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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1417

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State of Washington

54th Legislature

1995 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Carrell, Wolfe, Ballasiotes, Morris, Hymes, Conway, Pennington, Cooke, Lambert, Smith, McMorris, Sherstad, Elliot, Mitchell, McMahan, Regala, Basich, B. Thomas, Padden, Ebersole, Robertson, Schoesler, Patterson, Campbell, Mulliken, Johnson, Talcott, Thompson, Scott, Huff, Boldt and Chopp)

Read first time 03/06/95.

1 AN ACT Relating to juveniles; amending RCW 13.32A.010, 13.32A.030,  
2 13.32A.040, 13.32A.130, 13.32A.140, 13.32A.150, 13.50.010, 13.32A.050,  
3 13.32A.060, 13.32A.065, 13.32A.070, 13.32A.196, 13.32A.198,  
4 28A.225.020, 28A.225.030, 28A.225.150, 70.96A.095, 70.96A.110,  
5 70.96A.140, 71.34.030, 71.34.040, 71.34.050, 71.34.070, 71.34.130,  
6 74.13.032, 74.13.033, and 74.13.034; adding new sections to chapter  
7 13.32A RCW; adding a new section to chapter 46.20 RCW; adding a new  
8 section to chapter 28A.225 RCW; adding a new section to chapter 70.96A  
9 RCW; adding a new section to chapter 71.34 RCW; creating a new section;  
10 and prescribing penalties.

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

12 **Sec. 1.** RCW 13.32A.010 and 1979 c 155 s 15 are each amended to  
13 read as follows:

14 The legislature finds that within any group of people there exists  
15 a need for guidelines for acceptable behavior and that, presumptively,  
16 experience and maturity are better qualifications for establishing  
17 guidelines beneficial to and protective of individual members and the  
18 group as a whole than are youth and inexperience. The legislature  
19 further finds that it is the right and responsibility of adults to

1 establish laws for the benefit and protection of the society; and that,  
2 in the same manner, the right and responsibility for establishing  
3 reasonable guidelines for the family unit belongs to the adults within  
4 that unit. The legislature reaffirms its position stated in RCW  
5 13.34.020 that the family unit is the fundamental resource of American  
6 life which should be nurtured and that it should remain intact in the  
7 absence of compelling evidence to the contrary.

8 The legislature recognizes that the public is concerned about the  
9 growing problem with runaways. The legislature further recognizes that  
10 children have run away from home, are substance abusers, or have  
11 serious acting out behaviors and their parents have sought help. The  
12 legislature recognizes that families with children who are endangering  
13 themselves and others by their behavior also need services.

14 The legislature finds that many parents do not know their rights  
15 regarding their adolescent children and law enforcement, and parents  
16 and courts feel they have insufficient legal recourse for the chronic  
17 runaway child who is endangering himself or herself through his or her  
18 behavior. The legislature further finds that the juvenile justice  
19 reform enacted in 1977 does not adequately protect youth and families  
20 and that chronic runaways with substantial problems are left without  
21 adequate protection or legal recourse.

22 The legislature further recognizes that for chronic runaways whose  
23 behavior puts them in serious danger of harming themselves or others,  
24 secure facilities must be provided to assist parents and protect their  
25 children. The legislature intends, in chapter . . . , Laws of 1995  
26 (this act), to give tools to law enforcement, courts, and parents to  
27 keep families together and reunite them whenever possible.

28 The legislature intends to provide for the protection of children  
29 who, through their behavior, are endangering themselves. The  
30 legislature intends to provide appropriate residential services,  
31 including secure facilities, to protect, stabilize, and treat children  
32 with serious problems. The legislature further intends to empower  
33 parents by providing them with the assistance they require to raise  
34 their children.

35 NEW SECTION. Sec. 2. This act may be known and cited as the  
36 "Becca bill."

1       **Sec. 3.** RCW 13.32A.030 and 1990 c 276 s 3 are each amended to read  
2 as follows:

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

5       (1) "Department" means the department of social and health  
6 services;

7       (2) "Child," "juvenile," and "youth" mean any individual who is  
8 under the chronological age of eighteen years;

9       (3) "Parent" means the legal custodian(s) or guardian(s) of a  
10 child;

11       (4) "~~((Semi-secure))~~ Secure facility" means any facility, including  
12 but not limited to crisis residential centers or specialized foster  
13 family homes, operated in a manner to reasonably assure that youth  
14 placed there will not run away(~~(: PROVIDED, That such facility shall~~  
15 ~~not be a secure institution or facility as defined by the federal~~  
16 ~~juvenile justice and delinquency prevention act of 1974 (P.L. 93-415;~~  
17 ~~42 U.S.C. Sec. 5634 et seq.) and regulations and clarifying~~  
18 ~~instructions promulgated thereunder. Pursuant to rules established by~~  
19 ~~the department, the facility administrator shall establish reasonable~~  
20 ~~hours for residents to come and go from the facility such that no~~  
21 ~~residents are free to come and go at all hours of the day and night.~~  
22 ~~To prevent residents from taking unreasonable actions, the facility~~  
23 ~~administrator, where appropriate, may condition a resident's leaving~~  
24 ~~the facility upon the resident being accompanied by the administrator~~  
25 ~~or the administrator's designee and the resident may be required to~~  
26 ~~notify the administrator or the administrator's designee of any intent~~  
27 ~~to leave, his or her intended destination, and the probable time of his~~  
28 ~~or her return to the center. The facility administrator shall notify~~  
29 ~~a parent and the appropriate law enforcement agency within four hours~~  
30 ~~of all unauthorized leaves));~~

