

2 E2SHB 2217 - S COMM AMD
3 By Committee on Human Services & Corrections

4

5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** The legislature finds that no children
8 should be exposed to the dangers inherent in living on the streets.
9 The legislature further finds that there are children who are not
10 mentally ill or chemically dependent who are living on the street in
11 dangerous situations. These children through their at-risk behavior
12 place themselves at great personal risk and danger. The legislature
13 further finds that these children with at-risk behaviors should receive
14 treatment for their problems that result in excessive opposition to
15 parental authority.

16 NEW SECTION. **Sec. 2.** This act shall be known and cited as the
17 "Becca Too" bill.

18 NEW SECTION. **Sec. 3.** A new section is added to chapter 13.32A RCW
19 to read as follows:

20 (1) In a disposition hearing, after a finding that a child is a
21 child in need of services or an at-risk youth, the court may adopt the
22 additional orders authorized under this section if it finds that the
23 child involved in those proceedings is not eligible for inpatient
24 treatment for a mental health or substance abuse condition and requires
25 specialized treatment. The court may order that a child be placed in
26 a staff secure facility, other than a crisis residential center, that
27 will provide for the child's participation in a program designed to
28 remedy his or her behavioral difficulties or needs. The court may not
29 enter this order unless, at the disposition hearing, it finds that the
30 placement is clearly necessary to protect the child and that a less
31 restrictive order would be inadequate to protect the child, given the
32 child's age, maturity, propensity to run away from home, past exposure
33 to serious risk when the child ran away from home, and possible future
34 exposure to serious risk should the child run away from home again.

1 (2) The order shall require periodic court review of the placement,
2 with the first review hearing conducted not more than thirty days after
3 the date of the placement. At each review hearing the court shall
4 advise the parents of their rights under RCW 13.32A.160(1), review the
5 progress of the child, and determine whether the orders are still
6 necessary for the protection of the child or a less restrictive
7 placement would be adequate. The court shall modify its orders as it
8 finds necessary to protect the child. Reviews of orders adopted under
9 this section are subject to the review provisions under RCW 13.32A.190
10 and 13.32.198.

11 (3) Placements in staff secure facilities under this section shall
12 be limited to children who meet the statutory definition of a child in
13 need of services or an at-risk youth as defined in RCW 13.32A.030.

14 (4) State funds may only be used to pay for placements under this
15 section if, and to the extent that, such funds are appropriated to
16 expressly pay for them.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 13.32A RCW
18 to read as follows:

19 (1) A violation of RCW 13.32A.082 by a licensed child-serving
20 agency shall be addressed as a licensing violation under chapter 74.15
21 RCW.

22 (2) A violation of RCW 13.32A.082 by any other person is a
23 misdemeanor.

24 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.96A RCW
25 to read as follows:

26 School district personnel who contact a chemical dependency
27 inpatient treatment program or provider for the purpose of referring a
28 student to inpatient treatment shall provide the parents with notice of
29 the contact within forty-eight hours.

30 NEW SECTION. **Sec. 6.** A new section is added to chapter 71.34 RCW
31 to read as follows:

32 School district personnel who contact a mental health inpatient
33 treatment program or provider for the purpose of referring a student to
34 inpatient treatment shall provide the parents with notice of the
35 contact within forty-eight hours.

1 **Sec. 7.** RCW 13.32A.090 and 1995 c 312 s 10 are each amended to
2 read as follows:

3 (1) The ((~~person in charge~~)) administrator of a designated crisis
4 residential center or the department shall perform the duties under
5 subsection (2) of this section:

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

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

10 (c) Upon learning from a person under RCW 13.32A.080(3) that the
11 person is providing shelter to a child absent from home; or

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

14 (2) When any of the circumstances under subsection (1) of this
15 section are present, the ((~~person in charge~~)) administrator of a center
16 or the department shall perform the following duties:

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

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

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

28 (d) Arrange transportation for the child to the residence of the
29 parent, as soon as practicable, at the latter's expense to the extent
30 of his or her ability to pay, with any unmet transportation expenses to
31 be assumed by the department, when the child and his or her parent
32 agrees to the child's return home or when the parent produces a copy of
33 a court order entered under this chapter requiring the child to reside
34 in the parent's home;

35 (e) Arrange transportation for the child to: (i) An out-of-home
36 placement which may include a licensed group care facility or foster
37 family when agreed to by the child and parent; or (ii) a certified or
38 licensed mental health or chemical dependency program of the parent's
39 choice; at the ((~~latter's~~)) parent's expense to the extent of his or

1 her ability to pay, with any unmet transportation expenses assumed by
2 the department(~~(~~
3 ~~(f) Immediately notify the department of the placement~~)).

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

8 **Sec. 8.** RCW 13.32A.130 and 1995 c 312 s 12 are each amended to
9 read as follows:

10 (1) A child admitted to a secure facility within a crisis
11 residential center shall remain in the facility for not more than five
12 consecutive days, but for at least twenty-four hours after admission.
13 If the child admitted under this section is transferred between centers
14 or between secure and semi-secure facilities, the aggregate length of
15 time spent in all such centers or facilities may not exceed five
16 consecutive days.

17 (2)(a)(i) The facility administrator shall determine within twenty-
18 four hours after a child's admission to a secure facility whether the
19 child (~~(can be safely admitted to)~~) is likely to remain in a semi-
20 secure facility and may transfer the child to a semi-secure facility or
21 release the child to the department. The determination shall be based
22 on: (A) The need for continued assessment, protection, and treatment
23 of the child in a secure facility; and (B) the likelihood the child
24 would remain at a semi-secure facility until his or her parents can
25 take the child home or a petition can be filed under this title.

26 (ii) In making the determination the administrator shall (~~(include~~
27 ~~consideration of)~~) consider the following information if known: (A)
28 (~~(A)~~) The child's age and maturity; (B) the child's condition upon
29 arrival at the center; (C) the circumstances that led to the child's
30 being taken to the center; (D) whether the child's behavior endangers
31 the health, safety, or welfare of the child or any other person; (E)
32 the child's history of running away which has endangered the health,
33 safety, and welfare of the child; and (F) the child's willingness to
34 cooperate in (~~(conducting)~~) the assessment.

35 (b) If the administrator of a secure facility determines the child
36 is unlikely to remain in a semi-secure facility, the administrator
37 shall keep the child in the secure facility pursuant to this chapter
38 and in order to provide for space for the child may transfer another

1 child who has been in the facility for at least seventy-two hours to a
2 semi-secure facility. The administrator shall only make a transfer of
3 a child after determining that the child who may be transferred is
4 likely to remain at the semi-secure facility.

5 (c) A crisis residential center administrator is authorized to
6 transfer a child to a crisis residential center in the area where the
7 child's parents reside or where the child's lawfully prescribed
8 residence is located.

9 (d) An administrator may transfer a child from a semi-secure
10 facility to a secure facility whenever ~~((the administrator))~~ he or she
11 reasonably believes that the child is likely to leave the semi-secure
12 facility and not return and after full consideration of all factors in
13 (a)(i) and (ii) of this subsection.

14 (3) If no parent is available or willing to remove the child during
15 the five-day period, the department shall consider the filing of a
16 petition under RCW 13.32A.140.

