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**SUBSTITUTE SENATE BILL 5290**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senate Human Services, Reentry & Rehabilitation (originally sponsored by Senators Darneille, Wellman, Kuderer, Randall, Palumbo, Das, Hasegawa, McCoy, Nguyen, Saldaña, and Wilson, C.)

READ FIRST TIME 01/31/19.

1 AN ACT Relating to eliminating the use of the valid court order  
2 exception to place youth in detention for noncriminal behavior;  
3 amending RCW 7.21.030, 7.21.030, 13.32A.250, 13.32A.250, 13.32A.040,  
4 13.32A.150, 13.34.165, 28A.225.090, 43.185C.260, 43.185C.265, and  
5 2.56.032; adding a new section to chapter 7.21 RCW; creating a new  
6 section; repealing RCW 43.185C.270; repealing 1998 c 296 s 35  
7 (uncodified); providing effective dates; and declaring an emergency.

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

9 NEW SECTION. **Sec. 1.** (1) The legislature finds that it is a  
10 goal of our state to divert juveniles who have committed status  
11 offenses, behaviors that are prohibited under law only because of an  
12 individual's status as a minor, away from the juvenile justice system  
13 because a stay in detention is a predictive factor for future  
14 criminal justice system involvement. The legislature finds that  
15 Washington has been using the valid court order exception of the  
16 juvenile justice and delinquency prevention act, a loophole in  
17 federal law allowing judges to detain status offenders for disobeying  
18 court orders, more than any other state in the country. The  
19 legislature finds that use of the valid court order exception to  
20 detain youth for acts like truancy, breaking curfew, or running away

1 from home is counterproductive and may worsen outcomes for at-risk  
2 youth.

3 (2) The legislature further finds that these youth should not be  
4 confined with or treated with the same interventions as criminal  
5 offenders. The legislature also finds that studies show a  
6 disproportionality in race, gender, and socioeconomic status of youth  
7 referred to courts or detained, or both. Likewise, the legislature  
8 finds that community-based interventions are more effective at  
9 addressing underlying causes of status offenses than detention and  
10 can reduce court caseloads and lower system costs. As a result, it is  
11 the intent of the legislature to strengthen and fund community-based  
12 programs that are culturally relevant and focus on addressing  
13 disproportionality of youth of color, especially at-risk youth.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 7.21 RCW  
15 to read as follows:

16 (1) It is the policy of the state of Washington to eliminate the  
17 use of juvenile detention as a remedy for contempt of a valid court  
18 order for youth under chapters 13.34 and 28A.225 RCW and child in  
19 need of services petition youth under chapter 13.32A RCW. As of July  
20 1, 2019, such youth may not be committed to juvenile detention as a  
21 contempt sanction under chapter 13.32A, 13.34, or 28A.225 RCW, and a  
22 warrant may not be issued for such youth for failure to appear at a  
23 court hearing that requires commitment of such youth to juvenile  
24 detention.

25 (2)(a) It is also the policy of the state of Washington to  
26 entirely phase out the use of juvenile detention as a remedy for  
27 contempt of a valid court order for at-risk youth under chapter  
28 13.32A RCW by July 1, 2021. After this date, at-risk youth may not be  
29 committed to juvenile detention as a contempt sanction under chapter  
30 13.32A RCW, and a warrant may not be issued for failure to appear at  
31 a court hearing that requires commitment of the at-risk youth to  
32 juvenile detention.

33 (b) Until July 1, 2021, any at-risk youth committed to juvenile  
34 detention as a sanction for contempt under chapter 13.32A RCW, or for  
35 failure to appear at a court hearing under chapter 13.32A RCW, must  
36 be detained in such a manner so that no direct communication or  
37 physical contact may be made between the youth and any youth who is  
38 detained to juvenile detention pursuant to a violation of criminal

1 law, unless these separation requirements would result in a youth  
2 being detained in solitary confinement.

3 **Sec. 3.** RCW 7.21.030 and 2001 c 260 s 6 are each amended to read  
4 as follows:

5 (1) The court may initiate a proceeding to impose a remedial  
6 sanction on its own motion or on the motion of a person aggrieved by  
7 a contempt of court in the proceeding to which the contempt is  
8 related. Except as provided in RCW 7.21.050, the court, after notice  
9 and hearing, may impose a remedial sanction authorized by this  
10 chapter.

