or unwilling to
22 continue efforts to maintain the family structure.

23 (~~(+5)~~) (6) "Child in need of services petition" means a petition
24 filed in juvenile court by a parent, child, or the department seeking
25 adjudication of placement of the child.

26 (~~(+6)~~) (7) "Crisis residential center" means a secure or semi-
27 secure facility established pursuant to chapter 74.13 RCW.

28 (~~(+7)~~) (8) "Custodian" means the person or entity who has the
29 legal right to the custody of the child.

30 (~~(+8)~~) (9) "Department" means the department of social and health
31 services.

32 (~~(+9)~~) (10) "Extended family member" means an adult who is a
33 grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or
34 first cousin with whom the child has a relationship and is comfortable,
35 and who is willing and available to care for the child.

36 (~~(+10)~~) (11) "Guardian" means that person or agency that (a) has
37 been appointed as the guardian of a child in a legal proceeding other
38 than a proceeding under chapter 13.34 RCW, and (b) has the right to
39 legal custody of the child pursuant to such appointment. The term

1 "guardian" does not include a "dependency guardian" appointed pursuant
2 to a proceeding under chapter 13.34 RCW.

3 ~~((11))~~ (12) "Multidisciplinary team" means a group formed to
4 provide assistance and support to a child who is an at-risk youth or a
5 child in need of services and his or her parent. The team shall
6 include the parent, a department case worker, a local government
7 representative when authorized by the local government, and when
8 appropriate, members from the mental health and substance abuse
9 disciplines. The team may also include, but is not limited to, the
10 following persons: Educators, law enforcement personnel, probation
11 officers, employers, church persons, tribal members, therapists,
12 medical personnel, social service providers, placement providers, and
13 extended family members. The team members shall be volunteers who do
14 not receive compensation while acting in a capacity as a team member,
15 unless the member's employer chooses to provide compensation or the
16 member is a state employee.

17 ~~((12))~~ (13) "Out-of-home placement" means a placement in a foster
18 family home or group care facility licensed pursuant to chapter 74.15
19 RCW or placement in a home, other than that of the child's parent,
20 guardian, or legal custodian, not required to be licensed pursuant to
21 chapter 74.15 RCW.

22 ~~((13))~~ (14) "Parent" means the parent or parents who have the
23 legal right to custody of the child. "Parent" includes custodian or
24 guardian.

25 ~~((14))~~ (15) "Secure facility" means a crisis residential center,
26 or portion thereof, that has locking doors, locking windows, or a
27 secured perimeter, designed and operated to prevent a child from
28 leaving without permission of the facility staff.

29 ~~((15))~~ (16) "Semi-secure facility" means any facility, including
30 but not limited to crisis residential centers or specialized foster
31 family homes, operated in a manner to reasonably assure that youth
32 placed there will not run away. Pursuant to rules established by the
33 department, the facility administrator shall establish reasonable hours
34 for residents to come and go from the facility such that no residents
35 are free to come and go at all hours of the day and night. To prevent
36 residents from taking unreasonable actions, the facility administrator,
37 where appropriate, may condition a resident's leaving the facility upon
38 the resident being accompanied by the administrator or the
39 administrator's designee and the resident may be required to notify the

1 administrator or the administrator's designee of any intent to leave,
2 his or her intended destination, and the probable time of his or her
3 return to the center.

4 ~~((16))~~ (17) "Staff secure facility" means a structured group care
5 facility licensed under rules adopted by the department with a ratio of
6 at least one adult staff member to every two children.

7 ~~((17))~~ (18) "Temporary out-of-home placement" means an out-of-
8 home placement of not more than fourteen days ordered by the court at
9 a fact-finding hearing on a child in need of services petition.

10 **Sec. 3.** RCW 13.32A.040 and 1995 c 312 s 5 are each amended to read
11 as follows:

12 Families who are in conflict or who are experiencing problems with
13 at-risk youth or a child who may be in need of services may request
14 family reconciliation services from the department. The department may
15 involve a local multidisciplinary team in its response in determining
16 the services to be provided and in providing those services. Such
17 services shall be provided to alleviate personal or family situations
18 which present a serious and imminent threat to the health or stability
19 of the child or family and to maintain families intact wherever
20 possible. Family reconciliation services shall be designed to develop
21 skills and supports within families to resolve problems related to at-
22 risk youth, children in need of services, or family conflicts ~~((and))~~.
23 These services may include but are not limited to referral to services
24 for suicide prevention, psychiatric or other medical care, or
25 psychological, mental health, drug or alcohol treatment, welfare,
26 legal, educational, or other social services, as appropriate to the
27 needs of the child and the family ~~((Family reconciliation services
28 may also include))~~, and training in parenting, conflict management, and
29 dispute resolution skills.

30 **Sec. 4.** RCW 13.32A.042 and 1995 c 312 s 13 are each amended to
31 read as follows:

32 (1)(a) The administrator of a crisis residential center may convene
33 a multidisciplinary team, which is to be locally based and
34 administered, at the request of a child placed at the center or the
35 child's parent.

36 (b) If the administrator has reasonable cause to believe that a
37 child is a child in need of services and the parent is unavailable or

1 unwilling to continue efforts to maintain the family structure, the
2 administrator shall immediately convene a multidisciplinary team.