17 (4) The requirements of this section shall not apply to a child who
18 is: (a) Returned to the home of his or her parent; (b) placed in a
19 semi-secure facility within a crisis residential center pursuant to a
20 temporary out-of-home placement order authorized under RCW 13.32A.125;
21 (c) placed in an out-of-home placement; or (d) ~~((is subject to a~~
22 ~~petition under RCW 13.32A.191))~~ the subject of an at-risk youth
23 petition.

24 (5) Notwithstanding the provisions of subsection (1) of this
25 section, the parents may remove the child at any time during the five-
26 day period unless the staff of the crisis residential center has
27 reasonable cause to believe that the child is absent from the home
28 because he or she is abused or neglected or if allegations of abuse or
29 neglect have been made against the parents. ~~((The department may~~
30 ~~remove the child whenever a dependency petition is filed under chapter~~
31 ~~13.34 RCW.))~~ The department or any agency legally charged with the
32 supervision of a child may remove a child from a crisis residential
33 center at any time after the first twenty-four-hour period after
34 admission has elapsed and only after full consideration by all parties
35 of the factors in subsection (2)(a) of this section.

36 (6) Crisis residential center staff shall make reasonable efforts
37 to protect the child and achieve a reconciliation of the family. If a
38 reconciliation and voluntary return of the child has not been achieved
39 within forty-eight hours from the time of intake, and if the ~~((person~~

1 ~~in-charge~~) administrator of the center does not consider it likely
2 that reconciliation will be achieved within the five-day period, then
3 the (~~person in-charge~~) administrator shall inform the parent and
4 child of: (a) The availability of counseling services; (b) the right
5 to file a child in need of services petition for an out-of-home
6 placement, the right of a parent to file an at-risk youth petition, and
7 the right of the parent and child to obtain assistance in filing the
8 petition; (c) the right to request the facility administrator or his or
9 her designee to form a multidisciplinary team; (~~and~~) (d) the right to
10 request a review of any out-of-home placement; (e) the right to request
11 a mental health or chemical dependency evaluation by a county-
12 designated professional or a private treatment facility; and (f) the
13 right to request treatment in a program to address the child's at-risk
14 behavior under section 3 of this act.

15 (7) At no time shall information regarding a parent's or child's
16 rights be withheld. The department shall develop and distribute to all
17 law enforcement agencies and to each crisis residential center
18 administrator a written statement delineating the services and rights.
19 Every officer taking a child into custody shall provide the child and
20 his or her parent(s) or responsible adult with whom the child is placed
21 with a copy of the statement. In addition, the administrator of the
22 facility or his or her designee shall provide every resident and parent
23 with a copy of the statement.

24 (8) A crisis residential center and its administrator or his or her
25 designee acting in good faith in carrying out the provisions of this
26 section are immune from criminal or civil liability for such actions.

27 **Sec. 9.** RCW 13.32A.030 and 1995 c 312 s 3 are each amended to read
28 as follows:

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

31 (1) "Administrator" means the individual who has the daily
32 administrative responsibility of a crisis residential center, or his or
33 her designee.

34 (2) "At-risk youth" means a juvenile:

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

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

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

6 ~~((+2))~~ (3) "Child," "juvenile," and "youth" mean any unemancipated
7 individual who is under the chronological age of eighteen years.

8 ~~((+3))~~ (4) "Child in need of services" means a juvenile:

9 (a) Who is beyond the control of his or her parent such that the
10 child's behavior endangers the health, safety, or welfare of the child
11 or other person;

12 (b) Who has been reported to law enforcement as absent without
13 consent for at least twenty-four consecutive hours from the parent's
14 home, a crisis residential center, an out-of-home placement, or a
15 court-ordered placement on two or more separate occasions; and

16 (i) Has exhibited a serious substance abuse problem; or

17 (ii) Has exhibited behaviors that create a serious risk of harm to
18 the health, safety, or welfare of the child or any other person; or

19 (c)(i) Who is in need of necessary services, including food,
20 shelter, health care, clothing, educational, or services designed to
21 maintain or reunite the family;

22 (ii) Who lacks access, or has declined, to utilize these services;
23 and

24 (iii) Whose parents have evidenced continuing but unsuccessful
25 efforts to maintain the family structure or are unable or unwilling to
26 continue efforts to maintain the family structure.

27 ~~((+4))~~ (5) "Child in need of services petition" means a petition
28 filed in juvenile court by a parent, child, or the department seeking
29 adjudication of placement of the child.

30 ~~((+5))~~ (6) "Crisis residential center" means a secure or semi-
31 secure facility established pursuant to chapter 74.13 RCW.

32 (7) "Custodian" means the person or entity who has the legal right
33 to the custody of the child.

34 ~~((+6))~~ (8) "Department" means the department of social and health
35 services.

36 ~~((+7))~~ (9) "Extended family member" means an adult who is a
37 grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or
38 first cousin with whom the child has a relationship and is comfortable,
39 and who is willing and available to care for the child.

1 (~~(8)~~) (10) "Guardian" means that person or agency that (a) has
2 been appointed as the guardian of a child in a legal proceeding other
3 than a proceeding under chapter 13.34 RCW, and (b) has the right to
4 legal custody of the child pursuant to such appointment. The term
5 "guardian" does not include a "dependency guardian" appointed pursuant
6 to a proceeding under chapter 13.34 RCW.

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

21 (~~(10)~~) (12) "Out-of-home placement" means a placement in a foster
22 family home or group care facility licensed pursuant to chapter 74.15
23 RCW or placement in a home, other than that of the child's parent,
24 guardian, or legal custodian, not required to be licensed pursuant to
25 chapter 74.15 RCW.

26 (~~(11)~~) (13) "Parent" means the parent or parents who have the
27 legal right to custody of the child. "Parent" includes custodian or
28 guardian.

29 (~~(12)~~) (14) "Secure facility" means a crisis residential center,
30 or portion thereof, that has locking doors, locking windows, or a
31 secured perimeter, designed and operated to prevent a child from
32 leaving without permission of the facility staff.

33 (~~(13)~~) (15) "Semi-secure facility" means any facility, including
34 but not limited to crisis residential centers or specialized foster
35 family homes, operated in a manner to reasonably assure that youth
36 placed there will not run away. Pursuant to rules established by the
37 department, the facility administrator shall establish reasonable hours
38 for residents to come and go from the facility such that no residents
39 are free to come and go at all hours of the day and night. To prevent

1 residents from taking unreasonable actions, the facility administrator,
2 where appropriate, may condition a resident's leaving the facility upon
3 the resident being accompanied by the administrator or the
4 administrator's designee and the resident may be required to notify the
5 administrator or the administrator's designee of any intent to leave,
6 his or her intended destination, and the probable time of his or her
7 return to the center.

8 ((~~(14)~~)) (16) "Temporary out-of-home placement" means an out-of-
9 home placement of not more than fourteen days ordered by the court at
10 a fact-finding hearing on a child in need of services petition.

11 **Sec. 10.** RCW 13.32A.050 and 1995 c 312 s 6 are each amended to
12 read as follows:

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

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

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

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

24 (d) If a law enforcement agency has been notified by the juvenile
25 court that the court finds probable cause exists to believe that the
26 child has violated a court placement order issued pursuant to chapter
27 13.32A or 13.34 RCW or that the court has issued an order for law
28 enforcement pick-up of the child under this chapter or chapter 13.34
29 RCW.

30 (2) Law enforcement custody shall not extend beyond the amount of
31 time reasonably necessary to transport the child to a destination
32 authorized by law and to place the child at that destination.