11 (2) If the court finds that the person has failed or refused to  
12 perform an act that is yet within the person's power to perform, the  
13 court may find the person in contempt of court and impose one or more  
14 of the following remedial sanctions:

15 (a) Imprisonment if the contempt of court is of a type defined in  
16 RCW 7.21.010(1) (b) through (d). The imprisonment may extend only so  
17 long as it serves a coercive purpose.

18 (b) A forfeiture not to exceed two thousand dollars for each day  
19 the contempt of court continues.

20 (c) An order designed to ensure compliance with a prior order of  
21 the court.

22 (d) Any other remedial sanction other than the sanctions  
23 specified in (a) through (c) of this subsection if the court  
24 expressly finds that those sanctions would be ineffectual to  
25 terminate a continuing contempt of court.

26 (e) In at-risk youth petition cases only under chapter(~~s~~)  
27 13.32A(~~, 13.34, and 28A.225~~) RCW and subject to the requirements  
28 under RCW 13.32A.250, commitment to juvenile detention for a period  
29 of time not to exceed (~~seven days~~) seventy-two hours, excluding  
30 Saturdays, Sundays, and holidays. The seventy-two hour period shall  
31 commence upon the next nonholiday weekday following the court order  
32 and shall run to the end of the last nonholiday weekday within the  
33 seventy-two hour period. This sanction may be imposed in addition to,  
34 or as an alternative to, any other remedial sanction authorized by  
35 this chapter. This remedy is specifically determined to be a remedial  
36 sanction.

37 (3) The court may, in addition to the remedial sanctions set  
38 forth in subsection (2) of this section, order a person found in  
39 contempt of court to pay a party for any losses suffered by the party

1 as a result of the contempt and any costs incurred in connection with  
2 the contempt proceeding, including reasonable attorney's fees.

3 (4) If the court finds that a person under the age of eighteen  
4 years has willfully disobeyed the terms of an order issued under  
5 chapter 10.14 RCW, the court may find the person in contempt of court  
6 and may, as a sole sanction for such contempt, commit the person to  
7 juvenile detention for a period of time not to exceed seven days.

8 **Sec. 4.** RCW 7.21.030 and 2019 c ... s 3 (section 3 of this act)  
9 are each amended to read as follows:

10 (1) The court may initiate a proceeding to impose a remedial  
11 sanction on its own motion or on the motion of a person aggrieved by  
12 a contempt of court in the proceeding to which the contempt is  
13 related. Except as provided in RCW 7.21.050, the court, after notice  
14 and hearing, may impose a remedial sanction authorized by this  
15 chapter.

16 (2) If the court finds that the person has failed or refused to  
17 perform an act that is yet within the person's power to perform, the  
18 court may find the person in contempt of court and impose one or more  
19 of the following remedial sanctions:

20 (a) Imprisonment if the contempt of court is of a type defined in  
21 RCW 7.21.010(1) (b) through (d). The imprisonment may extend only so  
22 long as it serves a coercive purpose.

23 (b) A forfeiture not to exceed two thousand dollars for each day  
24 the contempt of court continues.

25 (c) An order designed to ensure compliance with a prior order of  
26 the court.

27 (d) Any other remedial sanction other than the sanctions  
28 specified in (a) through (c) of this subsection if the court  
29 expressly finds that those sanctions would be ineffectual to  
30 terminate a continuing contempt of court.

31 ~~((e) In at-risk youth petition cases only under chapter 13.32A  
32 RCW and subject to the requirements under RCW 13.32A.250, commitment  
33 to juvenile detention for a period of time not to exceed seventy-two  
34 hours, excluding Saturdays, Sundays, and holidays. The seventy-two  
35 hour period shall commence upon the next nonholiday weekday following  
36 the court order and shall run to the end of the last nonholiday  
37 weekday within the seventy-two hour period. This sanction may be  
38 imposed in addition to, or as an alternative to, any other remedial~~

1 ~~sanction authorized by this chapter. This remedy is specifically~~  
2 ~~determined to be a remedial sanction.)~~)

3 (3) The court may, in addition to the remedial sanctions set  
4 forth in subsection (2) of this section, order a person found in  
5 contempt of court to pay a party for any losses suffered by the party  
6 as a result of the contempt and any costs incurred in connection with  
7 the contempt proceeding, including reasonable attorney's fees.