31       (5) "Multidisciplinary team" means those persons involved in  
32 helping a child who meets the definition of an at-risk youth. This  
33 group shall include the parent, guardian, or custodian, a department  
34 case worker, a representative of the counties, and a member of the  
35 following disciplines: Mental health and substance abuse. This group  
36 may include, but is not limited to the following persons: Educators,  
37 law enforcement personnel, probation officers, employers, church  
38 persons, tribal members, a member of the child's cultural community,  
39 therapists, medical personnel, social service providers, placement

1 providers, and extended family members. Team members shall be  
2 volunteers who do not receive compensation for team activities unless  
3 an individual team member's employer chooses to provide such  
4 compensation.

5 (6) "At-risk youth" means an individual under the chronological age  
6 of eighteen years who:

7 (a) Is absent from home for more than seventy-two consecutive hours  
8 without consent of his or her parent;

9 (b) Is beyond the control of his or her parent such that the  
10 child's behavior substantially endangers the health, safety, or welfare  
11 of the child or any other person; or

12 (c) Has a serious substance abuse problem for which there are no  
13 pending criminal charges related to the substance abuse.

14 NEW SECTION. Sec. 4. A new section is added to chapter 13.32A RCW  
15 to read as follows:

16 The department shall establish appropriate security requirements  
17 for all crisis residential centers. The requirements shall be designed  
18 to prevent children from leaving the centers without authorization.  
19 Security requirements may include, but not be limited to, locked doors  
20 and windows, electronic monitoring bracelets, and perimeter fences or  
21 patrols. The crisis residential center administrator shall notify  
22 parents and the appropriate law enforcement within four hours of all  
23 unauthorized leaves.

24 **Sec. 5.** RCW 13.32A.040 and 1994 c 304 s 3 are each amended to read  
25 as follows:

26 Families who are in conflict or who are experiencing problems with  
27 at-risk youth may request family reconciliation services from the  
28 department. The department shall involve the local multidisciplinary  
29 teams in determining the services to be provided and in providing those  
30 services, if a local multidisciplinary team exists. Such services  
31 shall be provided to alleviate personal or family situations which  
32 present a serious and imminent threat to the health or stability of the  
33 child or family and to maintain families intact wherever possible.  
34 Family reconciliation services shall be designed to develop skills and  
35 supports within families to resolve problems related to at-risk youth  
36 or family conflicts and may include but are not limited to referral to  
37 services for suicide prevention, psychiatric or other medical care, or

1 psychological, welfare, legal, educational, or other social services,  
2 as appropriate to the needs of the child and the family. Upon a  
3 referral by a school or other appropriate agency, family reconciliation  
4 services may also include training in parenting, conflict management,  
5 and dispute resolution skills.

6 **Sec. 6.** RCW 13.32A.130 and 1994 sp.s. c 7 s 508 are each amended  
7 to read as follows:

8 A child admitted to a crisis residential center under this chapter  
9 who is not returned to the home of his or her parent or who is not  
10 placed in an alternative residential placement under an agreement  
11 between the parent and child, shall, except as provided for by RCW  
12 13.32A.140 and 13.32A.160(2), reside in the placement under the rules  
13 established for the center for a period not to exceed five consecutive  
14 days from the time of intake, except as otherwise provided by this  
15 chapter. Crisis residential center staff shall make (~~(a concerted)~~)  
16 every reasonable effort to protect the child and achieve a  
17 reconciliation of the family. If a reconciliation, using family  
18 reconciliation services, and voluntary return of the child has not been  
19 achieved within forty-eight hours from the time of intake, and if the  
20 person in charge of the center does not consider it likely that  
21 reconciliation will be achieved within the five-day period, then the  
22 (~~(person in charge shall inform the parent and child of (1) the~~  
23 ~~availability of counseling services; (2) the right to file a petition~~  
24 ~~for an alternative residential placement, the right of a parent to file~~  
25 ~~an at risk youth petition, and the right of the parent and child to~~  
26 ~~obtain assistance in filing the petition; and (3) the right to request~~  
27 ~~a review of any alternative residential placement)) facility  
28 administrator or his or her designee shall immediately convene the  
29 multidisciplinary team, if one exists.~~

30 At no time shall information regarding a parent's or child's rights  
31 be withheld if requested. The department shall develop and distribute  
32 to all law enforcement agencies and to each crisis residential center  
33 administrator a written statement delineating the services and rights.  
34 Every officer taking a child into custody shall provide the child and  
35 his or her parent(s) or responsible adult with whom the child is placed  
36 with a copy of the statement. In addition, the administrator of the  
37 facility or his or her designee shall provide every resident and parent  
38 with a copy of the statement.