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

1 the child into custody. The center shall provide the department with
2 a copy of the officer's report.

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

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

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

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

20 **Sec. 11.** RCW 13.32A.060 and 1995 c 312 s 7 are each amended to
21 read as follows:

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

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

1 ~~and~~) the person receiving the child of the reason for taking the child
2 into custody and inform all parties of the nature and location of
3 appropriate services available in the community; or

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

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

12 (ii) If it is not practical to transport the child to his or her
13 home or place of the parent's employment; or

14 (iii) If there is no parent available to accept custody of the
15 child; or

16 (c) After attempting to notify the parent, if a crisis residential
17 center is full, not available, or not located within a reasonable
18 distance, the officer may request the department to accept custody of
19 the child. If the department determines that an appropriate placement
20 is currently available, the department shall accept custody and place
21 the child in an out-of-home placement. If the department declines to
22 accept custody of the child, the officer may release the child after
23 attempting to take the child to the following, in the order listed:
24 The home of an adult extended family member; a responsible adult; a
25 licensed youth shelter and shall immediately notify the department if
26 no placement option is available and the child is released.

27 (2) An officer taking a child into custody under RCW 13.32A.050(1)
28 (c) or (d) shall inform the child of the reason for custody. An
29 officer taking a child into custody under RCW 13.32A.050(1)(c)
30 ~~((shall))~~ may release the child to the supervising agency, or shall
31 take the child to a designated crisis residential center's secure
32 facility ~~((or))~~. If the secure facility is not available ~~((or))~~, not
33 located within a reasonable distance, or full, the officer shall take
34 the child to a semi-secure ~~((facility within a))~~ crisis residential
35 center ~~((, licensed by the department and established pursuant to~~
36 chapter 74.13 RCW)). An officer taking a child into custody under RCW
37 13.32A.050(1)(d) may place the child in a juvenile detention facility
38 as provided in RCW 13.32A.065 or a secure facility, except that the
39 child shall be taken to detention whenever the officer has been

1 notified that a juvenile court has entered a detention order under this
2 chapter or chapter 13.34 RCW.

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

8 **Sec. 12.** RCW 13.32A.065 and 1981 c 298 s 4 are each amended to
9 read as follows:

10 (1) A child may be placed in detention after being taken into
11 custody pursuant to RCW 13.32A.050~~((+4))~~ (1)(d). The court shall hold
12 a detention review hearing within twenty-four hours, excluding
13 Saturdays, Sundays, and holidays. The court shall release the child
14 after twenty-four hours, excluding Saturdays, Sundays, and holidays,
15 unless:

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

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

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

24 **Sec. 13.** RCW 13.32A.070 and 1995 c 312 s 8 are each amended to
25 read as follows:

26 (1) A law enforcement officer acting in good faith pursuant to this
27 chapter ~~((in failing to take a child into custody, in taking a child~~
28 ~~into custody, in placing a child in a crisis residential center, or in~~
29 ~~releasing a child to a person at the request of a parent))~~ is immune
30 from civil or criminal liability for such action.

31 (2) A person with whom a child is placed pursuant to this chapter
32 and who acts reasonably and in good faith is immune from civil or
33 criminal liability for the act of receiving the child. The immunity
34 does not release the person from liability under any other law.

35 **Sec. 14.** RCW 13.32A.082 and 1995 c 312 s 34 are each amended to
36 read as follows:

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

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

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

12 (b) "Promptly report" means to report within eight hours after the
13 person has knowledge that the minor is away from home without parental
14 permission.

15 ~~((c) "Parent" means any parent having legal custody of the child,
16 whether individually or jointly.))~~

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

21 **Sec. 15.** RCW 13.32A.095 and 1995 c 312 s 21 are each amended to
22 read as follows:

23 The ~~((crisis residential center))~~ administrator of the crisis
24 residential center shall notify parents and the appropriate law
25 enforcement agency immediately as to any unauthorized leave from the
26 center by a child placed at the center.

27 **Sec. 16.** RCW 13.32A.100 and 1981 c 298 s 8 are each amended to
28 read as follows:

29 Where a child is placed in ~~((a residence other than that of his or~~
30 ~~her parent))~~ an out-of-home placement pursuant to RCW 13.32A.090(2)(e),
31 the department shall make available family reconciliation services in
32 order to facilitate the reunification of the family. Any such
33 placement may continue as long as there is agreement by the child and
34 parent.

35 **Sec. 17.** RCW 13.32A.110 and 1979 c 155 s 25 are each amended to
36 read as follows:

1 If a child who has a legal residence outside the state of
2 Washington is admitted to a crisis residential center or is (~~placed~~)
3 released by a law enforcement officer (~~with a responsible person other~~
4 ~~than the child's parent~~) to the department, and the child refuses to
5 return home, the provisions of RCW 13.24.010 shall apply.

6 **Sec. 18.** RCW 13.32A.120 and 1995 c 312 s 11 are each amended to
7 read as follows:

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

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

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

29 **Sec. 19.** RCW 13.32A.140 and 1995 c 312 s 15 are each amended to
30 read as follows:

31 Unless the department files a dependency petition, the department
32 shall file a child in need of services petition to approve an out-of-
33 home placement on behalf of a child under any of the following sets of
34 circumstances:

35 (1) The child has been admitted to a crisis residential center or
36 has been placed (~~with a responsible person other than his or her~~
37 ~~parent~~) by the department in an out-of-home placement, and:

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

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

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

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

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

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

12 (2) The child has been admitted to a crisis residential center and:
13 (a) Seventy-two hours, including Saturdays, Sundays, and holidays,
14 have passed since such placement;

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

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

19 (3) An agreement between parent and child made pursuant to RCW
20 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer
21 acceptable to parent or child, and:

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

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

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

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

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

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

33 Under the circumstances of subsections (1), (2), or (3) of this
34 section, the child shall remain in an out-of-home placement until a
35 child in need of services petition filed by the department on behalf of
36 the child is reviewed by the juvenile court and is resolved by ~~((such))~~
37 the court. The department may authorize emergency medical or dental
38 care for a child ~~((placed under this section))~~ admitted to a crisis
39 residential center or placed in an out-of-home placement by the

1 department. The state, when the department files a child in need of
2 services petition under this section, shall be represented as provided
3 for in RCW 13.04.093.

4 ~~((If the department files a petition under this section, the
5 department shall submit in a supporting affidavit any information
6 provided under section 38 of this act.))~~

7 **Sec. 20.** RCW 13.32A.150 and 1995 c 312 s 16 are each amended to
8 read as follows:

9 (1) Except as otherwise provided in this chapter, the juvenile
10 court shall not accept the filing of a child in need of services
11 petition by the child or the parents or the filing of an at-risk youth
12 petition by the parent, unless verification is provided that a family
13 assessment has been completed by the department. The family assessment
14 provided by the department shall involve the multidisciplinary team as
15 provided in RCW 13.32A.040, if one exists. The family assessment or
16 plan of services developed by the multidisciplinary team shall be aimed
17 at family reconciliation, reunification, and avoidance of the out-of-
18 home placement of the child. If the department is unable to complete
19 an assessment within two working days following a request for
20 assessment the child or the parents may proceed under subsection (2) of
21 this section or the parent may proceed under RCW 13.32A.191.