8 (4) If the court finds that a person under the age of eighteen  
9 years has willfully disobeyed the terms of an order issued under  
10 chapter 10.14 RCW, the court may find the person in contempt of court  
11 and may, as a sole sanction for such contempt, commit the person to  
12 juvenile detention for a period of time not to exceed seven days.

13 **Sec. 5.** RCW 13.32A.250 and 2000 c 162 s 14 are each amended to  
14 read as follows:

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

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

27 (3) For at-risk youth proceedings only:

28 (a) If the child fails to comply with the court order, the court  
29 may impose:

30 (i) Community restitution;

31 (ii) Nonresidential programs with intensive wraparound services;

32 (iii) A requirement that the child meet with a mentor for a  
33 specified number of times; or

34 (iv) Other services and interventions that the court deems  
35 appropriate.

36 (b) The court may impose remedial sanctions including a fine of  
37 up to one hundred dollars and confinement for up to ((seven days))  
38 seventy-two hours, or both for contempt of court under this section  
39 if (i) one of the less restrictive alternatives under (a) of this

1 subsection has been attempted and another violation of the order has  
2 occurred, or (ii) the court issues a formal finding that none of the  
3 less restrictive alternatives is available. The seventy-two hour  
4 period excludes Saturdays, Sundays, and holidays and shall commence  
5 upon the next nonholiday weekday following the court order and shall  
6 run to the end of the last nonholiday weekday within the seventy-two  
7 hour period.

8 ~~((4))~~ (c) A child placed in confinement for contempt under this  
9 section shall be placed in confinement only in a secure juvenile  
10 detention facility operated by or pursuant to a contract with a  
11 county.

12 ~~((5))~~ (d) A child involved in a child in need of services  
13 proceeding may not be placed in confinement under this section.

14 (4) 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  
17 pursuant to this chapter.

18 ~~((6))~~ (5) For at-risk youth proceedings only, whenever the  
19 court finds probable cause to believe, based upon consideration of a  
20 motion for contempt and the information set forth in a supporting  
21 declaration, that a child has violated a placement order entered  
22 under this chapter, the court must direct the court clerk to command  
23 the presence of the child by the issuance of a summons or other  
24 method approved by local court rule instead of a warrant, unless the  
25 court finds probable cause to believe that the child would not appear  
26 in response to the command or finds probable cause to believe that  
27 the arrest is necessary to prevent serious bodily harm to the  
28 juvenile or another, in which case the court may issue a warrant. A  
29 warrant of arrest must be supported by an affidavit or sworn  
30 testimony, which must be recorded electronically or by stenographer,  
31 establishing the grounds for issuing the warrant. The warrant of  
32 arrest for a child under this subsection may not be served on a child  
33 inside of school during school hours in a location where other  
34 students are present if the child named in the warrant is a pupil at  
35 the school. The court must communicate the summons to the child  
36 through mail, telephone, text message, or other method of  
37 communication needed in order to ensure the child has received the  
38 information. If the child fails to appear via the summons or other  
39 method, the court may issue an order directing law enforcement to  
40 pick up and take the child to detention. ~~((The order may be entered~~

1 ~~ex parte without prior notice to the child or other parties.~~  
2 ~~Following the child's admission to detention, a detention review~~  
3 ~~hearing must be held in accordance with RCW 13.32A.065.)~~

4 **Sec. 6.** RCW 13.32A.250 and 2019 c ... s 5 (section 5 of this  
5 act) are each amended to read as follows:

6 (1) In all child in need of services proceedings and at-risk  
7 youth proceedings, the court shall verbally notify the parents and  
8 the child of the possibility of a finding of contempt for failure to  
9 comply with the terms of a court order entered pursuant to this  
10 chapter. Except as otherwise provided in this section, the court  
11 shall treat the parents and the child equally for the purposes of  
12 applying contempt of court processes and penalties under this  
13 section.