3 (c) A parent may disband a team twenty-four hours, excluding
4 weekends and holidays, after receiving notice of formation of the team
5 under (b) of this subsection unless a petition has been filed under RCW
6 13.32A.140. If a petition has been filed the parent may not disband
7 the team until the hearing is held under RCW 13.32A.179. The court may
8 allow the team to continue if an out-of-home placement is ordered under
9 RCW 13.32A.179(3). Upon the filing of an at-risk youth or dependency
10 petition the team shall cease to exist, unless the parent requests
11 continuation of the team or unless the out-of-home placement was
12 ordered under RCW 13.32A.179(3).

13 (2) The secretary shall request participation of appropriate state
14 agencies to assist in the coordination and delivery of services through
15 the multidisciplinary teams. Those agencies that agree to participate
16 shall provide the secretary all information necessary to facilitate
17 forming a multidisciplinary team and the secretary shall provide this
18 information to the administrator of each crisis residential center.

19 (3) The secretary shall designate within each region a department
20 employee who shall have responsibility for coordination of the state
21 response to a request for creation of a multidisciplinary team. The
22 secretary shall advise the administrator of each crisis residential
23 center of the name of the appropriate employee. Upon a request of the
24 administrator to form a multidisciplinary team the employee shall
25 provide a list of the agencies that have agreed to participate in the
26 multidisciplinary team.

27 (4) The administrator shall also seek participation from
28 representatives of mental health and drug and alcohol treatment
29 providers as appropriate.

30 (5) A parent shall be advised of the request to form a
31 multidisciplinary team and may select additional members of the
32 multidisciplinary team. The parent or child may request any person or
33 persons to participate including, but not limited to, educators, law
34 enforcement personnel, court personnel, family therapists, licensed
35 health care practitioners, social service providers, youth residential
36 placement providers, other family members, church representatives, and
37 members of their own community. The administrator shall assist in
38 obtaining the prompt participation of persons requested by the parent
39 or child.

1 (6) When an administrator of a crisis residential center requests
2 the formation of a team, the state agencies must respond as soon as
3 possible. ~~((The team shall have the authority to evaluate the
4 juvenile, and family members, if appropriate and agreed to by the
5 parent, and shall:—~~

6 ~~(a) With parental input, develop a plan of appropriate available
7 services and assist the family in obtaining those services;~~

8 ~~(b) Make a referral to the designated chemical dependency
9 specialist or the county designated mental health professional, if
10 appropriate;~~

11 ~~(c) Recommend no further intervention because the juvenile and his
12 or her family have resolved the problem causing the family conflict; or~~

13 ~~(d) With the parent's consent, work with them to achieve
14 reconciliation of the child and family.))~~

15 **Sec. 5.** RCW 13.32A.044 and 1995 c 312 s 14 are each amended to
16 read as follows:

17 (1) The purpose of the multidisciplinary team is to assist in a
18 coordinated referral of the family to available social and health-
19 related services.

20 (2) The team shall have the authority to evaluate the juvenile, and
21 family members, if appropriate and agreed to by the parent, and shall:

22 (a) With parental input, develop a plan of appropriate available
23 services and assist the family in obtaining those services;

24 (b) Make a referral to the designated chemical dependency
25 specialist or the county designated mental health professional, if
26 appropriate;

27 (c) Recommend no further intervention because the juvenile and his
28 or her family have resolved the problem causing the family conflict; or

29 (d) With the parent's consent, work with them to achieve
30 reconciliation of the child and family.

31 (3) At the first meeting of the multidisciplinary team, it shall
32 choose a member to coordinate the team's efforts. The parent member of
33 the multidisciplinary team must agree with the choice of coordinator.
34 The team shall meet or communicate as often as necessary to assist the
35 family.

36 ~~((+3))~~ (4) The coordinator of the multidisciplinary team may
37 assist in filing a child in need of services petition when requested by
38 the parent or child or an at-risk youth petition when requested by the

1 parent. The multidisciplinary team shall have no standing as a party
2 in any action under this title.

3 ~~((4))~~ (5) If the administrator is unable to contact the child's
4 parent, the multidisciplinary team may be used for assistance. If the
5 parent has not been contacted within five days the administrator shall
6 contact the department and request the case be reviewed for a
7 dependency filing under chapter 13.34 RCW.

8 **Sec. 6.** RCW 13.32A.050 and 1997 c 146 s 2 are each amended to read
9 as follows:

10 (1) A law enforcement officer shall take a child into custody:

11 (a) If a law enforcement agency has been contacted by the parent of
12 the child that the child is absent from parental custody without
13 consent; or

14 (b) If a law enforcement officer reasonably believes, considering
15 the child's age, the location, and the time of day, that a child is in
16 circumstances which constitute a danger to the child's safety or that
17 a child is violating a local curfew ordinance; or

18 (c) If an agency legally charged with the supervision of a child
19 has notified a law enforcement agency that the child has run away from
20 placement; or

21 (d) If a law enforcement agency has been notified by the juvenile
22 court that the court finds probable cause exists to believe that the
23 child has violated a court placement order issued ~~((pursuant to))~~ under
24 this chapter ~~((13.32A))~~ or chapter 13.34 RCW or that the court has
25 issued an order for law enforcement pick-up of the child under this
26 chapter or chapter 13.34 RCW.

27 (2) Law enforcement custody shall not extend beyond the amount of
28 time reasonably necessary to transport the child to a destination
29 authorized by law and to place the child at that destination. Law
30 enforcement custody continues until the law enforcement officer
31 transfers custody to a person, agency, or other authorized entity under
32 this chapter, or releases the child because no placement is available.
33 Transfer of custody is not complete unless the person, agency, or
34 entity to whom the child is released agrees to accept custody.