22 (2) A child or a child's parent may file with the juvenile court a
23 child in need of services petition to approve an out-of-home placement
24 for the child. The department shall, when requested, assist either a
25 parent or child in the filing of the petition. The petition must be
26 filed in the county where the parent resides. The petition shall
27 ~~((only))~~ allege that the child is a child in need of services and shall
28 ask only that the placement of a child outside the home of his or her
29 parent be approved. The filing of a petition to approve the placement
30 is not dependent upon the court's having obtained any prior
31 jurisdiction over the child or his or her parent, and confers upon the
32 court a special jurisdiction to approve or disapprove an out-of-home
33 placement.

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

36 **Sec. 21.** RCW 13.32A.152 and 1995 c 312 s 4 are each amended to
37 read as follows:

1 (1) Whenever a child in need of services petition is filed by a
2 youth pursuant to RCW (~~(13.32A.130)~~) 13.32A.150, or the department
3 pursuant to RCW (~~(13.32A.150)~~) 13.32A.140, the (~~(youth or the~~
4 ~~department)~~) filing party shall have a copy of the petition served on
5 the parents of the youth. Service shall first be attempted in person
6 and if unsuccessful, then by certified mail with return receipt.

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

10 **Sec. 22.** RCW 13.32A.160 and 1995 c 312 s 17 are each amended to
11 read as follows:

12 (1) When a proper child in need of services petition to approve an
13 out-of-home placement is filed under RCW 13.32A.120, 13.32A.140, or
14 13.32A.150 the juvenile court shall: (a)(i) Schedule a fact-finding
15 hearing to be held: (A) For a child who is in a center or a child who
16 is not residing at home, nor in an out-of-home placement, within
17 (~~(three judicial)~~) five calendar days unless the last calendar day is
18 a Saturday, Sunday, or holiday, in which case the hearing shall be held
19 on the preceding judicial day; or (B) for any other child, within ten
20 days; and (ii) notify the parent, child, and the department of such
21 date; (b) notify the parent of the right to be represented by counsel
22 and, if indigent, to have counsel appointed for him or her by the
23 court; (c) appoint legal counsel for the child; (d) inform the child
24 and his or her parent of the legal consequences of the court approving
25 or disapproving (~~(an out-of-home placement)~~) a child in need of
26 services petition; (e) notify the parents of their rights under this
27 chapter and chapters 11.88, 13.34, 70.96A, and 71.34 RCW, including the
28 right to file an at-risk youth petition, the right to submit (~~(an~~
29 {an}) an application for admission of their child to a treatment
30 facility for alcohol, chemical dependency, or mental health treatment,
31 and the right to file a guardianship petition; and (f) notify all
32 parties, including the department, of their right to present evidence
33 at the fact-finding hearing.

34 (2) Upon filing of a child in need of services petition, the child
35 may be placed, if not already placed, by the department in a crisis
36 residential center, foster family home, group home facility licensed
37 under chapter 74.15 RCW, or any other suitable residence to be
38 determined by the department. The court may place a child in a crisis

1 residential center for a temporary out-of-home placement as long as the
2 requirements of RCW 13.32A.125 are met.

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

9 **Sec. 23.** RCW 13.32A.170 and 1995 c 312 s 18 are each amended to
10 read as follows:

11 (1) The court shall hold a fact-finding hearing to consider a
12 proper child in need of services petition, giving due weight to the
13 intent of the legislature that families have the right to place
14 reasonable restrictions and rules upon their children, appropriate to
15 the individual child's developmental level. The court may appoint
16 legal counsel and/or a guardian ad litem to represent the child and
17 advise parents of their right to be represented by legal counsel. At
18 the commencement of the hearing, the court shall advise the parents of
19 their rights as set forth in RCW 13.32A.160(1). If the court approves
20 or denies a child in need of services petition, a written statement of
21 the reasons must be filed.

22 (2) The court may approve an order stating that the child shall be
23 placed in a residence other than the home of his or her parent only if
24 it is established by a preponderance of the evidence, including a
25 departmental recommendation for approval or dismissal of the petition,
26 that:

27 (a) ~~((The petition is not capricious;~~

28 ~~(b) The petitioner, if a child, has made a reasonable effort to~~
29 ~~resolve the conflict;~~

30 ~~(c) The conflict cannot be resolved by delivery of services to the~~
31 ~~family during continued placement of the child in the parental home;~~

32 ~~(d))~~ The child is a child in need of services as defined in RCW
33 13.32A.030(4);

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

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

1 ~~((e))~~ (d) A suitable out-of-home placement resource is available.
2 The court may not grant a petition filed by the child or the
3 department if it is established that the petition is based only upon a
4 dislike of reasonable rules or reasonable discipline established by the
5 parent. The court may not grant the petition if the child is the
6 subject of a proceeding under chapter 13.34 RCW.

7 ~~((2))~~ (3) Following the fact-finding hearing the court shall:
8 (a) Approve a child in need of services petition and, if appropriate,
9 enter a temporary out-of-home placement for a period not to exceed
10 fourteen days pending approval of a disposition decision to be made
11 under RCW 13.32A.179(2); (b) approve an at-risk youth petition filed by
12 the parents and dismiss the child in need of services petition; (c)
13 dismiss the petition; or (d) order the department to review the case to
14 determine whether the case is appropriate for a dependency petition
15 under chapter 13.34 RCW.

16 **Sec. 24.** RCW 13.32A.179 and 1995 c 312 s 20 are each amended to
17 read as follows:

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

22 (2) ~~((At the commencement of the hearing the court shall advise the~~
23 ~~parents of their rights as set forth in RCW 13.32A.160(1)(e). If the~~
24 ~~court approves or denies a child in need of services petition, a~~
25 ~~written statement of the reasons shall be filed.))~~ At the conclusion
26 of the disposition hearing, the court may: (a) Reunite the family and
27 dismiss the petition; (b) approve an at-risk youth petition filed by
28 the parents and dismiss the child in need of services petition; (c)
29 approve ~~((a voluntary))~~ an out-of-home placement requested in the child
30 in need of services petition by the parents; (d) order ~~((any conditions~~
31 ~~set forth in RCW 13.32A.196(2))~~) an out-of-home placement at the
32 request of the child or the department not to exceed ninety days; or
33 (e) order the department to ~~((file a petition))~~ review the matter for
34 purposes of filing a dependency petition under chapter 13.34 RCW.
35 Whether or not the court approves or orders an out-of-home placement,
36 the court may also order any conditions of supervision as set forth in
37 RCW 13.32A.196(2).

1 (3) ~~((At the conclusion of the hearing, if the court has not taken~~
2 ~~action under subsection (2) of this section it may, at the request of~~
3 ~~the child or department, enter an order for out-of-home placement for~~
4 ~~not more than ninety days.))~~ The court may only enter an order under
5 ~~((this))~~ subsection (2)(d) of this section if it finds by clear,
6 cogent, and convincing evidence that: (a)(i) The order is in the best
7 interest of the family; (ii) the parents have not requested an out-of-
8 home placement; (iii) the parents have not exercised any other right
9 listed in RCW 13.32A.160(1)(e); (iv) the child has made reasonable
10 efforts to resolve the ~~((conflict))~~ problems that led to the filing of
11 the petition; (v) the ~~((conflict))~~ problems cannot be resolved by
12 delivery of services to the family during continued placement of the
13 child in the parental home; (vi) reasonable efforts have been made to
14 prevent or eliminate the need for removal of the child from the child's
15 home and to make it possible for the child to return home; and (vii) a
16 suitable out-of-home placement resource is available; (b)(i) the order
17 is in the best interest of the child; and (ii) the parents are
18 unavailable; or (c) the parent's actions cause an imminent threat to
19 the child's health or safety. ~~((If the court has entered an order~~
20 ~~under this section, it may order any conditions set forth in RCW~~
21 ~~13.32A.196(2).))~~

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

33 (5) A child who fails to comply with a court order issued under
34 this section shall be subject to contempt proceedings, as provided in
35 this chapter, but only if the noncompliance occurs within one year
36 after the entry of the order.