14 (2) Failure by a party (~~in an at-risk youth proceeding~~) to  
15 comply with an order entered under this chapter is a civil contempt  
16 of court as provided in RCW 7.21.030(2) (~~(e), subject to the~~  
17 ~~limitations of subsection (3) of this section~~).

18 (3) (~~For at-risk youth proceedings only:~~

19 ~~(a) If the child fails to comply with the court order, the court~~  
20 ~~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) The court may impose remedial sanctions including a fine of~~  
28 ~~up to one hundred dollars and confinement for up to seventy-two~~  
29 ~~hours, or both for contempt of court under this section if (i) one of~~  
30 ~~the less restrictive alternatives under (a) of this subsection has~~  
31 ~~been attempted and another violation of the order has occurred, or~~  
32 ~~(ii) the court issues a formal finding that none of the less~~  
33 ~~restrictive alternatives is available. The seventy-two hour period~~  
34 ~~excludes Saturdays, Sundays, and holidays and shall commence upon the~~  
35 ~~next nonholiday weekday following the court order and shall run to~~  
36 ~~the end of the last nonholiday weekday within the seventy-two hour~~  
37 ~~period.~~

1 ~~(c) A child placed in confinement for contempt under this section~~  
2 ~~shall be placed in confinement only in a secure juvenile detention~~  
3 ~~facility operated by or pursuant to a contract with a county.~~

4 ~~(d) A child involved in a child in need of services proceeding~~  
5 ~~may not be placed in confinement under this section.~~

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

10 ~~((5) For at-risk youth proceedings only, whenever the court~~  
11 ~~finds probable cause to believe, based upon consideration of a motion~~  
12 ~~for contempt and the information set forth in a supporting~~  
13 ~~declaration, that a child has violated a placement order entered~~  
14 ~~under this chapter, the court must direct the court clerk to command~~  
15 ~~the presence of the child by the issuance of a summons or other~~  
16 ~~method approved by local court rule instead of a warrant, unless the~~  
17 ~~court finds probable cause to believe that the child would not appear~~  
18 ~~in response to the command or finds probable cause to believe that~~  
19 ~~the arrest is necessary to prevent serious bodily harm to the~~  
20 ~~juvenile or another, in which case the court may issue a warrant. A~~  
21 ~~warrant of arrest must be supported by an affidavit or sworn~~  
22 ~~testimony, which must be recorded electronically or by stenographer,~~  
23 ~~establishing the grounds for issuing the warrant. The warrant of~~  
24 ~~arrest for a child under this subsection may not be served on a child~~  
25 ~~inside of school during school hours in a location where other~~  
26 ~~students are present if the child named in the warrant is a pupil at~~  
27 ~~the school. The court must communicate the summons to the child~~  
28 ~~through mail, telephone, text message, or other method of~~  
29 ~~communication needed in order to ensure the child has received the~~  
30 ~~information. If the child fails to appear via the summons or other~~  
31 ~~method, the court may issue an order directing law enforcement to~~  
32 ~~pick up and take the child to detention.))~~

33 **Sec. 7.** RCW 13.32A.040 and 2000 c 123 s 3 are each amended to  
34 read as follows:

35 (1) If requested by the family, the department must provide  
36 families who are in conflict or who are experiencing problems with  
37 at-risk youth or a child who may be in need of services ((may  
38 request)) with family reconciliation services, or its successor  
39 program, from the department before or once a petition is filed. The



1 department should provide these services in a timely manner once  
2 requested by the family. The department may involve a local  
3 multidisciplinary team in its response in determining the services to  
4 be provided and in providing those services. Such services shall be  
5 provided to alleviate personal or family situations which present a  
6 serious and imminent threat to the health or stability of the child  
7 or family and to maintain families intact wherever possible. Family  
8 reconciliation services shall be designed to develop skills and  
9 supports within families to resolve problems related to at-risk  
10 youth, children in need of services, or family conflicts. These  
11 services may include, but are not limited to, referral to services  
12 for suicide prevention, psychiatric or other medical care, or  
13 psychological, mental health, drug or alcohol treatment, welfare,  
14 legal, educational, or other social services, as appropriate to the  
15 needs of the child and the family, and training in parenting,  
16 conflict management, and dispute resolution skills.