1        NEW SECTION.    **Sec. 7.** A new section is added to chapter 13.32A RCW  
2 to read as follows:

3        (1) Each county shall have the authority to assemble a  
4 multidisciplinary team. To the extent possible, the multidisciplinary  
5 team shall draw upon existing community resources.

6        (2) The multidisciplinary team, if one exists, shall make every  
7 reasonable effort to protect the child and achieve a reconciliation of  
8 the family whenever possible. If a crisis residential center  
9 administrator or his or her designee makes a referral, the team must  
10 respond as soon as possible but no later than twelve hours after the  
11 referral is made. The team shall have the authority to assess the  
12 juvenile, and family members, if appropriate and agreed to, and shall:

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

15        (b) Make a referral to the designated chemical dependency  
16 specialist or the county designated mental health professional, if  
17 appropriate;

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

20        (d) With the family's consent, work with the family on a longer-  
21 term basis to achieve reconciliation of the child and family, whenever  
22 possible.

23        (3) To the maximum extent possible, the members of the  
24 multidisciplinary team shall include members who are representative of  
25 the cultures in the family's community.

26        NEW SECTION.    **Sec. 8.** A new section is added to chapter 13.32A RCW  
27 to read as follows:

28        (1) The purpose of the multidisciplinary team is to coordinate and  
29 communicate about services offered to the child and family.

30        (2) At the first meeting of the multidisciplinary team, it shall  
31 choose a member to act as case manager for the family. The parent  
32 member of the multidisciplinary team must agree with the choice of case  
33 manager. Thereafter, the team shall meet periodically.

34        **Sec. 9.** RCW 13.32A.140 and 1990 c 276 s 9 are each amended to read  
35 as follows:

36        (~~The department shall~~) A juvenile, his or her parent, guardian,  
37 or custodian, or the case manager of the multidisciplinary team may

1 file a petition to approve an alternative residential placement on  
2 behalf of a child under any of the following sets of circumstances:

3 (1) The child has been admitted to a crisis residential center or  
4 has been placed with a responsible person other than his or her parent,  
5 and:

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

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

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

12 (d) No petition requesting approval of an alternative residential  
13 placement has been filed by either the child or parent or legal  
14 custodian;

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

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

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

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

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

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

25 (3) An agreement between parent and child made pursuant to RCW  
26 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer  
27 acceptable to parent or child, and:

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

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

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

34 (d) No petition requesting approval of an alternative residential  
35 placement has been filed by either the child or the parent;

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

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

1 Under the circumstances of subsections (1), (2), or (3) of this  
2 section, the child shall remain in a licensed child care facility,  
3 including but not limited to a crisis residential center, or in any  
4 other suitable residence to be determined by the department until an  
5 alternative residential placement petition filed by the department on  
6 behalf of the child is reviewed by the juvenile court and is resolved  
7 by such court. The department may authorize emergency medical or  
8 dental care for a child placed under this section. The state, when the  
9 department files a petition for alternative residential placement under  
10 this section, shall be represented as provided for in RCW 13.04.093.

11 **Sec. 10.** RCW 13.32A.150 and 1992 c 205 s 208 are each amended to  
12 read as follows:

13 (1) Except as otherwise provided in this section the juvenile court  
14 shall not accept the filing of an alternative residential placement  
15 petition by the child or the parents or the filing of an at-risk youth  
16 petition by the parent, unless verification is provided that a family  
17 assessment has been completed by the department. The family assessment  
18 provided by the department shall involve the multidisciplinary team as  
19 provided in RCW 13.32A.040, if one exists. The family assessment or  
20 plan of services developed by the multidisciplinary team shall be aimed  
21 at family reconciliation, reunification, and avoidance of the out-of-  
22 home placement of the child. If the department is unable to complete  
23 an assessment within two working days following a request for  
24 assessment the child or the parents may proceed under subsection (2) of  
25 this section or the parent may proceed under subsection (3) of this  
26 section.

27 (2) A child or a child's parent may file with the juvenile court a  
28 petition to approve an alternative residential placement for the child  
29 outside the parent's home. The department shall, when requested,  
30 assist either a parent or child in the filing of the petition. The  
31 petition shall only ask that the placement of a child outside the home  
32 of his or her parent be approved. The filing of a petition to approve  
33 such placement is not dependent upon the court's having obtained any  
34 prior jurisdiction over the child or his or her parent, and confers  
35 upon the court a special jurisdiction to approve or disapprove an  
36 alternative residential placement.