37 ~~((+5+))~~ (6) After the court approves or orders an out-of-home
38 placement, the parents or the department may request, and the court may
39 grant, dismissal of ((a placement order)) the child in need of

1 services proceeding when it is not feasible for the department to
2 provide services due to one or more of the following circumstances:

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

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

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

10 ~~((6))~~ (7) The court shall dismiss a placement made under
11 subsection (2)(c) of this section upon the request of the parents.

12 **Sec. 25.** RCW 13.32A.190 and 1995 c 312 s 24 are each amended to
13 read as follows:

14 (1) Upon making a dispositional order under RCW 13.32A.179, the
15 court shall schedule the matter on the calendar for review within three
16 months, advise the parties of the date thereof, appoint legal counsel
17 and/or a guardian ad litem to represent the child at the review
18 hearing, advise parents of their right to be represented by legal
19 counsel at the review hearing, and notify the parties of their rights
20 to present evidence at the hearing. Where resources are available, the
21 court shall encourage the parent and child to participate in programs
22 for reconciliation of their conflict.

23 (2) At the review hearing, the court shall approve or disapprove
24 the continuation of the dispositional plan in accordance with this
25 chapter. The court shall determine whether reasonable efforts have
26 been made to reunify the family and make it possible for the child to
27 return home. The court shall discontinue the placement and order that
28 the child return home if the court has reasonable grounds to believe
29 that the parents have made reasonable efforts to resolve the conflict
30 and the court has reason to believe that the child's refusal to return
31 home is capricious. If out-of-home placement is continued, the court
32 may modify the dispositional plan.

33 (3) Out-of-home placement may not be continued past one hundred
34 eighty days from the day the review hearing commenced. The court shall
35 order the child to return to the home of the parent at the expiration
36 of the placement. If an out-of-home placement is disapproved prior to
37 one hundred eighty days, the court shall enter an order requiring the
38 child to return to the home of the child's parent.

1 (4) The parents and the department may request, and the juvenile
2 court may grant, dismissal of an out-of-home placement order when it is
3 not feasible for the department to provide services due to one or more
4 of the following circumstances:

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

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

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

12 (5) The court shall terminate a placement made under this section
13 upon the request of a parent unless the placement is made pursuant to
14 RCW 13.32A.179(3).

15 (6) The court may dismiss a child in need of services petition
16 filed by a parent at any time if the court finds good cause to believe
17 that continuation of out-of-home placement would serve no useful
18 purpose.

19 (7) The court shall dismiss a child in need of services proceeding
20 if the child is the subject of a proceeding under chapter 13.34 RCW.

21 **Sec. 26.** RCW 13.32A.192 and 1995 c 312 s 26 are each amended to
22 read as follows:

23 (1) When a proper at-risk youth petition is filed by a child's
24 parent under this chapter, the juvenile court shall:

25 (a)(i) Schedule a fact-finding hearing to be held: (A) For a child
26 who is in a center or a child who is not residing at home, nor in an
27 out-of-home placement, within ((three-judicial)) five calendar days
28 unless the last calendar day is a Saturday, Sunday, or holiday, in
29 which case the hearing shall be held on the preceding judicial day; or
30 (B) for any other child, within ten days; and (ii) notify the parent
31 and the child of such date;

32 (b) Notify the parent of the right to be represented by counsel at
33 the parent's own expense;

34 (c) Appoint legal counsel for the child;

35 (d) Inform the child and his or her parent of the legal
36 consequences of the court finding the child to be an at-risk youth; and

37 (e) Notify the parent and the child of their rights to present
38 evidence at the fact-finding hearing.

1 (2) Unless out-of-home placement of the child is otherwise
2 authorized or required by law, the child shall reside in the home of
3 his or her parent or in an out-of-home placement requested by the
4 parent or child and approved by the parent.

5 (3) If upon sworn written or oral declaration of the petitioning
6 parent, the court has reason to believe that a child has willfully and
7 knowingly violated a court order issued pursuant to subsection (2) of
8 this section, the court may issue an order directing law enforcement to
9 take the child into custody and place the child in a juvenile detention
10 facility or in a secure facility within a crisis residential center.
11 If the child is placed in detention, a review shall be held as provided
12 in RCW 13.32A.065.

13 (4) If both a child in need of services petition and an at-risk
14 youth petition have been filed with regard to the same child, the
15 petitions and proceedings shall be consolidated as an at-risk youth
16 petition. Pending a fact-finding hearing regarding the petition, the
17 child may be placed in the parent's home or in an out-of-home placement
18 if not already placed in a temporary out-of-home placement pursuant to
19 a child in need of services petition. The child or the parent may
20 request a review of the child's placement including a review of any
21 court order requiring the child to reside in the parent's home.

22 **Sec. 27.** RCW 13.32A.194 and 1995 c 312 s 27 are each amended to
23 read as follows:

24 (1) The court shall hold a fact-finding hearing to consider a
25 proper at-risk youth petition. The court shall grant the petition and
26 enter an order finding the child to be an at-risk youth if the
27 allegations in the petition are established by a preponderance of the
28 evidence, unless the child is the subject of a proceeding under chapter
29 13.34 RCW. If the petition is granted, the court shall enter an order
30 requiring the child to reside in the home of his or her parent or in an
31 out-of-home placement as provided in RCW 13.32A.192(2).

32 (2) The court may order the department to submit a dispositional
33 plan if such a plan would assist the court in ordering a suitable
34 disposition in the case. If the court orders the department to prepare
35 a plan, the department shall provide copies of the plan to the parent,
36 the child, and the court. If the parties or the court desire the
37 department to be involved in any future proceedings or case plan

1 development, the department shall be provided timely notification of
2 all court hearings.

3 (3) A dispositional hearing shall be held no later than fourteen
4 days after the (~~court has granted an at-risk youth petition~~) fact-
5 finding hearing. Each party shall be notified of the time and date of
6 the hearing.

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

12 **Sec. 28.** RCW 13.32A.250 and 1995 c 312 s 29 are each amended to
13 read as follows:

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

21 (2) Failure by a party to comply with an order entered under this
22 chapter is a contempt of court as provided in chapter 7.21 RCW, subject
23 to the limitations of subsection (3) of this section.

24 (3) The court may impose a fine of up to one hundred dollars and
25 confinement for up to seven days, or both for contempt of court under
26 this section.

27 (4) A child placed in confinement for contempt under this section
28 shall be placed in confinement only in a secure juvenile detention
29 facility operated by or pursuant to a contract with a county.

30 (5) A motion for contempt may be made by a parent, a child,
31 juvenile court personnel, or by any public agency, organization, or
32 person having custody of the child under a court order adopted pursuant
33 to this chapter.