35 (3) If a law enforcement officer takes a child into custody
36 pursuant to either subsection (1)(a) or (b) of this section and
37 transports the child to a crisis residential center, the officer shall,
38 within twenty-four hours of delivering the child to the center, provide

1 to the center a written report detailing the reasons the officer took
2 the child into custody. The center shall provide the department with
3 a copy of the officer's report.

4 (4) If the law enforcement officer who initially takes the juvenile
5 into custody or the staff of the crisis residential center have
6 reasonable cause to believe that the child is absent from home because
7 he or she is abused or neglected, a report shall be made immediately to
8 the department.

9 (5) Nothing in this section affects the authority of any political
10 subdivision to make regulations concerning the conduct of minors in
11 public places by ordinance or other local law.

12 (6) If a law enforcement officer (~~((receives a report that causes~~
13 ~~the officer to have))~~ has a reasonable suspicion that a child is being
14 unlawfully harbored (~~((under RCW 13.32A.080 or for other reasons has a~~
15 ~~reasonable suspicion that a child is being harbored under))~~ in
16 violation of RCW 13.32A.080, the officer shall remove the child from
17 the custody of the person harboring the child and shall transport the
18 child to one of the locations specified in RCW 13.32A.060.

19 (7) No child may be placed in a secure facility except as provided
20 in this chapter.

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

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

26 (a) Transport the child to his or her home or to a parent at his or
27 her place of employment, if no parent is at home. The parent may
28 request that the officer take the child to the home of an adult
29 extended family member, responsible adult, crisis residential center,
30 the department, or a licensed youth shelter. In responding to the
31 request of the parent, the officer shall take the child to a requested
32 place which, in the officer's belief, is within a reasonable distance
33 of the parent's home. The officer releasing a child into the custody
34 of a parent, an adult extended family member, responsible adult, or a
35 licensed youth shelter shall inform the person receiving the child of
36 the reason for taking the child into custody and inform all parties of
37 the nature and location of appropriate services available in the
38 community; or

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

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

9 (ii) ~~((If))~~ It is not practical to transport the child to his or
10 her home or place of the parent's employment; or

11 (iii) ~~((If))~~ There is no parent available to accept custody of the
12 child; or

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

33 (2) An officer taking a child into custody under RCW 13.32A.050(1)
34 (c) or (d) shall inform the child of the reason for custody. An
35 officer taking a child into custody under RCW 13.32A.050(1)(c) may
36 release the child to the supervising agency, or shall take the child to
37 a designated crisis residential center's secure facility. If the
38 secure facility is not available, not located within a reasonable
39 distance, or full, the officer shall take the child to a semi-secure

1 crisis residential center. An officer taking a child into custody
2 under RCW 13.32A.050(1)(d) may place the child in a juvenile detention
3 facility as provided in RCW 13.32A.065 or a secure facility, except
4 that the child shall be taken to detention whenever the officer has
5 been notified that a juvenile court has entered a detention order under
6 this chapter or chapter 13.34 RCW.

7 (3) Every officer taking a child into custody shall provide the
8 child and his or her parent or parents or responsible adult with a copy
9 of the statement specified in RCW 13.32A.130(6).

10 (4) Whenever an officer transfers custody of a child to a crisis
11 residential center or the department, the child may reside in the
12 crisis residential center or may be placed by the department in an out-
13 of-home placement for an aggregate total period of time not to exceed
14 seventy-two hours excluding Saturdays, Sundays, and holidays.
15 Thereafter, the child may continue in out-of-home placement only if the
16 parents have consented, a child in need of services petition has been
17 filed (~~((under this chapter))~~), or an order for placement has been
18 entered under chapter 13.34 RCW.

19 (~~((4))~~) (5) The department shall ensure that all law enforcement
20 authorities are informed on a regular basis as to the location of all
21 designated secure and semi-secure facilities within centers in their
22 jurisdiction, where children taken into custody under RCW 13.32A.050
23 may be taken.

24 **Sec. 8.** RCW 13.32A.065 and 1996 c 133 s 12 are each amended to
25 read as follows:

26 (1) (~~((A child may be placed in detention after being taken into~~
27 ~~eustody pursuant to RCW 13.32A.050(1)(d).))~~) If a child is placed in
28 detention under RCW 13.32A.050(1)(d), the court shall hold a detention
29 review hearing within twenty-four hours, excluding Saturdays, Sundays,
30 and holidays. The court shall release the child after twenty-four
31 hours, excluding Saturdays, Sundays, and holidays, unless:

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

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

1 (2) If the court orders the child to remain in detention, the court
2 shall set the matter for a hearing on contempt within seventy-two
3 hours, excluding Saturdays, Sundays, and holidays.

4 **Sec. 9.** RCW 13.32A.080 and 1994 sp.s. c 7 s 507 are each amended
5 to read as follows:

6 (1)(a) A person commits the crime of unlawful harboring of a minor
7 if the person provides shelter to a minor without the consent of a
8 parent of the minor and after the person knows that the minor is away
9 from the home of the parent, without the parent's permission, and if
10 the person intentionally:

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

13 (ii) Fails to disclose the location of the minor to a law
14 enforcement officer after being requested to do so by the officer, if
15 the person knows the location of the minor and had either taken the
16 minor to that location or had assisted the minor in reaching that
17 location; or

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

20 (iv) Assists the minor in avoiding or attempting to avoid the
21 custody of the law enforcement officer.