37 (3) A child's parent may file with the juvenile court a petition in  
38 the interest of a child alleged to be an at-risk youth. The department

1 shall, when requested, assist the parent in filing the petition. The  
2 petition shall be filed in the county where the petitioning parent  
3 resides. The petition shall set forth the name, age, and residence of  
4 the child and the names and residence of the child's parents and shall  
5 allege that:

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

7 (b) The petitioning parent has the right to legal custody of the  
8 child;

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

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

13 The petition shall set forth facts that support the allegations in  
14 this subsection and shall generally request relief available under this  
15 chapter. The petition need not specify any proposed disposition  
16 following adjudication of the petition. The filing of an at-risk youth  
17 petition is not dependent upon the court's having obtained any prior  
18 jurisdiction over the child or his or her parent and confers upon the  
19 court the special jurisdiction to assist the parent in maintaining  
20 parental authority and responsibility for the child. An at-risk youth  
21 petition may not be filed if the court has approved an alternative  
22 residential placement petition regarding the child or if the child is  
23 the subject of a proceeding under chapter 13.34 RCW. A petition may be  
24 accepted for filing only if alternatives to court intervention have  
25 been attempted. Juvenile court personnel may screen all at-risk youth  
26 petitions and may refuse to allow the filing of any petition that lacks  
27 merit, fails to comply with the requirements of this section, or fails  
28 to allege sufficient facts in support of allegations in the petition.

29 **Sec. 11.** RCW 13.50.010 and 1994 sp.s. c 7 s 541 are each amended  
30 to read as follows:

31 (1) For purposes of this chapter:

32 (a) "Juvenile justice or care agency" means any of the following:  
33 Police, diversion units, court, prosecuting attorney, defense attorney,  
34 detention center, attorney general, the multidisciplinary team formed  
35 under chapter 13.32A RCW, the department of social and health services  
36 and its contracting agencies, schools; and, in addition, persons or  
37 public or private agencies having children committed to their custody;

1 (b) "Official juvenile court file" means the legal file of the  
2 juvenile court containing the petition or information, motions,  
3 memorandums, briefs, findings of the court, and court orders;

4 (c) "Social file" means the juvenile court file containing the  
5 records and reports of the probation counselor;

6 (d) "Records" means the official juvenile court file, the social  
7 file, and records of any other juvenile justice or care agency in the  
8 case.

9 (2) Each petition or information filed with the court may include  
10 only one juvenile and each petition or information shall be filed under  
11 a separate docket number. The social file shall be filed separately  
12 from the official juvenile court file.

13 (3) It is the duty of any juvenile justice or care agency to  
14 maintain accurate records. To this end:

15 (a) The agency may never knowingly record inaccurate information.  
16 Any information in records maintained by the department of social and  
17 health services relating to a petition filed pursuant to chapter 13.34  
18 RCW that is found by the court, upon proof presented, to be false or  
19 inaccurate shall be corrected or expunged from such records by the  
20 agency;

21 (b) An agency shall take reasonable steps to assure the security of  
22 its records and prevent tampering with them; and

23 (c) An agency shall make reasonable efforts to insure the  
24 completeness of its records, including action taken by other agencies  
25 with respect to matters in its files.

26 (4) Each juvenile justice or care agency shall implement procedures  
27 consistent with the provisions of this chapter to facilitate inquiries  
28 concerning records.

29 (5) Any person who has reasonable cause to believe information  
30 concerning that person is included in the records of a juvenile justice  
31 or care agency and who has been denied access to those records by the  
32 agency may make a motion to the court for an order authorizing that  
33 person to inspect the juvenile justice or care agency record concerning  
34 that person. The court shall grant the motion to examine records  
35 unless it finds that in the interests of justice or in the best  
36 interests of the juvenile the records or parts of them should remain  
37 confidential.

38 (6) A juvenile, or his or her parents, or any person who has  
39 reasonable cause to believe information concerning that person is

1 included in the records of a juvenile justice or care agency may make  
2 a motion to the court challenging the accuracy of any information  
3 concerning the moving party in the record or challenging the continued  
4 possession of the record by the agency. If the court grants the  
5 motion, it shall order the record or information to be corrected or  
6 destroyed.

7 (7) The person making a motion under subsection (5) or (6) of this  
8 section shall give reasonable notice of the motion to all parties to  
9 the original action and to any agency whose records will be affected by  
10 the motion.

11 (8) The court may permit inspection of records by, or release of  
12 information to, any clinic, hospital, or agency which has the subject  
13 person under care or treatment. The court may also permit inspection  
14 by or release to individuals or agencies, including juvenile justice  
15 advisory committees of county law and justice councils, engaged in  
16 legitimate research for educational, scientific, or public purposes.  
17 The court may also permit inspection of, or release of information  
18 from, records which have been sealed pursuant to RCW 13.50.050(11).  
19 Access to records or information for research purposes shall be  
20 permitted only if the anonymity of all persons mentioned in the records  
21 or information will be preserved. Each person granted permission to  
22 inspect juvenile justice or care agency records for research purposes  
23 shall present a notarized statement to the court stating that the names  
24 of juveniles and parents will remain confidential.

25 (9) Juvenile detention facilities shall release records to the  
26 juvenile disposition standards commission under RCW 13.40.025 upon  
27 request. The commission shall not disclose the names of any juveniles  
28 or parents mentioned in the records without the named individual's  
29 written permission.