17 (2) The department must report to the appropriate committees of  
18 the legislature annually, beginning by December 31, 2019, on the use  
19 of family reconciliation services or its successor program, any  
20 significant reductions or outcomes within the program, and any  
21 recommendations for improvement.

22 **Sec. 8.** RCW 13.32A.150 and 2000 c 123 s 17 are each amended to  
23 read as follows:

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

37 (2) A child or a child's parent may file with the juvenile court  
38 a child in need of services petition to approve an out-of-home  
39 placement for the child before completion of a family assessment. The

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

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

12 **Sec. 9.** RCW 13.34.165 and 2000 c 122 s 21 are each amended to  
13 read as follows:

14 (1) Failure by a party to comply with an order entered under this  
15 chapter is civil contempt of court as provided in RCW 7.21.030(2)  
16 (~~(e)~~).

17 (2) ~~((The maximum term of confinement that may be imposed as a  
18 remedial sanction for contempt of court under this section is  
19 confinement for up to seven days.~~

20 ~~(3) A child held for contempt under this section shall be  
21 confined only in a secure juvenile detention facility operated by or  
22 pursuant to a contract with a county.~~

23 ~~(4))~~ A motion for contempt may be made by a parent, juvenile  
24 court personnel, or by any public agency, organization, or person  
25 having custody of the child under a court order entered pursuant to  
26 this chapter.

27 ~~((5))~~ (3)(a) Subject to (b) of this subsection, whenever the  
28 court finds probable cause to believe, based upon consideration of a  
29 motion (~~for contempt~~) and the information set forth in a supporting  
30 declaration, that a child (~~has violated a placement order entered~~  
31 under this chapter) is missing from care, the court may issue an  
32 order directing law enforcement to pick up and (~~take~~) return the  
33 child to (~~detention~~) department custody. (~~The order may be entered~~  
34 ex parte without prior notice to the child or other parties.  
35 Following the child's admission to detention, a detention review  
36 hearing must be held in accordance with RCW 13.32A.065.)

37 (b) If the department is notified of the child's whereabouts and  
38 authorizes the child's location, the court must withdraw the order

1 directing law enforcement to pick up and return the child to  
2 department custody.

3 **Sec. 10.** RCW 28A.225.090 and 2017 c 291 s 5 are each amended to  
4 read as follows:

5 (1) A court may order a child subject to a petition under RCW  
6 28A.225.035 to do one or more of the following:

7 (a) Attend the child's current school, and set forth minimum  
8 attendance requirements, which shall not consider a suspension day as  
9 an unexcused absence;

10 (b) If there is space available and the program can provide  
11 educational services appropriate for the child, order the child to  
12 attend another public school, an alternative education program,  
13 center, a skill center, dropout prevention program, or another public  
14 educational program;

15 (c) Attend a private nonsectarian school or program including an  
16 education center. Before ordering a child to attend an approved or  
17 certified private nonsectarian school or program, the court shall:

18 (i) Consider the public and private programs available; (ii) find  
19 that placement is in the best interest of the child; and (iii) find  
20 that the private school or program is willing to accept the child and  
21 will not charge any fees in addition to those established by contract  
22 with the student's school district. If the court orders the child to  
23 enroll in a private school or program, the child's school district  
24 shall contract with the school or program to provide educational  
25 services for the child. The school district shall not be required to  
26 contract for a weekly rate that exceeds the state general  
27 apportionment dollars calculated on a weekly basis generated by the  
28 child and received by the district. A school district shall not be  
29 required to enter into a contract that is longer than the remainder  
30 of the school year. A school district shall not be required to enter  
31 into or continue a contract if the child is no longer enrolled in the  
32 district;

33 (d) Submit to a substance abuse assessment if the court finds on  
34 the record that such assessment is appropriate to the circumstances  
35 and behavior of the child and will facilitate the child's compliance  
36 with the mandatory attendance law and, if any assessment, including a  
37 urinalysis test ordered under this subsection indicates the use of  
38 controlled substances or alcohol, order the minor to abstain from the  
39 unlawful consumption of controlled substances or alcohol and adhere

1 to the recommendations of the substance abuse assessment at no  
2 expense to the school; or

3 (e) Submit to a mental health evaluation or other diagnostic  
4 evaluation and adhere to the recommendations of the drug assessment,  
5 at no expense to the school, if the court finds on the court records  
6 that such evaluation is appropriate to the circumstances and behavior  
7 of the child, and will facilitate the child's compliance with the  
8 mandatory attendance law.