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

24 (2) Unlawful harboring of a minor is punishable as a gross
25 misdemeanor.

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

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

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

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

35 (c) Complicity of the adult in the crime of a minor, under RCW
36 9A.08.020.

1 **Sec. 10.** RCW 13.32A.082 and 1996 c 133 s 14 are each amended to
2 read as follows:

3 (1) Any person who, without legal authorization, provides shelter
4 to a minor and who knows at the time of providing the shelter that the
5 minor is away from the parent's home without the permission of the
6 parent, or other lawfully prescribed residence(~~(, without the~~
7 ~~permission of the parent))~~), shall promptly report the location of the
8 child to the parent, the law enforcement agency of the jurisdiction in
9 which the person lives, or the department. The report may be made by
10 telephone or any other reasonable means.

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

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

15 (b) "Promptly report" means to report within eight hours after the
16 person has knowledge that the minor is away from a lawfully prescribed
17 residence or home without parental permission.

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

22 **Sec. 11.** RCW 13.32A.090 and 1996 c 133 s 7 are each amended to
23 read as follows:

24 (1) The administrator of a designated crisis residential center or
25 the department shall perform the duties under subsection (~~(+2))~~ (3) of
26 this section:

27 (a) Upon admitting a child who has been brought to the center by a
28 law enforcement officer under RCW 13.32A.060;

29 (b) Upon admitting a child who has run away from home or has
30 requested admittance to the center;

31 (c) Upon learning from a person under RCW (~~(13.32A.080(3))~~)
32 13.32A.082 that the person is providing shelter to a child absent from
33 home; or

34 (d) Upon learning that a child has been placed with a responsible
35 adult pursuant to RCW 13.32A.060.

36 (2) Transportation expenses of the child shall be at the parent's
37 expense to the extent of his or her ability to pay, with any unmet
38 transportation expenses assumed by the department.

1 (3) When any of the circumstances under subsection (1) of this
2 section are present, the administrator of a center or the department
3 shall perform the following duties:

4 (a) Immediately notify the child's parent of the child's
5 whereabouts, physical and emotional condition, and the circumstances
6 surrounding his or her placement;

7 (b) Initially notify the parent that it is the paramount concern of
8 the family reconciliation service personnel to achieve a reconciliation
9 between the parent and child to reunify the family and inform the
10 parent as to the procedures to be followed under this chapter;

11 (c) Inform the parent whether a referral to children's protective
12 services has been made and, if so, inform the parent of the standard
13 pursuant to RCW 26.44.020(12) governing child abuse and neglect in this
14 state; and either

15 (d)(i) Arrange transportation for the child to the residence of the
16 parent, as soon as practicable, ~~((at the latter's expense to the extent
17 of his or her ability to pay, with any unmet transportation expenses to
18 be assumed by the department,))~~ when the child and his or her parent
19 agrees to the child's return home or when the parent produces a copy of
20 a court order entered under this chapter requiring the child to reside
21 in the parent's home; or

22 ~~((e))~~ (ii) Arrange transportation for the child to: (i) An out-
23 of-home placement which may include a licensed group care facility or
24 foster family when agreed to by the child and parent; or (ii) a
25 certified or licensed mental health or chemical dependency program of
26 the parent's choice ~~((; at the parent's expense to the extent of his or
27 her ability to pay, with any unmet transportation expenses assumed by
28 the department))~~.

29 ~~((3))~~ (4) If the administrator of the crisis residential center
30 performs the duties listed in subsection ~~((2))~~ (3) of this section,
31 he or she shall also notify the department that a child has been
32 admitted to the crisis residential center.

33 **Sec. 12.** RCW 13.32A.095 and 1996 c 133 s 15 are each amended to
34 read as follows:

35 The administrator of ~~((the))~~ a crisis residential center shall
36 notify parents ~~((and))~~, the appropriate law enforcement agency, and the
37 department immediately as to any unauthorized leave from the center by
38 a child placed at the center.

1 **Sec. 13.** RCW 13.32A.100 and 1996 c 133 s 16 are each amended to
2 read as follows:

3 Where a child is placed in an out-of-home placement pursuant to RCW
4 13.32A.090(~~((+2)(e))~~) (3)(d)(ii), the department shall make available
5 family reconciliation services in order to facilitate the reunification
6 of the family. Any such placement may continue as long as there is
7 agreement by the child and parent.

8 **Sec. 14.** RCW 13.32A.120 and 1996 c 133 s 18 are each amended to
9 read as follows:

10 (1) Where either a child or the child's parent or the person or
11 facility currently providing shelter to the child notifies the center
12 that such individual or individuals cannot agree to the continuation of
13 an out-of-home placement arrived at pursuant to RCW
14 13.32A.090(~~((+2)(e))~~) (3)(d)(ii), the administrator of the center shall
15 immediately contact the remaining party or parties to the agreement and
16 shall attempt to bring about the child's return home or to an
17 alternative living arrangement agreeable to the child and the parent as
18 soon as practicable.

19 (2) If a child and his or her parent cannot agree to an out-of-home
20 placement under RCW 13.32A.090(~~((+2)(e))~~) (3)(d)(ii), either the child
21 or parent may file (~~((with the juvenile court))~~) a child in need of
22 services petition to approve an out-of-home placement or the parent may
23 file (~~((with the juvenile court a))~~) an at-risk youth petition (~~((in the~~
24 ~~interest of a child alleged to be an at risk youth under this~~
25 ~~chapter))~~)).