30 **Sec. 12.** RCW 13.32A.050 and 1994 sp.s. c 7 s 505 are each amended  
31 to read as follows:

32 A law enforcement officer shall take a child into custody:

33 (1) If a law enforcement agency has been contacted by the parent of  
34 the child that the child is absent from parental custody without  
35 consent; or

36 (2) If a law enforcement officer reasonably believes, considering  
37 the child's age, the location, and the time of day, that a child is in

1 circumstances which constitute a danger to the child's safety or that  
2 a child is violating a local curfew ordinance; or

3 (3) If an agency legally charged with the supervision of a child  
4 has notified a law enforcement agency that the child has run away from  
5 placement; or

6 (4) If a law enforcement agency has been notified by the juvenile  
7 court that the court finds probable cause exists to believe that the  
8 child has violated a court placement order issued pursuant to chapter  
9 13.32A RCW or that the court has issued an order for law enforcement  
10 pick-up of the child under this chapter.

11 Law enforcement custody shall not extend beyond the amount of time  
12 reasonably necessary to transport the child to a destination authorized  
13 by law and to place the child at that destination.

14 An officer who takes a child into custody under this section and  
15 places the child in a designated crisis residential center shall inform  
16 the department of such placement within twenty-four hours.

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

20 (6) If a law enforcement officer receives a report that causes the  
21 officer to have reasonable suspicion that a child is being harbored  
22 under RCW 13.32A.080 or for other reasons has a reasonable suspicion  
23 that a child is being ((unlawfully)) harbored under RCW 13.32A.080, the  
24 officer shall remove the child from the custody of the person harboring  
25 the child and shall transport the child to one of the locations  
26 specified in RCW 13.32A.060.

27 **Sec. 13.** RCW 13.32A.060 and 1994 sp.s. c 7 s 506 are each amended  
28 to read as follows:

29 (1) An officer taking a child into custody under RCW 13.32A.050 (1)  
30 or (2) shall inform the child of the reason for such custody and shall  
31 either:

32 (a) Transport the child to his or her home. The officer releasing  
33 a child into the custody of the parent shall inform the parent of the  
34 reason for the taking of the child into custody and shall inform the  
35 child and the parent of the nature and location of appropriate services  
36 available in their community; or

37 (b) Take the child to the home of an ((adult)) extended family  
38 member, a designated crisis residential center, or the home of a

1 responsible adult after attempting to notify the parent or legal  
2 guardian:

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

8 (ii) If it is not practical to transport the child to his or her  
9 home; or

10 (iii) If there is no parent available to accept custody of the  
11 child.

12 The officer releasing a child into the custody of an extended  
13 family member or a responsible adult shall inform the child and the  
14 extended family member or responsible adult of the nature and location  
15 of appropriate services available in the community.

16 (2) An officer taking a child into custody under RCW 13.32A.050 (3)  
17 or (4) shall inform the child of the reason for custody(~~(, and)~~). An  
18 officer taking a child into custody under RCW 13.32A.050(3) shall take  
19 the child to a designated crisis residential center licensed by the  
20 department and established pursuant to chapter 74.13 RCW. (~~However,~~)  
21 An officer taking a child into custody under RCW 13.32A.050(4) (~~(may)~~)  
22 shall place the child in a juvenile detention facility as provided in  
23 RCW 13.32A.065. The department shall ensure that all the enforcement  
24 authorities are informed on a regular basis as to the location of the  
25 designated crisis residential center or centers in their judicial  
26 district, where children taken into custody under RCW 13.32A.050 may be  
27 taken.

28 (3) "Extended family members" means an adult who is a grandparent,  
29 brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin  
30 with whom the child has a relationship and is comfortable, and who is  
31 willing and available to care for the child.

32 **Sec. 14.** RCW 13.32A.065 and 1981 c 298 s 4 are each amended to  
33 read as follows:

34 (1) A child (~~(may)~~) shall be placed in detention after being taken  
35 into custody pursuant to RCW 13.32A.050(4). The court shall hold a  
36 detention review hearing within twenty-four hours, excluding Saturdays,  
37 Sundays, and holidays. The court shall release the child after twenty-  
38 four hours, excluding Saturdays, Sundays, and holidays, unless:

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

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

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

9 **Sec. 15.** RCW 13.32A.070 and 1986 c 288 s 2 are each amended to  
10 read as follows:

11 (1) Except when expressly required otherwise in this chapter, an  
12 officer taking a child into custody under RCW 13.32A.050 may, at his or  
13 her discretion, transport the child to the home of a responsible adult  
14 who is other than the child's parent or extended family member where  
15 the officer reasonably believes that the child will be provided with  
16 adequate care and supervision and that the child will remain in the  
17 custody of such adult until such time as the department can bring about  
18 the child's return home or an alternative residential placement can be  
19 agreed to or determined pursuant to this chapter. An officer placing  
20 a child with a responsible adult other than his or her parent or  
21 extended family member shall immediately notify the department's local  
22 community service office of this fact and of the reason for taking the  
23 child into custody.