9 (2) ~~((a))~~ If the child fails to comply with the court order, the  
10 court may impose:

11 ~~((i))~~ (a) Community restitution;

12 ~~((ii))~~ (b) Nonresidential programs with intensive wraparound  
13 services;

14 ~~((iii))~~ (c) A requirement that the child meet with a mentor for  
15 a specified number of times; or

16 ~~((iv))~~ (d) Other services and interventions that the court  
17 deems appropriate.

18 ~~((b) If the child continues to fail to comply with the court  
19 order and the court makes a finding that other measures to secure  
20 compliance have been tried but have been unsuccessful and no less  
21 restrictive alternative is available, the court may order the child  
22 to be subject to detention, as provided in RCW 7.21.030(2)(e).  
23 Failure by a child to comply with an order issued under this  
24 subsection shall not be subject to detention for a period greater  
25 than that permitted pursuant to a civil contempt proceeding against a  
26 child under chapter 13.32A RCW. Detention ordered under this  
27 subsection may be for no longer than seven days. Detention ordered  
28 under this subsection shall preferably be served at a secure crisis  
29 residential center close to the child's home rather than in a  
30 juvenile detention facility. A warrant of arrest for a child under  
31 this subsection may not be served on a child inside of school during  
32 school hours in a location where other students are present.))~~

33 (3) Any parent violating any of the provisions of either RCW  
34 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than  
35 twenty-five dollars for each day of unexcused absence from school.  
36 The court shall remit fifty percent of the fine collected under this  
37 section to the child's school district. It shall be a defense for a  
38 parent charged with violating RCW 28A.225.010 to show that he or she  
39 exercised reasonable diligence in attempting to cause a child in his  
40 or her custody to attend school or that the child's school did not

1 perform its duties as required in RCW 28A.225.020. The court may  
2 order the parent to provide community restitution instead of imposing  
3 a fine. Any fine imposed pursuant to this section may be suspended  
4 upon the condition that a parent charged with violating RCW  
5 28A.225.010 shall participate with the school and the child in a  
6 supervised plan for the child's attendance at school or upon  
7 condition that the parent attend a conference or conferences  
8 scheduled by a school for the purpose of analyzing the causes of a  
9 child's absence.

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

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

23 **Sec. 11.** RCW 43.185C.260 and 2018 c 58 s 61 are each amended to  
24 read as follows:

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

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

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

33 (c) If an agency legally charged with the supervision of a child  
34 has notified a law enforcement agency that the child has run away  
35 from placement (~~;~~ ~~or~~

36 ~~(d) If a law enforcement agency has been notified by the juvenile~~  
37 ~~court that the court finds probable cause exists to believe that the~~  
38 ~~child has violated a court placement order issued under this chapter~~  
39 ~~or chapter 13.34 RCW or that the court has issued an order for law~~

1 ~~enforcement pick-up of the child under this chapter or chapter 13.34~~  
2 ~~RCW~~)).

3 (2) Law enforcement custody shall not extend beyond the amount of  
4 time reasonably necessary to transport the child to a destination  
5 authorized by law and to place the child at that destination. Law  
6 enforcement custody continues until the law enforcement officer  
7 transfers custody to a person, agency, or other authorized entity  
8 under this chapter, or releases the child because no placement is  
9 available. Transfer of custody is not complete unless the person,  
10 agency, or entity to whom the child is released agrees to accept  
11 custody.