26 (3) If a child and his or her parent cannot agree to the
27 continuation of an out-of-home placement (~~((arrived at))~~) under RCW
28 13.32A.090(~~((+2)(e))~~) (3)(d)(ii), either the child or parent may file
29 (~~((with the juvenile court))~~) a child in need of services petition to
30 (~~((approve))~~) continue an out-of-home placement or the parent may file
31 (~~((with the juvenile court a))~~) an at-risk youth petition (~~((in the~~
32 ~~interest of a child alleged to be an at risk youth under this~~
33 ~~chapter))~~)).

34 **Sec. 15.** RCW 13.32A.130 and 1997 c 146 s 4 are each amended to
35 read as follows:

36 (1) A child admitted to a secure facility (~~((within a crisis~~
37 ~~residential center))~~) shall remain in the facility for at least twenty-

1 four hours after admission but for not more than five consecutive
2 days(~~(, but for at least twenty-four hours after admission)~~). If the
3 child admitted under this section is transferred (~~((between centers or))~~)
4 between secure and semi-secure facilities, the aggregate length of time
5 spent in all such centers or facilities may not exceed five consecutive
6 days per admission.

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

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

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

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

37 (d) An administrator may transfer a child from a semi-secure
38 facility to a secure facility whenever he or she reasonably believes
39 that the child is likely to leave the semi-secure facility and not

1 return and after full consideration of all factors in (a)(i) and (ii)
2 of this subsection.

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

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

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

34 (6) At no time shall information regarding a parent's or child's
35 rights be withheld. The department shall develop and distribute to all
36 law enforcement agencies and to each crisis residential center
37 administrator a written statement delineating the services and rights.
38 ~~((Every officer taking a child into custody shall provide the child and
39 his or her parent(s) or responsible adult with whom the child is placed~~

1 with a copy of the statement. In addition,)) The administrator of the
2 facility or his or her designee shall provide every resident and parent
3 with a copy of the statement.

4 (7) A crisis residential center and (~~its administrator or his or~~
5 ~~her designee~~)) any person employed at the center acting in good faith
6 in carrying out the provisions of this section are immune from criminal
7 or civil liability for such actions.

8 **Sec. 16.** RCW 13.32A.140 and 1997 c 146 s 5 are each amended to
9 read as follows:

10 Unless the department files a dependency petition, the department
11 shall file a child in need of services petition to approve an out-of-
12 home placement on behalf of a child under any of the following sets of
13 circumstances:

14 (1) The child has been admitted to a crisis residential center or
15 has been placed by the department in an out-of-home placement, and:

16 (a) The parent has been notified that the child was so admitted or
17 placed;

18 (b) The child cannot return home, and legal authorization is needed
19 for out-of-home placement beyond seventy-two hours;

20 (c) No agreement between the parent and the child as to where the
21 child shall live has been reached;

22 (d) No child in need of services petition has been filed by either
23 the child or parent;

24 (e) The parent has not filed an at-risk youth petition; and

25 (f) The child has no suitable place to live other than the home of
26 his or her parent.

27 (2) The child has been admitted to a crisis residential center and:

28 (a) Seventy-two hours, including Saturdays, Sundays, and holidays,
29 have passed since such placement;

30 (b) The staff, after searching with due diligence, have been unable
31 to contact the parent of such child; and

32 (c) The child has no suitable place to live other than the home of
33 his or her parent.

34 (3) An agreement between parent and child made pursuant to RCW
35 13.32A.090(~~(+2)(e)~~)) (3)(d)(ii) or pursuant to RCW 13.32A.120(1) is no
36 longer acceptable to parent or child, and:

37 (a) The party to whom the arrangement is no longer acceptable has
38 so notified the department;

1 (b) Seventy-two hours, including Saturdays, Sundays, and holidays,
2 have passed since such notification;

3 (c) No new agreement between parent and child as to where the child
4 shall live has been reached;

5 (d) No child in need of services petition has been filed by either
6 the child or the parent;

7 (e) The parent has not filed an at-risk youth petition; and

8 (f) The child has no suitable place to live other than the home of
9 his or her parent.

10 Under the circumstances of subsections (1), (2), or (3) of this
11 section, the child shall remain in an out-of-home placement until a
12 child in need of services petition filed by the department on behalf of
13 the child is reviewed (~~((by the juvenile court))~~) and (~~((is))~~) resolved by
14 the juvenile court. The department may authorize emergency medical or
15 dental care for a child admitted to a crisis residential center or
16 placed in an out-of-home placement by the department. The state, when
17 the department files a child in need of services petition under this
18 section, shall be represented as provided for in RCW 13.04.093.

19 **Sec. 17.** RCW 13.32A.150 and 1996 c 133 s 20 are each amended to
20 read as follows:

21 (1) Except as otherwise provided in this chapter, the juvenile
22 court shall not accept the filing of a child in need of services
23 petition by the child or the parents or the filing of an at-risk youth
24 petition by the parent, unless verification is provided that the
25 department has completed a family assessment (~~((has been completed by~~
26 ~~the department))~~). The family assessment (~~((provided by the department))~~)
27 shall involve the multidisciplinary team (~~((as provided in RCW~~
28 ~~13.32A.040,))~~) if one exists. The family assessment or plan of services
29 developed by the multidisciplinary team shall be aimed at family
30 reconciliation, reunification, and avoidance of the out-of-home
31 placement of the child. If the department is unable to complete an
32 assessment within two working days following a request for assessment
33 the child or the parents may proceed under subsection (2) of this
34 section or the parent may proceed under RCW 13.32A.191.