24 (2) A law enforcement officer acting in good faith pursuant to this  
25 chapter in failing to take a child into custody, in taking a child into  
26 custody, or in releasing a child to a person other than a parent or  
27 extended family member of such child is immune from civil or criminal  
28 liability for such action.

29 (3) A person other than a parent of such child who receives a child  
30 pursuant to this chapter and who acts reasonably and in good faith in  
31 doing so is immune from civil or criminal liability for the act of  
32 receiving such child. Such immunity does not release such person from  
33 liability under any other law including the laws regulating licensed  
34 child care and prohibiting child abuse.

35 (4) As used in this section, "extended family member" has the  
36 meaning prescribed in RCW 13.32A.060.

1        NEW SECTION.    **Sec. 16.**    A new section is added to chapter 13.32A  
2 RCW to read as follows:

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

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

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

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

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

18        (3) Violation of this section is a gross misdemeanor.

19        NEW SECTION.    **Sec. 17.**    A new section is added to chapter 46.20 RCW  
20 to read as follows:

21        When the department of licensing is provided with a notice under  
22 section 18 of this act, the department shall suspend for ninety days  
23 all driving privileges of the juvenile identified in the notice. To  
24 the extent it may be required to provide due process, the department  
25 may adopt rules to provide the juvenile with an opportunity to  
26 challenge the notice.

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

29        When petitioned to do so by a parent, the department shall  
30 determine whether the parent's child has, on two or more occasions  
31 within a twelve-month period, been absent from home for more than  
32 seventy-two consecutive hours without parental consent. If the  
33 department finds that the child has and also that the child has a  
34 Washington state driver's license, then the department shall provide a  
35 notice of its findings to the department of licensing which shall  
36 suspend the child's driver's license as provided in section 17 of this  
37 act. The twelve-month period shall be the twelve-calendar-month period

1 immediately before the month in which the department receives the  
2 petition. The department shall develop procedures for verifying  
3 absences and if requested by either a parent or child shall conduct a  
4 hearing on the question of whether the absences have occurred.

5 **Sec. 19.** RCW 13.32A.196 and 1991 c 364 s 14 are each amended to  
6 read as follows:

7 (1) At the dispositional hearing regarding an adjudicated at-risk  
8 youth, the court shall consider the recommendations of the parties and  
9 the recommendations of any dispositional plan submitted by the  
10 department. The court may enter a dispositional order that will assist  
11 the parent in maintaining the care, custody, and control of the child  
12 and assist the family to resolve family conflicts or problems.

13 (2) The court may set conditions of supervision for the child that  
14 include:

15 (a) Regular school attendance;

16 (b) Counseling;

17 (c) Participation in a substance abuse treatment program;

18 (d) If ordered under subsection (3) of this section, placement in  
19 a secure facility or other secure program of treatment;

20 (e) Reporting on a regular basis to the department or any other  
21 designated person or agency; and

22 (~~(e)~~) (f) Any other condition the court deems an appropriate  
23 condition of supervision.

24 (3) If requested by a parent of an at-risk youth who is a habitual  
25 runaway, the court may include in its dispositional order or orders a  
26 requirement that the youth be placed, for up to one hundred eighty  
27 consecutive days, in a secure facility or other court-ordered secure  
28 program of treatment. The court may not include this requirement  
29 unless, at the disposition hearing, it finds that the placement is  
30 necessary in order to protect the at-risk youth and that a less-  
31 restrictive order or orders not requiring such placement would be  
32 inadequate to protect the youth, given the youth's age, maturity,  
33 propensity to run away from home, past exposure to serious risk when  
34 the youth ran away from home, and possible future exposure to serious  
35 risk should the youth run away from home again. For purposes of this  
36 section, an at-risk youth is a "habitual runaway" if the youth, on each  
37 of three or more occasions within the twelve-month period preceding the  
38 month in which the at-risk youth petition was filed, has been absent

1 from home for more than seventy-two consecutive hours without parental  
2 consent; or if the youth during such twelve-month period has been  
3 absent from home without parental consent for more than thirty  
4 consecutive days. This subsection constitutes a method of placement or  
5 commitment that is in addition to methods prescribed under other laws  
6 and is not intended as the exclusive method for placement or commitment  
7 of children who qualify as at-risk youth.

8 (4) Except as provided in this section for habitual runaways, no  
9 dispositional order or condition of supervision ordered by a court  
10 pursuant to this section shall include involuntary commitment of a  
11 child for substance abuse or mental health treatment.

12 ~~((+4))~~ (5) The court may order the parent to participate in  
13 counseling services or any other services for the child requiring  
14 parental participation. The parent shall cooperate with the court-  
15 ordered case plan and shall take necessary steps to help implement the  
16 case plan. The parent shall be financially responsible for costs  
17 related to the court-ordered plan; however, this requirement shall not  
18 affect the eligibility of the parent or child for public assistance or  
19 other benefits to which the parent or child may otherwise be entitled.  
20 The parent may request dismissal of an at-risk youth proceeding at any  
21 time and upon such a request, the court shall dismiss the matter and  
22 cease court supervision of the child unless a contempt action is  
23 pending in the case. The court may retain jurisdiction over the matter  
24 for the purpose of concluding any pending contempt proceedings,  
25 including the full satisfaction of any penalties imposed as a result of  
26 a contempt finding.