34 (6) Whenever the court finds probable cause to believe, based upon
35 consideration of a motion for contempt and the information set forth in
36 a supporting declaration, that a child has violated a placement order
37 entered under this chapter, the court may issue an order directing law
38 enforcement to pick up and take the child to detention. The order may

1 be entered 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. 29.** RCW 13.34.165 and 1989 c 373 s 17 are each amended to
5 read as follows:

6 (1) Failure by a party to comply with an order entered under this
7 chapter is contempt of court as provided in chapter 7.21 RCW.

8 (2) The maximum term of imprisonment that may be imposed as a
9 punitive sanction for contempt of court under this section is
10 confinement for up to seven days.

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

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

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

26 **Sec. 30.** RCW 28A.225.030 and 1995 c 312 s 68 are each amended to
27 read as follows:

28 If the actions taken by a school district under RCW 28A.225.020 are
29 not successful in substantially reducing an enrolled student's absences
30 from school, upon the fifth unexcused absence by a child within any
31 month during the current school year or upon the tenth unexcused
32 absence during the current school year the school district shall file
33 a petition for a civil action with the juvenile court alleging a
34 violation of RCW 28A.225.010: (1) By the parent; (2) by the child; or
35 (3) by the parent and the child.

36 If the school district fails to file a petition under this section,
37 the parent of a child with five or more unexcused absences in any month

1 during the current school year or upon the tenth unexcused absence
2 during the current school year may file a petition with the juvenile
3 court alleging a violation of RCW 28A.225.010.

4 **Sec. 31.** RCW 28A.225.035 and 1995 c 312 s 69 are each amended to
5 read as follows:

6 (1) A petition for a civil action under RCW 28A.225.030 shall
7 consist of a written notification to the court alleging that:

8 (a) The child has five or more unexcused absences within any month
9 during the current school year or ten or more unexcused absences in the
10 current school year;

11 (b) Actions taken by the school district have not been successful
12 in substantially reducing the child's absences from school; and

13 (c) Court intervention and supervision are necessary to assist the
14 school district or parent to reduce the child's absences from school.

15 (2) The petition shall set forth the name, age, school, and
16 residence of the child and the names and residence of the child's
17 parents.

18 (3) The petition shall set forth facts that support the allegations
19 in this section and shall generally request relief available under this
20 chapter.

21 (4) When a petition is filed under RCW 28A.225.030, the juvenile
22 court may:

23 (a) Schedule a fact-finding hearing at which the court shall
24 consider the petition;

25 (b) Separately notify the child, the parent of the child, and the
26 school district of the fact-finding hearing;

27 (c) Notify the parent and the child of their rights to present
28 evidence at the fact-finding hearing; and

29 (d) Notify the parent and the child of the options and rights
30 available under chapter 13.32A RCW.

31 (5) The court may require the attendance of both the child and the
32 parents at any hearing on a petition filed under RCW 28A.225.030.

33 (6) The court shall grant the petition and enter an order assuming
34 jurisdiction to intervene for the remainder of the school year, if the
35 allegations in the petition are established by a preponderance of the
36 evidence.

1 (7) If the court assumes jurisdiction, the school district shall
2 regularly report to the court any additional unexcused absences by the
3 child.

4 **Sec. 32.** RCW 28A.225.090 and 1995 c 312 s 74 are each amended to
5 read as follows:

6 Any person violating any of the provisions of either RCW
7 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five
8 dollars for each day of unexcused absence from school. However, a
9 child found to be in violation of RCW 28A.225.010 shall be required to
10 attend school and shall not be fined. If the child fails to comply
11 with the court order to attend school, the court may: (1) Order the
12 child be punished by detention; or (2) impose alternatives to detention
13 such as community service hours or participation in dropout prevention
14 programs or referral to a community truancy board, if available.
15 Failure by a child to comply with an order issued under this section
16 shall not be punishable by detention for a period greater than that
17 permitted pursuant to a civil contempt proceeding against a child under
18 chapter 13.32A RCW. It shall be a defense for a parent charged with
19 violating RCW 28A.225.010 to show that he or she exercised reasonable
20 diligence in attempting to cause a child in his or her custody to
21 attend school or that the child's school did not perform its duties as
22 required in RCW 28A.225.020. The court may order the parent to provide
23 community service at the child's school instead of imposing a fine.
24 Any fine imposed pursuant to this section may be suspended upon the
25 condition that a parent charged with violating RCW 28A.225.010 shall
26 participate with the school and the child in a supervised plan for the
27 child's attendance at school or upon condition that the parent attend
28 a conference or conferences scheduled by a school for the purpose of
29 analyzing the causes of a child's absence.

30 School districts shall make complaint for violation of the
31 provisions of RCW 28A.225.010 through 28A.225.140 to a judge of the
32 juvenile court.

33 **Sec. 33.** RCW 70.96A.020 and 1994 c 231 s 1 are each amended to
34 read as follows:

35 For the purposes of this chapter the following words and phrases
36 shall have the following meanings unless the context clearly requires
37 otherwise:

1 (1) "Alcoholic" means a person who suffers from the disease of
2 alcoholism.

3 (2) "Alcoholism" means a disease, characterized by a dependency on
4 alcoholic beverages, loss of control over the amount and circumstances
5 of use, symptoms of tolerance, physiological or psychological
6 withdrawal, or both, if use is reduced or discontinued, and impairment
7 of health or disruption of social or economic functioning.

8 (3) "Approved treatment program" means a discrete program of
9 chemical dependency treatment provided by a treatment program certified
10 by the department of social and health services as meeting standards
11 adopted under this chapter.

12 (4) "Chemical dependency" means alcoholism or drug addiction, or
13 dependence on alcohol and one or more other psychoactive chemicals, as
14 the context requires.

15 (5) "Chemical dependency program" means expenditures and activities
16 of the department designed and conducted to prevent or treat alcoholism
17 and other drug addiction, including reasonable administration and
18 overhead.

19 (6) "Department" means the department of social and health
20 services.

21 (7) "Designated chemical dependency specialist" means a person
22 designated by the county alcoholism and other drug addiction program
23 coordinator designated under RCW 70.96A.310 to perform the commitment
24 duties described in RCW 70.96A.140 and qualified to do so by meeting
25 standards adopted by the department.

26 (8) "Director" means the person administering the chemical
27 dependency program within the department.

28 (9) "Drug addict" means a person who suffers from the disease of
29 drug addiction.

30 (10) "Drug addiction" means a disease characterized by a dependency
31 on psychoactive chemicals, loss of control over the amount and
32 circumstances of use, symptoms of tolerance, physiological or
33 psychological withdrawal, or both, if use is reduced or discontinued,
34 and impairment of health or disruption of social or economic
35 functioning.

36 (11) "Emergency service patrol" means a patrol established under
37 RCW 70.96A.170.

38 (12) "Gravely disabled by alcohol or other drugs" means that a
39 person, as a result of the use of alcohol or other drugs: (a) Is in

1 danger of serious physical harm resulting from a failure to provide for
2 his or her essential human needs of health or safety; or (b) manifests
3 severe deterioration in routine functioning evidenced by a repeated and
4 escalating loss of cognition or volitional control over his or her
5 actions and is not receiving care as essential for his or her health or
6 safety.

7 (13) "Incapacitated by alcohol or other psychoactive chemicals"
8 means that a person, as a result of the use of alcohol or other
9 psychoactive chemicals, has his or her judgment so impaired that he or
10 she is incapable of realizing and making a rational decision with
11 respect to his or her need for treatment and presents a likelihood of
12 serious harm to himself or herself, to any other person, or to
13 property.