35 (2) A child or a child's parent may file with the juvenile court a
36 child in need of services petition to approve an out-of-home placement
37 for the child. The department shall, when requested, assist either a
38 parent or child in the filing of the petition. The petition must be

1 filed in the county where the parent resides. The petition shall
2 allege that the child is a child in need of services and shall ask only
3 that the placement of a child outside the home of his or her parent be
4 approved. The filing of a petition to approve the placement is not
5 dependent upon the court's having obtained any prior jurisdiction over
6 the child or his or her parent, and confers upon the court a special
7 jurisdiction to approve or disapprove an out-of-home placement under
8 this chapter.

9 (3) A petition may not be filed if the child is the subject of a
10 proceeding under chapter 13.34 RCW.

11 **Sec. 18.** RCW 13.32A.152 and 1996 c 133 s 21 are each amended to
12 read as follows:

13 (1) Whenever a child in need of services petition is filed by: (a)
14 A youth pursuant to RCW 13.32A.150((7)); (b) the child or the child's
15 parent pursuant to RCW 13.32A.120; or (c) the department pursuant to
16 RCW 13.32A.140, the filing party shall have a copy of the petition
17 served on the parents of the youth. Service shall first be attempted
18 in person and if unsuccessful, then by certified mail with return
19 receipt.

20 (2) Whenever a child in need of services petition is filed by a
21 youth or parent pursuant to RCW 13.32A.150, the court shall immediately
22 notify the department that a petition has been filed.

23 **Sec. 19.** RCW 13.32A.160 and 1997 c 146 s 6 are each amended to
24 read as follows:

25 (1) When a proper child in need of services petition to approve an
26 out-of-home placement is filed under RCW 13.32A.120, 13.32A.140, or
27 13.32A.150 the juvenile court shall: (a)(i) Schedule a fact-finding
28 hearing to be held: (A) For a child who resides in a place other than
29 his or her parent's home and other than an out-of-home placement,
30 within five calendar days unless the last calendar day is a Saturday,
31 Sunday, or holiday, in which case the hearing shall be held on the
32 preceding judicial day; or (B) for a child living at home or in an out-
33 of-home placement, within ten days; and (ii) notify the parent, child,
34 and the department of such date; (b) notify the parent of the right to
35 be represented by counsel and, if indigent, to have counsel appointed
36 for him or her by the court; (c) appoint legal counsel for the child;
37 (d) inform the child and his or her parent of the legal consequences of

1 the court approving or disapproving a child in need of services
2 petition; (e) notify the parents of their rights under this chapter and
3 chapters 11.88, 13.34, 70.96A, and 71.34 RCW, including the right to
4 file an at-risk youth petition, the right to submit an application for
5 admission of their child to a treatment facility for alcohol, chemical
6 dependency, or mental health treatment, and the right to file a
7 guardianship petition; and (f) notify all parties, including the
8 department, of their right to present evidence at the fact-finding
9 hearing.

10 (2) Upon filing of a child in need of services petition, the child
11 may be placed, if not already placed, by the department in a crisis
12 residential center, foster family home, group home facility licensed
13 under chapter 74.15 RCW, or any other suitable residence other than a
14 HOPE center to be determined by the department. The court may place a
15 child in a crisis residential center for a temporary out-of-home
16 placement as long as the requirements of RCW 13.32A.125 are met.

17 (3) If the child has been placed in a foster family home or group
18 care facility under chapter 74.15 RCW, the child shall remain there, or
19 in any other suitable residence as determined by the department,
20 pending resolution of the petition by the court. Any placement may be
21 reviewed by the court within three judicial days upon the request of
22 the juvenile or the juvenile's parent.

23 **Sec. 20.** RCW 13.32A.170 and 1996 c 133 s 23 are each amended to
24 read as follows:

25 (1) The court shall hold a fact-finding hearing to consider a
26 proper child in need of services petition, giving due weight to the
27 intent of the legislature that families have the right to place
28 reasonable restrictions and rules upon their children, appropriate to
29 the individual child's developmental level. The court may appoint
30 legal counsel and/or a guardian ad litem to represent the child and
31 advise parents of their right to be represented by legal counsel. At
32 the commencement of the hearing, the court shall advise the parents of
33 their rights as set forth in RCW 13.32A.160(1). If the court approves
34 or denies a child in need of services petition, a written statement of
35 the reasons must be filed.

36 (2) The court may approve an order stating that the child shall be
37 placed in a residence other than the home of his or her parent only if
38 it is established by a preponderance of the evidence, including a

1 departmental recommendation for approval or dismissal of the petition,
2 that:

3 (a) The child is a child in need of services as defined in RCW
4 13.32A.030(~~(+4)~~) (5);

5 (b) If the petitioner is a child, he or she has made a reasonable
6 effort to resolve the conflict;

7 (c) Reasonable efforts have been made to prevent or eliminate the
8 need for removal of the child from the child's home and to make it
9 possible for the child to return home; and

10 (d) A suitable out-of-home placement resource is available.

11 The court may not grant a petition filed by the child or the
12 department if it is established that the petition is based only upon a
13 dislike of reasonable rules or reasonable discipline established by the
14 parent.