27 ~~((+5))~~ (6) The court may order the department to monitor  
28 compliance with the dispositional order, assist in coordinating the  
29 provision of court-ordered services, and submit reports at subsequent  
30 review hearings regarding the status of the case.

31 **Sec. 20.** RCW 13.32A.198 and 1990 c 276 s 15 are each amended to  
32 read as follows:

33 (1) Upon making a disposition regarding an adjudicated at-risk  
34 youth, the court shall schedule the matter on the calendar for review  
35 ~~((within three months))~~, advise the parties of the date thereof,  
36 appoint legal counsel for the child, advise the parent of the right to  
37 be represented by legal counsel at the review hearing at the parent's  
38 own expense, and notify the parties of their rights to present evidence

1 at the hearing. The review hearing shall commence within ninety  
2 consecutive days after the date in which the dispositional order or  
3 orders are entered. However, if the order or orders provide for the  
4 placement of a habitual runaway in a secure facility or secure program  
5 of treatment, then the review hearing shall commence within thirty  
6 consecutive days after such date.

7 (2) At the review hearing, the court shall approve or disapprove  
8 the continuation of court supervision in accordance with the goal of  
9 assisting the parent to maintain the care, custody, and control of the  
10 child. The court shall determine whether the parent and child are  
11 complying with the dispositional plan. If court supervision is  
12 continued, the court may modify the dispositional plan. However, in  
13 the case of a habitual runaway placed in a secure facility or secure  
14 program of treatment, the court may continue the placement for an  
15 additional period only if requested by the parent and if the court  
16 finds that its findings under RCW 13.32A.196 are still accurate.

17 (3) Except for the placement of a habitual runaway in a secure  
18 facility or secure program of treatment, court supervision of the child  
19 may not be continued past one hundred eighty consecutive days from the  
20 day the review hearing commenced unless the court finds, and the parent  
21 agrees, that there are compelling reasons for an extension of  
22 supervision. Any extension granted pursuant to this subsection shall  
23 not exceed ninety days. The court may not require the placement of a  
24 habitual runaway for longer than a period of one hundred eighty  
25 consecutive days and may not provide for any extension of the placement  
26 beyond such period.

27 (4) The court may dismiss an at-risk youth proceeding at any time  
28 if the court finds good cause to believe that continuation of court  
29 supervision, including the placement of a habitual runaway, would serve  
30 no useful purpose or that the parent is not cooperating with the court-  
31 ordered case plan. The court shall dismiss an at-risk youth proceeding  
32 if the child is the subject of a proceeding under chapter 13.34 RCW.

33 **Sec. 21.** RCW 28A.225.020 and 1992 c 205 s 202 are each amended to  
34 read as follows:

35 If a juvenile required to attend school under the laws of the state  
36 of Washington fails to attend school without valid justification, the  
37 juvenile's school shall:

1 (1) Inform the juvenile's custodial parent, parents or guardian by  
2 a notice in writing or by telephone that the juvenile has failed to  
3 attend school without valid justification after one unexcused absence  
4 within any month during the current school year;

5 (2) Schedule a conference or conferences with the custodial parent,  
6 parents or guardian and juvenile at a time and place reasonably  
7 convenient for all persons included for the purpose of analyzing the  
8 causes of the juvenile's absences after two unexcused absences within  
9 any month during the current school year. If a regularly scheduled  
10 parent-teacher conference day is to take place within thirty days of  
11 the second unexcused absence, then the school district may schedule  
12 this conference on that day; and

13 (3) Take steps to eliminate or reduce the juvenile's absences.  
14 These steps shall include, where appropriate, adjusting the juvenile's  
15 school program or school or course assignment, providing more  
16 individualized or remedial instruction, preparing the juvenile for  
17 employment with specific vocational courses or work experience, or  
18 ~~((both))~~ refer the juvenile to a community truancy board, and assisting  
19 the parent or student to obtain supplementary services that might  
20 eliminate or ameliorate the cause or causes for the absence from  
21 school.

22 **Sec. 22.** RCW 28A.225.030 and 1992 c 205 s 203 are each amended to  
23 read as follows:

24 If action taken by a school pursuant to RCW 28A.225.020 is not  
25 successful in substantially reducing a student's absences from school,  
26 any of the following actions may be taken after five or more unexcused  
27 absences during the current school year: (1) The attendance officer of  
28 the school district or the community truancy board through its attorney  
29 may petition the ~~((juvenile))~~ court to assume jurisdiction under RCW  
30 28A.200.010, 28A.200.020, and 28A.225.010 through 28A.225.150 for the  
31 purpose of alleging a violation of RCW 28A.225.010 by the parent; or  
32 (2) a petition alleging a violation of RCW 28A.225.010 by a child may  
33 be filed with the ~~((juvenile))~~ court by the parent of such child or by  
34 the attendance officer of the school district or the community truancy  
35 board through its attorney at the request of the parent. If the court  
36 assumes jurisdiction in such an instance, the provisions of RCW  
37 28A.200.010, 28A.200.020, and 28A.225.010 through 28A.225.150, except  
38 where otherwise stated, shall apply.

