

1 **ESSB 5500** - H AMD TO APP COMM AMD (H-2463.1/01)

2 By Representative Carrell

3 On page 8, line 25 of the amendment, after past- strike one
4 hundred eighty days from the day the review hearing commenced- and
5 insert ~~((one hundred eighty days from the day the review hearing
6 commenced))~~ nine months from the dispositional hearing unless the court
7 finds that there are compelling reasons for an extension of out-of-home
8 placement. Any extension granted pursuant to this subsection shall not
9 exceed one year-

10 On page 8, at the beginning of line 29, strike one hundred eighty
11 days- and insert ~~((one hundred eighty days))~~ nine months-

12 On page 11, line 13 of the amendment, after past- strike one
13 hundred eighty days from the day the review hearing commenced- and
14 insert ~~((one hundred eighty days from the day the review hearing
15 commenced))~~ nine months from the dispositional hearing-

16 On page 11, line 17, after exceed- strike ninety days- and
17 insert ~~((ninety days))~~ one year-

18 On page 19, after line 34, insert:

19 **Sec. 14.** RCW 13.32A.250 and 2000 c 162 s 4 are each amended to
20 read as follows:

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

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

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

4 (4) If a party fails to comply with a civil contempt order entered
5 under this section, the court may impose either civil contempt
6 sanctions as provided in RCW 7.21.030(2)(e), or criminal contempt
7 sanctions as provided in RCW 7.21.040.

8 (5) A child placed in confinement for contempt under this section
9 shall be placed in confinement either in a secure juvenile detention
10 facility operated by or pursuant to a contract with a county or a
11 secure facility that is a separate, secure section of a juvenile
12 detention facility. In no case may a child in contempt be confined in
13 a secure facility that is freestanding outside a juvenile detention
14 facility.

15 (~~((5))~~)(6) A motion for contempt may be made by a parent, a child,
16 juvenile court personnel, or by any public agency, organization, or
17 person having custody of the child under a court order adopted pursuant
18 to this chapter.

19 (~~((6))~~)(7) Whenever the court finds probable cause to believe,
20 based upon consideration of a motion for contempt and the information
21 set forth in a supporting declaration, that a child has violated a
22 placement order entered under this chapter, the court may issue an
23 order directing law enforcement to pick up and take the child to
24 detention or to a secure facility. The order may be entered ex parte
25 without prior notice to the child or other parties. Following the
26 child's admission to detention or to the secure facility, a review
27 hearing must be held in accordance with RCW 13.32A.065.

28 **Sec. 15.** RCW 13.32A.250 and 2000 c 162 s 14 are each amended to
29 read as follows:

30 (1) In all child in need of services proceedings and at-risk youth
31 proceedings, the court shall verbally notify the parents and the child
32 of the possibility of a finding of contempt for failure to comply with
33 the terms of a court order entered pursuant to this chapter. Except as
34 otherwise provided in this section, the court shall treat the parents
35 and the child equally for the purposes of applying contempt of court
36 processes and penalties under this section.

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

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

7 (4) If a party fails to comply with a civil contempt order entered
8 under this section, the court may impose either civil contempt
9 sanctions as provided in RCW 7.21.030(2)(e), or criminal contempt
10 sanctions as provided in RCW 7.21.040.

11 (5) A child placed in confinement for contempt under this section
12 shall be placed in confinement only in a secure juvenile detention
13 facility operated by or pursuant to a contract with a county.

14 ~~((5))~~(6) A motion for contempt may be made by a parent, a child,
15 juvenile court personnel, or by any public agency, organization, or
16 person having custody of the child under a court order adopted pursuant
17 to this chapter.

18 ~~((6))~~(7) Whenever the court finds probable cause to believe,
19 based upon consideration of a motion for contempt and the information
20 set forth in a supporting declaration, that a child has violated a
21 placement order entered under this chapter, the court may issue an
22 order directing law enforcement to pick up and take the child to
23 detention. The order may be entered ex parte without prior notice to
24 the child or other parties. Following the child's admission to
25 detention, a detention review hearing must be held in accordance with
26 RCW 13.32A.065.-

27 Renumber the sections consecutively and correct internal
28 references accordingly.

29 On page 20, line 14, after **Sec. 15.-** strike Section 9 of this
30 act expires" and insert Sections 9 and 14 of this act expire-

31 On page 20, line 15, after **Sec. 16.-** strike Section 10 of this
32 act takes effect- and insert Sections 10 and 15 of this act take
33 effect-

EFFECT: Clarifies that ChINS and ARY proceedings terminate nine months from the dispositional hearing. Allows courts to extend the expiration of ChINS and ARY proceedings. Allows courts to pursue criminal contempt sanctions once a party violates civil contempt sanctions.