15 The court may not grant the petition if the child is the subject of
16 a proceeding under chapter 13.34 RCW.

17 (3) Following the fact-finding hearing the court shall: (a)
18 Approve a child in need of services petition and, if appropriate, enter
19 a temporary out-of-home placement for a period not to exceed fourteen
20 days pending approval of a disposition decision to be made under RCW
21 13.32A.179(2); (b) approve an at-risk youth petition filed by the
22 parents and dismiss the child in need of services petition; or (c)
23 dismiss the petition(~~(+or-(d))~~).

24 At any time the court may order the department to review the case
25 to determine whether the case is appropriate for a dependency petition
26 under chapter 13.34 RCW.

27 **Sec. 21.** RCW 13.32A.179 and 1997 c 146 s 7 are each amended to
28 read as follows:

29 (1) A disposition hearing shall be held no later than fourteen days
30 after the approval of the temporary out-of-home placement. The
31 parents, child, and department shall be notified by the court of the
32 time and place of the hearing.

33 (2) At the conclusion of the disposition hearing, the court may:

34 (a) Reunite the family and dismiss the petition; (b) approve an at-risk
35 youth petition filed by the parents and dismiss the child in need of
36 services petition; (c) approve an out-of-home placement requested in
37 the child in need of services petition by the parents; or (d) order an

1 out-of-home placement at the request of the child or the department not
2 to exceed ninety days(~~(; or (e))~~).

3 At any time the court may order the department to review the matter
4 for purposes of filing a dependency petition under chapter 13.34 RCW.
5 Whether or not the court approves or orders an out-of-home placement,
6 the court may also order any conditions of supervision as set forth in
7 RCW 13.32A.196(~~((2))~~) (3).

8 (3) The court may only enter an order under subsection (2)(d) of
9 this section if it finds by clear, cogent, and convincing evidence
10 that: (a)(i) The order is in the best interest of the family; (ii) the
11 parents have not requested an out-of-home placement; (iii) the parents
12 have not exercised any other right listed in RCW 13.32A.160(1)(e); (iv)
13 the child has made reasonable efforts to resolve the problems that led
14 to the filing of the petition; (v) the problems cannot be resolved by
15 delivery of services to the family during continued placement of the
16 child in the parental home; (vi) reasonable efforts have been made to
17 prevent or eliminate the need for removal of the child from the child's
18 home and to make it possible for the child to return home; and (vii) a
19 suitable out-of-home placement resource is available; (b)(i) the order
20 is in the best interest of the child; and (ii) the parents are
21 unavailable; or (c) the parent's actions cause an imminent threat to
22 the child's health or safety.

23 (4) The court may order the department to submit a dispositional
24 plan if such a plan would assist the court in ordering a suitable
25 disposition in the case. The plan, if ordered, shall address the needs
26 of the child, and the perceived needs of the parents if the order was
27 entered under subsection (2)(d) of this section or if specifically
28 agreed to by the parents. If the parents do not agree or the order was
29 not entered under subsection (2)(d) of this section the plan may only
30 make recommendations regarding services in which the parents may
31 voluntarily participate. If the court orders the department to prepare
32 a plan, the department shall provide copies of the plan to the parent,
33 the child, and the court. If the parties or the court desire the
34 department to be involved in any future proceedings or case plan
35 development, the department shall be provided with timely notification
36 of all court hearings.

37 (5) A child who fails to comply with a court order issued under
38 this section shall be subject to contempt proceedings, as provided in

1 this chapter, but only if the noncompliance occurs within one year
2 after the entry of the order.

3 (6) After the court approves or orders an out-of-home placement,
4 the parents or the department may request, and the court may grant,
5 dismissal of the child in need of services proceeding when it is not
6 feasible for the department to provide services due to one or more of
7 the following circumstances:

8 (a) The child has been absent from court approved placement for
9 thirty consecutive days or more;

10 (b) The parents or the child, or all of them, refuse to cooperate
11 in available, appropriate intervention aimed at reunifying the family;
12 or

13 (c) The department has exhausted all available and appropriate
14 resources that would result in reunification.

15 (7) The court shall dismiss a placement made under subsection
16 (2)(c) of this section upon the request of the parents.

17 **Sec. 22.** RCW 13.32A.191 and 1995 c 312 s 25 are each amended to
18 read as follows:

19 (1) A child's parent may file with the juvenile court a petition in
20 the interest of a child alleged to be an at-risk youth. The department
21 shall, when requested, assist the parent in filing the petition. The
22 petition shall be filed in the county where the petitioner resides.
23 The petition shall set forth the name, age, and residence of the child
24 and the names and residence of the child's parents and shall allege
25 that:

26 (a) The child is an at-risk youth (~~as defined in this chapter~~);

27 (b) The petitioner has the right to legal custody of the child;

28 (c) Court intervention and supervision are necessary to assist the
29 parent to maintain the care, custody, and control of the child; and

30 (d) Alternatives to court intervention have been attempted or there
31 is good cause why such alternatives have not been attempted.

32 (2) The petition shall set forth facts that support the allegations
33 in this section and shall generally request relief available under this
34 chapter. The petition need not specify any proposed disposition
35 following adjudication of the petition. The filing of an at-risk youth
36 petition is not dependent upon the court's having obtained any prior
37 jurisdiction over the child or his or her parent and confers upon the

1 court the special jurisdiction to assist the parent in maintaining
2 parental authority and responsibility for the child.

3 (3) A petition may not be filed if a dependency petition is pending
4 under chapter 13.34 RCW.

