

ADOPTED 03/12/2019

1 Beginning on page 1, line 3, strike all material through
2 "confinement." on page 2, line 18

3 Renumber the remaining sections consecutively and correct any
4 internal references accordingly.

5 On page 3, line 12, after "sanction." strike all material through
6 "period." on line 14 and insert "All such remedial sanctions may not
7 be imposed more than two times during a thirty-day period. The court
8 may not order detention pursuant to this subsection if placement is
9 available at a crisis residential center or other secure juvenile
10 facility in the county in which the action is pending."

11 On page 4, line 24, after "more than" strike "four" and insert
12 "two"

13 On page 5, after line 19, insert the following:

14 "(6) A contempt sanction under this section cannot be served in a
15 juvenile detention facility when the case is filed in a county with
16 an operational and secure crisis residential center with an unused
17 bed."

18 Beginning on page 8, line 36, after "(2)" strike all material
19 through "~~present.)~~" on page 9, line 20 and insert "(a) If the child
20 fails to comply with the court order, the court may impose:

- 21 (i) Community restitution;
22 (ii) Nonresidential programs with intensive wraparound services;
23 (iii) A requirement that the child meet with a mentor for a
24 specified number of times; or
25 (iv) Other services and interventions that the court deems
26 appropriate.

27 (b) If the child continues to fail to comply with the court order
28 and the court makes a finding that other measures to secure
29 compliance have been tried but have been unsuccessful and no less
30 restrictive alternative is available, the court may order the child

1 to be subject to detention, as provided in RCW 7.21.030(2)(e).
2 Failure by a child to comply with an order issued under this
3 subsection shall not be subject to detention for a period greater
4 than that permitted pursuant to a civil contempt proceeding against a
5 child under chapter 13.32A RCW. Detention ordered under this
6 subsection may be for no longer than seven days. Detention ordered
7 under this subsection shall preferably be served at a secure crisis
8 residential center close to the child's home rather than in a
9 juvenile detention facility. A warrant of arrest for a child under
10 this subsection may not be served on a child inside of school during
11 school hours in a location where other students are present.

12 (c) The court may impose remedial sanctions, including a fine of
13 up to one hundred dollars and confinement for up to seventy-two
14 hours, or both, for contempt of court under this section upon issuing
15 formal written findings that it: (i) Considered, on the record, the
16 mitigating and aggravating factors used to determine the
17 appropriateness of detention for enforcement of its order; (ii)
18 affirmed that it considered all less restrictive options, that
19 detention is the only appropriate alternative, including its
20 rationale and the clear, cogent, and convincing evidence used to
21 enforce the order; (iii) afforded the same due process considerations
22 that it affords all youth in a criminal contempt proceeding; and (iv)
23 sought input from all relevant parties, including the youth. The
24 seventy-two hour period excludes Saturdays, Sundays, and holidays and
25 must commence upon the next nonholiday weekday following the court
26 order and must run to the end of the last nonholiday weekday within
27 the seventy-two hour period. The court may impose no more than two
28 such seventy-two hour periods in a thirty-day period."

29 Beginning on page 10, line 11, strike all of section 9

30 Renumber the remaining sections consecutively and correct any
31 internal references accordingly.

32 On page 13, beginning on line 9, strike all material through
33 "center" on line 17 and insert "center's secure facility. If the
34 secure facility is not available, not located within a reasonable
35 distance, or full, the officer shall take the child to a semi-secure
36 crisis residential center. An officer taking a child into custody
37 under RCW 43.185C.260(1)(d) may place the child in a juvenile
38 detention facility as provided in RCW 43.185C.270 or a secure

1 facility, except that the child shall be taken to detention whenever
2 the officer has been notified that a juvenile court has entered a
3 detention order under this chapter or chapter 13.34 RCW"

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By Senator Braun

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4 On page 15, line 3 of the title amendment, after "28A.225.090,"
5 strike "43.185C.260," and beginning on line 4 of the title amendment,
6 after "2.56.032;" strike all material through "section;" on line 5

EFFECT: (1) Removes Legislative findings regarding use of the valid court order (VCO) exceptions compared to other states.

(2) Clarifies that it is the policy of the state to reduce juvenile detention as a remedy for contempt of a VCO.

(3) Adds language allowing the Courts to impose remedial sanctions and confinement up to 72 hours if it:

(a) Considered, on the record, the mitigating and aggravating factors used to determine the appropriateness of detention for enforcement of its order;

(b) Affirmed that it considered all less restrictive options, that detention is the only appropriate alternative, including its rationale and the clear, cogent, and convincing evidence used to enforce the order;

(c) Afforded the same due process considerations that it affords all youth in criminal contempt proceedings; and

(d) Sought input from all relevant parties, including the youth.

(4) Limits the Court's imposition of confinement to no more than two 72 hour periods in a 30 day time frame.

(5) Requires the Courts to ensure that the annual statewide report delivered to the Legislature in 2021 provides sufficient information to measure the impacts of these changes on reducing the use of VCO exceptions.

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