14 (14) "Incompetent person" means a person who has been adjudged
15 incompetent by the superior court.

16 (15) "Intoxicated person" means a person whose mental or physical
17 functioning is substantially impaired as a result of the use of alcohol
18 or other psychoactive chemicals.

19 (16) "Licensed physician" means a person licensed to practice
20 medicine or osteopathy in the state of Washington.

21 (17) "Likelihood of serious harm" means either: (a) A substantial
22 risk that physical harm will be inflicted by an individual upon his or
23 her own person, as evidenced by threats or attempts to commit suicide
24 or inflict physical harm on one's self; (b) a substantial risk that
25 physical harm will be inflicted by an individual upon another, as
26 evidenced by behavior that has caused the harm or that places another
27 person or persons in reasonable fear of sustaining the harm; or (c) a
28 substantial risk that physical harm will be inflicted by an individual
29 upon the property of others, as evidenced by behavior that has caused
30 substantial loss or damage to the property of others.

31 (18) "Minor" means a person less than eighteen years of age.

32 (19) "Parent" means the parent or parents who have the legal right
33 to custody of the child. Parent includes custodian or guardian.

34 (20) "Peace officer" means a law enforcement official of a public
35 agency or governmental unit, and includes persons specifically given
36 peace officer powers by any state law, local ordinance, or judicial
37 order of appointment.

38 ((+20)) (21) "Person" means an individual, including a minor.

1 (~~(21)~~) (22) "Secretary" means the secretary of the department of
2 social and health services.

3 (~~(22)~~) (23) "Treatment" means the broad range of emergency,
4 detoxification, residential, and outpatient services and care,
5 including diagnostic evaluation, chemical dependency education and
6 counseling, medical, psychiatric, psychological, and social service
7 care, vocational rehabilitation and career counseling, which may be
8 extended to alcoholics and other drug addicts and their families,
9 persons incapacitated by alcohol or other psychoactive chemicals, and
10 intoxicated persons.

11 (~~(23)~~) (24) "Treatment program" means an organization,
12 institution, or corporation, public or private, engaged in the care,
13 treatment, or rehabilitation of alcoholics or other drug addicts.

14 **Sec. 34.** RCW 70.96A.095 and 1995 c 312 s 47 are each amended to
15 read as follows:

16 (1) Any person thirteen years of age or older may give consent for
17 himself or herself to the furnishing of (~~counseling, care,~~)
18 outpatient treatment(~~(, or rehabilitation)~~) by a chemical dependency
19 treatment program (~~or by any person~~) certified by the department.
20 Consent of the parent(~~(, parents, or legal guardian)~~) of a person less
21 than eighteen years of age for inpatient treatment is (~~not~~) necessary
22 to authorize the care(~~(, except that the person shall not become a~~
23 ~~resident of the treatment program without such permission except as~~
24 ~~provided in RCW 70.96A.120 or 70.96A.140)~~) unless the child meets the
25 definition of a child in need of services in RCW 13.32A.030(4)(c), as
26 determined by the department. Parental authorization is required for
27 any treatment of a minor under the age of thirteen. The parent(~~(,~~
28 ~~parents, or legal guardian)~~) of a (~~person less than eighteen years of~~
29 ~~age are~~) minor is not liable for payment of care for such persons
30 pursuant to this chapter, unless they have joined in the consent to the
31 (~~counseling, care,~~) treatment(~~(, or rehabilitation)~~).

32 (2) The parent of any minor child may apply to (~~an approved~~) a
33 certified treatment program for the admission of his or her minor child
34 for purposes authorized in this chapter. The consent of the minor
35 child shall not be required for the application or admission. The
36 (~~approved~~) certified treatment program shall accept the application
37 and evaluate the child for admission. The ability of a parent to apply
38 to (~~an approved~~) a certified treatment program for the

1 ((involuntary)) admission of his or her minor child does not create a
2 right to obtain or benefit from any funds or resources of the state.
3 However, the state may provide services for indigent minors to the
4 extent that funds are available therefor.

5 (3) Any provider of outpatient treatment who provides outpatient
6 treatment to a minor thirteen years of age or older shall provide
7 notice of the minor's request for treatment to the minor's parents if:
8 (a) The minor signs a written consent authorizing the disclosure; or
9 (b) the treatment program director determines that the minor lacks
10 capacity to make a rational choice regarding consenting to disclosure.
11 The notice shall be made within seven days of the request for
12 treatment, excluding Saturdays, Sundays, and holidays, and shall
13 contain the name, location, and telephone number of the facility
14 providing treatment, and the name of a professional person on the staff
15 of the facility providing treatment who is designated to discuss the
16 minor's need for treatment with the parent.

17 **Sec. 35.** RCW 71.34.030 and 1995 c 312 s 52 are each amended to
18 read as follows:

19 (1)(a) Any minor thirteen years or older may request and receive
20 outpatient treatment without the consent of the minor's parent.
21 Parental authorization is required for outpatient treatment of a minor
22 under the age of thirteen.

23 (b) Any provider of outpatient treatment for a minor thirteen years
24 of age or older shall provide notice of the request for treatment to
25 the minor's parents. The notice shall be made within seven days of the
26 request for treatment, excluding Saturdays, Sundays, and holidays, and
27 shall contain the name, location, and telephone number of the facility
28 providing treatment, and the name of a professional person on the staff
29 of the facility providing treatment who is designated to discuss the
30 minor's need for treatment with the parent.

31 (c) A treatment provider may defer notification to a parent of a
32 minor's request for treatment if the minor alleges physical or sexual
33 abuse by the parent and the treatment provider notifies the department
34 of the alleged abuse. Upon completion of its assessment of the
35 allegation, the department shall notify the treatment provider of its
36 findings. If the department determines the allegation is not valid,
37 the treatment provider shall immediately notify the parent of the
38 minor's request for treatment. If the department determines the

1 allegation is valid, the treatment provider need not provide notice to
2 the parent.

3 (2) When in the judgment of the professional person in charge of an
4 evaluation and treatment facility there is reason to believe that a
5 minor is in need of inpatient treatment because of a mental disorder,
6 and the facility provides the type of evaluation and treatment needed
7 by the minor, and it is not feasible to treat the minor in any less
8 restrictive setting or the minor's home, the minor may be admitted to
9 an evaluation and treatment facility in accordance with the following
10 requirements:

11 (a) A minor may be voluntarily admitted by application of the
12 parent. The consent of the minor is not required for the minor to be
13 evaluated and admitted as appropriate.

14 (b) A minor thirteen years or older may, with the concurrence of
15 the professional person in charge of an evaluation and treatment
16 facility, admit himself or herself without parental consent to the
17 evaluation and treatment facility, provided that notice is given by the
18 facility to the minor's parent in accordance with the following
19 requirements:

20 (i) Notice of the minor's admission shall be in the form most
21 likely to reach the parent within twenty-four hours of the minor's
22 voluntary admission and shall advise the parent that the minor has been
23 admitted to inpatient treatment; the location and telephone number of
24 the facility providing such treatment; and the name of a professional
25 person on the staff of the facility providing treatment who is
26 designated to discuss the minor's need for inpatient treatment with the
27 parent.