5 **Sec. 23.** RCW 13.32A.194 and 1996 c 133 s 27 are each amended to
6 read as follows:

7 (1) The court shall hold a fact-finding hearing to consider a
8 proper at-risk youth petition. The court shall grant the petition and
9 enter an order finding the child to be an at-risk youth if the
10 allegations in the petition are established by a preponderance of the
11 evidence, unless the child is the subject of a proceeding under chapter
12 13.34 RCW. If the petition is granted, the court shall enter an order
13 requiring the child to reside in the home of his or her parent or in an
14 out-of-home placement as provided in RCW 13.32A.192(2).

15 (2) The court may order the department to submit a dispositional
16 plan if such a plan would assist the court in ordering a suitable
17 disposition in the case. If the court orders the department to prepare
18 a plan, the department shall provide copies of the plan to the parent,
19 the child, and the court. If the parties or the court desire the
20 department to be involved in any future proceedings or case plan
21 development, the department shall be provided timely notification of
22 all court hearings.

23 ~~(3) ((A dispositional hearing shall be held no later than fourteen~~
24 ~~days after the fact-finding hearing. Each party shall be notified of~~
25 ~~the time and date of the hearing.~~

26 ~~(4))~~ If the court grants or denies an at-risk youth petition, a
27 statement of the written reasons shall be entered into the records. If
28 the court denies an at-risk youth petition, the court shall verbally
29 advise the parties that the child is required to remain within the
30 care, custody, and control of his or her parent.

31 **Sec. 24.** RCW 13.32A.196 and 1995 c 312 s 28 are each amended to
32 read as follows:

33 (1) A dispositional hearing shall be held no later than fourteen
34 days after the fact-finding hearing. Each party shall be notified of
35 the time and date of the hearing.

36 (2) At the dispositional hearing regarding an adjudicated at-risk
37 youth, the court shall consider the recommendations of the parties and

1 the recommendations of any dispositional plan submitted by the
2 department. The court may enter a dispositional order that will assist
3 the parent in maintaining the care, custody, and control of the child
4 and assist the family to resolve family conflicts or problems.

5 ~~((+2))~~ (3) The court may set conditions of supervision for the
6 child that include:

7 (a) Regular school attendance;

8 (b) Counseling;

9 (c) Participation in a substance abuse or mental health outpatient
10 treatment program;

11 (d) Reporting on a regular basis to the department or any other
12 designated person or agency; and

13 (e) Any other condition the court deems an appropriate condition of
14 supervision including but not limited to: Employment, participation in
15 an anger management program, and refraining from using alcohol or
16 drugs.

17 ~~((+3))~~ (4) No dispositional order or condition of supervision
18 ordered by a court pursuant to this section shall include involuntary
19 commitment of a child for substance abuse or mental health treatment.

20 ~~((+4))~~ (5) The court may order the parent to participate in
21 counseling services or any other services for the child requiring
22 parental participation. The parent shall cooperate with the court-
23 ordered case plan and shall take necessary steps to help implement the
24 case plan. The parent shall be financially responsible for costs
25 related to the court-ordered plan; however, this requirement shall not
26 affect the eligibility of the parent or child for public assistance or
27 other benefits to which the parent or child may otherwise be entitled.

28 ~~((+5))~~ (6) The parent may request dismissal of an at-risk youth
29 proceeding or out-of-home placement at any time ~~((and))~~. Upon such a
30 request, the court shall dismiss the matter and cease court supervision
31 of the child unless: (a) A contempt action is pending in the case; (b)
32 a petition has been filed under RCW 13.32A.150 and a hearing has not
33 yet been held under RCW 13.32A.179; or (c) an order has been entered
34 under RCW 13.32A.179(3) and the court retains jurisdiction under that
35 subsection. The court may retain jurisdiction over the matter for the
36 purpose of concluding any pending contempt proceedings, including the
37 full satisfaction of any penalties imposed as a result of a contempt
38 finding.

1 (~~(6)~~) (7) The court may order the department to monitor
2 compliance with the dispositional order, assist in coordinating the
3 provision of court-ordered services, and submit reports at subsequent
4 review hearings regarding the status of the case.

5 **Sec. 25.** RCW 13.32A.200 and 1979 c 155 s 34 are each amended to
6 read as follows:

7 All hearings pursuant to this chapter may be conducted at any time
8 or place within the county of the residence of the parent and such
9 cases shall not be heard in conjunction with the business of any other
10 division of the superior court. The (~~general~~) public shall be
11 excluded from hearings and only such persons who are found by the court
12 to have a direct interest in the case or the work of the court shall be
13 admitted to the proceedings.

14 NEW SECTION. **Sec. 26.** The department of social and health
15 services shall prepare a report to the legislature and governor on the
16 utilization of multidisciplinary teams established under RCW
17 13.32A.042. The report shall include: (1) The number of teams
18 established in 1997 through 1999 by department region; (2) the persons
19 added to the teams at the request of a parent or child; (3) the average
20 cost per team; (4) trends in utilization of teams by region; (5) a
21 comparison of out-of-home placement rates for youths whose families use
22 the teams and those who do not; and (6) any recommendations on the
23 creation and usefulness of the teams. The report shall be submitted no
24 later than October 1, 2000. This section expires January 1, 2001.

25 NEW SECTION. **Sec. 27.** 1990 c 276 s 1 (uncodified) shall be
26 codified as a section within chapter 13.32A RCW.

Passed the Senate March 6, 2000.

Passed the House February 29, 2000.

Approved by the Governor March 24, 2000.

Filed in Office of Secretary of State March 24, 2000.