12 (3) If a law enforcement officer takes a child into custody  
13 pursuant to either subsection (1)(a) or (b) of this section and  
14 transports the child to a crisis residential center, the officer  
15 shall, within twenty-four hours of delivering the child to the  
16 center, provide to the center a written report detailing the reasons  
17 the officer took the child into custody. The center shall provide the  
18 department of children, youth, and families with a copy of the  
19 officer's report if the youth is in the care of or receiving services  
20 from the department of children, youth, and families.

21 (4) If the law enforcement officer who initially takes the  
22 juvenile into custody or the staff of the crisis residential center  
23 have reasonable cause to believe that the child is absent from home  
24 because he or she is abused or neglected, a report shall be made  
25 immediately to the department of children, youth, and families.

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

29 (6) If a law enforcement officer has a reasonable suspicion that  
30 a child is being unlawfully harbored in violation of RCW 13.32A.080,  
31 the officer shall remove the child from the custody of the person  
32 harboring the child and shall transport the child to one of the  
33 locations specified in RCW 43.185C.265.

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

36 **Sec. 12.** RCW 43.185C.265 and 2015 c 69 s 14 are each amended to  
37 read as follows:

1 (1) An officer taking a child into custody under RCW  
2 43.185C.260(1) (a) or (b) shall inform the child of the reason for  
3 such custody and shall:

4 (a) Transport the child to his or her home or to a parent at his  
5 or her place of employment, if no parent is at home. The parent may  
6 request that the officer take the child to the home of an adult  
7 extended family member, responsible adult, crisis residential center,  
8 the department of (~~social and health services~~) children, youth, and  
9 families, or a licensed youth shelter. In responding to the request  
10 of the parent, the officer shall take the child to a requested place  
11 which, in the officer's belief, is within a reasonable distance of  
12 the parent's home. The officer releasing a child into the custody of  
13 a parent, an adult extended family member, responsible adult, or a  
14 licensed youth shelter shall inform the person receiving the child of  
15 the reason for taking the child into custody and inform all parties  
16 of the nature and location of appropriate services available in the  
17 community; or

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

22 (i) The child expresses fear or distress at the prospect of being  
23 returned to his or her home which leads the officer to believe there  
24 is a possibility that the child is experiencing some type of abuse or  
25 neglect;

26 (ii) It is not practical to transport the child to his or her  
27 home or place of the parent's employment; or

28 (iii) There is no parent available to accept custody of the  
29 child; or

30 (c) After attempting to notify the parent, if a crisis  
31 residential center is full, not available, or not located within a  
32 reasonable distance, request the department of (~~social and health~~  
33 ~~services~~) children, youth, and families to accept custody of the  
34 child. If the department of (~~social and health services~~) children,  
35 youth, and families determines that an appropriate placement is  
36 currently available, the department of (~~social and health services~~)  
37 children, youth, and families shall accept custody and place the  
38 child in an out-of-home placement. Upon accepting custody of a child  
39 from the officer, the department of (~~social and health services~~)  
40 children, youth, and families may place the child in an out-of-home

1 placement for up to seventy-two hours, excluding Saturdays, Sundays,  
2 and holidays, without filing a child in need of services petition,  
3 obtaining parental consent, or obtaining an order for placement under  
4 chapter 13.34 RCW. Upon transferring a child to the department of  
5 (~~social and health services~~) children, youth, and families'  
6 custody, the officer shall provide written documentation of the  
7 reasons and the statutory basis for taking the child into custody. If  
8 the department of (~~social and health services~~) children, youth, and  
9 families declines to accept custody of the child, the officer may  
10 release the child after attempting to take the child to the  
11 following, in the order listed: The home of an adult extended family  
12 member; a responsible adult; or a licensed youth shelter. The officer  
13 shall immediately notify the department of (~~social and health~~  
14 ~~services~~) children, youth, and families if no placement option is  
15 available and the child is released.