28 (ii) The minor shall be released to the parent at the parent's
29 request for release unless the facility files a petition with the
30 superior court of the county in which treatment is being provided
31 setting forth the basis for the facility's belief that the minor is in
32 need of inpatient treatment and that release would constitute a threat
33 to the minor's health or safety.

34 (iii) The petition shall be signed by the professional person in
35 charge of the facility or that person's designee.

36 (iv) The parent may apply to the court for separate counsel to
37 represent the parent if the parent cannot afford counsel.

38 (v) There shall be a hearing on the petition, which shall be held
39 within three judicial days from the filing of the petition.

1 (vi) The hearing shall be conducted by a judge, court commissioner,
2 or licensed attorney designated by the superior court as a hearing
3 officer for such hearing. The hearing may be held at the treatment
4 facility.

5 (vii) At such hearing, the facility must demonstrate by a
6 preponderance of the evidence presented at the hearing that the minor
7 is in need of inpatient treatment and that release would constitute a
8 threat to the minor's health or safety. The hearing shall not be
9 conducted using the rules of evidence, and the admission or exclusion
10 of evidence sought to be presented shall be within the exercise of
11 sound discretion by the judicial officer conducting the hearing.

12 (c) Written renewal of voluntary consent must be obtained from the
13 applicant no less than once every twelve months.

14 (d) The minor's need for continued inpatient treatments shall be
15 reviewed and documented no less than every one hundred eighty days.

16 (3) A notice of intent to leave shall result in the following:

17 (a) Any minor under the age of thirteen must be discharged
18 immediately upon written request of the parent.

19 (b) Any minor thirteen years or older voluntarily admitted may give
20 notice of intent to leave at any time. The notice need not follow any
21 specific form so long as it is written and the intent of the minor can
22 be discerned.

23 (c) The staff member receiving the notice shall date it
24 immediately, record its existence in the minor's clinical record, and
25 send copies of it to the minor's attorney, if any, the county-
26 designated mental health professional, and the parent.

27 (d) The professional person in charge of the evaluation and
28 treatment facility shall discharge the minor, thirteen years or older,
29 from the facility within twenty-four hours after receipt of the minor's
30 notice of intent to leave, unless the county-designated mental health
31 professional or a parent or legal guardian files a petition or an
32 application for initial detention within the time prescribed by this
33 chapter.

34 (4) The ability of a parent to apply to a certified evaluation and
35 treatment program for the involuntary admission of his or her minor
36 child does not create a right to obtain or benefit from any funds or
37 resources of the state. However, the state may provide services for
38 indigent minors to the extent that funds are available therefor.

1 **Sec. 36.** RCW 71.34.035 and 1995 c 312 s 58 are each amended to
2 read as follows:

3 The department shall randomly select and review the information on
4 children who are admitted to (~~in-patient~~) inpatient treatment on
5 application of the child's parent regardless of the source of payment,
6 if any. The review shall determine whether the children reviewed were
7 appropriately admitted into treatment based on an objective evaluation
8 of the child's condition and the outcome of the child's treatment.

9 **Sec. 37.** RCW 74.13.036 and 1995 c 312 s 65 are each amended to
10 read as follows:

11 (1) The department of social and health services shall oversee
12 implementation of chapter 13.34 RCW and chapter 13.32A RCW. The
13 oversight shall be comprised of working with affected parts of the
14 criminal justice and child care systems as well as with local
15 government, legislative, and executive authorities to effectively carry
16 out these chapters. The department shall work with all such entities
17 to ensure that chapters 13.32A and 13.34 RCW are implemented in a
18 uniform manner throughout the state.

19 (2) The department shall develop a plan and procedures, in
20 cooperation with the state-wide advisory committee, to insure the full
21 implementation of the provisions of chapter 13.32A RCW. Such plan and
22 procedures shall include but are not limited to:

23 (a) Procedures defining and delineating the role of the department
24 and juvenile court with regard to the execution of the child in need of
25 services placement process;

26 (b) Procedures for designating department staff responsible for
27 family reconciliation services;

28 (c) Procedures assuring enforcement of contempt proceedings in
29 accordance with RCW 13.32A.170 and 13.32A.250; and

30 (d) Procedures for the continued education of all individuals in
31 the criminal juvenile justice and child care systems who are affected
32 by chapter 13.32A RCW, as well as members of the legislative and
33 executive branches of government.

34 There shall be uniform application of the procedures developed by
35 the department and juvenile court personnel, to the extent practicable.
36 Local and regional differences shall be taken into consideration in the
37 development of procedures required under this subsection.

1 (3) In addition to its other oversight duties, the department
2 shall:

3 (a) Identify and evaluate resource needs in each region of the
4 state;

5 (b) Disseminate information collected as part of the oversight
6 process to affected groups and the general public;

7 (c) Educate affected entities within the juvenile justice and child
8 care systems, local government, and the legislative branch regarding
9 the implementation of chapters 13.32A and 13.34 RCW;

10 (d) Review complaints concerning the services, policies, and
11 procedures of those entities charged with implementing chapters 13.32A
12 and 13.34 RCW; and

13 (e) Report any violations and misunderstandings regarding the
14 implementation of chapters 13.32A and 13.34 RCW.

15 (4) The secretary shall submit a quarterly report to the
16 appropriate local government entities.

17 (5) The department shall provide an annual report to the
18 legislature not later than December 1, indicating the number of times
19 it has declined to accept custody of a child from a law enforcement
20 agency under chapter 13.32A RCW and the number of times it has received
21 a report of a child being released without placement under RCW
22 13.32A.060(1)(c). The report shall include the dates, places, and
23 reasons the department declined to accept custody and the dates and
24 places children are released without placement.

25 NEW SECTION. Sec. 38. It is the intent of the legislature that
26 the changes in this act be construed to expedite the administrative and
27 judicial processes provided for in the existing and amended statutes to
28 assist in assuring that children placed in a crisis residential center
29 have an appropriate placement available to them at the conclusion of
30 their stay at the center.

31 NEW SECTION. Sec. 39. A new section is added to chapter 74.13 RCW
32 to read as follows:

33 Within available funds appropriated for this purpose, the
34 department shall establish, by contracts with private vendors,
35 transitional living programs for dependent youth who are being assisted
36 by the department in being emancipated as part of their permanency plan

1 under chapter 13.34 RCW. These programs shall be licensed under rules
2 adopted by the department."

3 **E2SHB 2217** - S COMM AMD

4 By Committee on Human Services & Corrections

5

6 On page 1, line 1 of the title, after "youth" strike the remainder
7 of the title and insert "amending RCW 13.32A.090, 13.32A.130,
8 13.32A.030, 13.32A.050, 13.32A.060, 13.32A.065, 13.32A.070, 13.32A.082,
9 13.32A.095, 13.32A.100, 13.32A.110, 13.32A.120, 13.32A.140, 13.32A.150,
10 13.32A.152, 13.32A.160, 13.32A.170, 13.32A.179, 13.32A.190, 13.32A.192,
11 13.32A.194, 13.32A.250, 13.34.165, 28A.225.030, 28A.225.035,
12 28A.225.090, 70.96A.020, 70.96A.095, 71.34.030, 71.34.035, and
13 74.13.036; adding new sections to chapter 13.32A RCW; adding a new
14 section to chapter 70.96A RCW; adding a new section to chapter 71.34
15 RCW; adding a new section to chapter 74.13 RCW; creating new sections;
16 and prescribing penalties."

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