16 (2) An officer taking a child into custody under RCW  
17 43.185C.260(1)(c) (~~or (d)~~) shall inform the child of the reason for  
18 custody. An officer taking a child into custody under RCW  
19 43.185C.260(1)(c) may release the child to the supervising agency,  
20 may return the child to the placement authorized by the supervising  
21 agency, or shall take the child to a designated crisis residential  
22 (~~center's secure facility. If the secure facility is not available,~~  
23 ~~not located within a reasonable distance, or full, the officer shall~~  
24 ~~take the child to a semi-secure crisis residential center. An officer~~  
25 ~~taking a child into custody under RCW 43.185C.260(1)(d) may place the~~  
26 ~~child in a juvenile detention facility as provided in RCW 43.185C.270~~  
27 ~~or a secure facility, except that the child shall be taken to~~  
28 ~~detention whenever the officer has been notified that a juvenile~~  
29 ~~court has entered a detention order under this chapter or chapter~~  
30 ~~13.34 RCW~~) center.

31 (3) Every officer taking a child into custody shall provide the  
32 child and his or her parent or parents or responsible adult with a  
33 copy of the statement specified in RCW 43.185C.290(6).

34 (4) Whenever an officer transfers custody of a child to a crisis  
35 residential center or the department of (~~social and health~~  
36 ~~services~~) children, youth, and families, the child may reside in the  
37 crisis residential center or may be placed by the department of  
38 (~~social and health services~~) children, youth, and families in an  
39 out-of-home placement for an aggregate total period of time not to  
40 exceed seventy-two hours excluding Saturdays, Sundays, and holidays.



1 Thereafter, the child may continue in out-of-home placement only if  
2 the parents have consented, a child in need of services petition has  
3 been filed, or an order for placement has been entered under chapter  
4 13.34 RCW.

5 (5) The department of (~~social and health services~~) children,  
6 youth, and families shall ensure that all law enforcement authorities  
7 are informed on a regular basis as to the location of all designated  
8 secure and semi-secure facilities within centers in their  
9 jurisdiction, where children taken into custody under RCW 43.185C.260  
10 may be taken.

11 **Sec. 13.** RCW 2.56.032 and 2016 c 205 s 19 are each amended to  
12 read as follows:

13 (1)(a) To accurately track the extent to which courts order youth  
14 into a secure detention facility in Washington state for the  
15 violation of a court order related to a truancy, at-risk youth, or a  
16 child in need of services petition, all juvenile courts shall  
17 transmit youth-level secure detention data to the administrative  
18 office of the courts.

19 (b) Data may either be entered into the statewide management  
20 information system for juvenile courts or securely transmitted to the  
21 administrative office of the courts at least monthly. Juvenile courts  
22 shall provide, at a minimum, the name and date of birth for the  
23 youth, the court case number assigned to the petition, the reasons  
24 for admission to the juvenile detention facility, the date of  
25 admission, the date of exit, and the time the youth spent in secure  
26 confinement.

27 (c) Courts are also encouraged to report individual-level data  
28 reflecting whether a detention alternative, such as electronic  
29 monitoring, was used, and the time spent in detention alternatives.

30 (d) The administrative office of the courts and the juvenile  
31 court administrators must work to develop uniform data standards for  
32 detention.

33 (2) The administrative office of the courts shall deliver an  
34 annual statewide report to the legislature that details the number of  
35 Washington youth who are placed into detention facilities during the  
36 preceding calendar year. The first report shall be delivered by March  
37 1, 2017, and shall detail the most serious reason for detention and  
38 youth gender, race, and ethnicity. The report must have a specific  
39 emphasis on youth who are detained for reasons relating to a truancy,

1 at-risk youth, or a child in need of services petition. Until July 1,  
2 2022, the report must monitor trends in the use of at-risk youth  
3 petitions under chapter 13.32A RCW as well as track the race and  
4 gender of youth with at-risk petitions.

5 NEW SECTION. **Sec. 14.** The following acts or parts of acts are  
6 each repealed:

7 (1) RCW 43.185C.270 (Youth services—Officer taking child into  
8 custody—Placing in detention—Detention review hearing—Hearing on  
9 contempt) and 2015 c 69 s 15; and

10 (2) 1998 c 296 s 35 (uncodified).

11 NEW SECTION. **Sec. 15.** Except for sections 4 and 6 of this act,  
12 this act is necessary for the immediate preservation of the public  
13 peace, health, or safety, or support of the state government and its  
14 existing public institutions, and takes effect July 1, 2019.

15 NEW SECTION. **Sec. 16.** Sections 4 and 6 of this act take effect  
16 July 1, 2021.

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