1        NEW SECTION.    **Sec. 23.**    A new section is added to chapter 28A.225  
2    RCW to read as follows:

3        For purposes of this chapter, "community truancy board" means a  
4    board comprised of members of the local community in which the juvenile  
5    attends school. The local school district shall direct the formation  
6    of the board, and if possible include a variety of representatives from  
7    the community. The community truancy board shall set conditions  
8    designed to improve school attendance and monitor subsequent school  
9    attendance.

10       **Sec. 24.**    RCW 28A.225.150 and 1992 c 205 s 205 are each amended to  
11    read as follows:

12       The school district attendance officer shall report biannually to  
13    the educational service district superintendent, in the instance of  
14    petitions filed alleging a violation by a child under RCW 28A.225.030:

15       (1) The number of petitions filed by a school district or by a  
16    parent;

17       (2) The frequency of each action taken under RCW 28A.225.020 prior  
18    to the filing of such petition;

19       (3) When deemed appropriate under RCW 28A.225.020, the frequency of  
20    delivery of supplemental services; and

21       (4) Disposition of cases filed with the ((juvenile)) court,  
22    including the frequency of contempt orders issued to enforce a court's  
23    order under RCW 28A.225.090.

24       The educational service district superintendent shall compile such  
25    information and report annually to the superintendent of public  
26    instruction. The superintendent of public instruction shall compile  
27    such information and report to the committees of the house of  
28    representatives and the senate by September 1 of each year.

29       **Sec. 25.**    RCW 70.96A.095 and 1991 c 364 s 9 are each amended to  
30    read as follows:

31       (1) Any person fourteen years of age or older may give consent for  
32    himself or herself to the furnishing of counseling, care, treatment, or  
33    rehabilitation by a treatment program or by any person. Consent of the  
34    parent, parents, or legal guardian of a person less than eighteen years  
35    of age is not necessary to authorize the care, except that the person  
36    shall not become a resident of the treatment program without such  
37    permission except as provided in RCW 70.96A.120 or 70.96A.140. The

1 parent, parents, or legal guardian of a person less than eighteen years  
2 of age are not liable for payment of care for such persons pursuant to  
3 this chapter, unless they have joined in the consent to the counseling,  
4 care, treatment, or rehabilitation. The parent's, parents', or  
5 guardians' insurance carrier is also not liable for payment and shall  
6 not be billed for payment unless the parent, parents, or guardian has  
7 given consent.

8 (2) The parent of any minor may apply to an approved treatment  
9 program for the admission of the minor for purposes authorized in this  
10 chapter. The consent of the minor shall not be required for the  
11 application or admission. The approved treatment program shall accept  
12 the application as if it were submitted voluntarily by the minor. The  
13 ability of a parent to apply to an approved treatment program for the  
14 involuntary admission of his or her child does not create any right to  
15 this treatment or to obtain or benefit from any public funds or  
16 resources.

17 NEW SECTION. Sec. 26. A new section is added to chapter 70.96A  
18 RCW to read as follows:

19 Nothing in this chapter authorizes school district personnel to  
20 refer minors to any treatment program or treatment provider without  
21 providing notice of the referral to the parent, parents, or guardians.

22 **Sec. 27.** RCW 70.96A.110 and 1990 c 151 s 7 are each amended to  
23 read as follows:

24 (1) An alcoholic or other drug addict may apply for voluntary  
25 treatment directly to an approved treatment program. If the proposed  
26 patient is (~~a minor or~~) an incompetent person, he or she, a parent,  
27 a legal guardian, or other legal representative may make the  
28 application. If the proposed patient is a minor, the minor or the  
29 minor's parent, legal guardian, or other legal representative may make  
30 the application as provided in RCW 70.96A.095.

31 (2) Subject to rules adopted by the secretary, the administrator in  
32 charge of an approved treatment program may determine who shall be  
33 admitted for treatment. If a person is refused admission to an  
34 approved treatment program, the administrator, subject to rules adopted  
35 by the secretary, shall refer the person to another approved treatment  
36 program for treatment if possible and appropriate.

1 (3) If a patient receiving inpatient care leaves an approved  
2 treatment program, he or she shall be encouraged to consent to  
3 appropriate outpatient treatment. If it appears to the administrator  
4 in charge of the treatment program that the patient is an alcoholic or  
5 other drug addict who requires help, the department may arrange for  
6 assistance in obtaining supportive services and residential programs.

7 (4) If a patient leaves an approved public treatment program, with  
8 or against the advice of the administrator in charge of the program,  
9 the department may make reasonable provisions for his or her  
10 transportation to another program or to his or her home. If the  
11 patient has no home he or she should be assisted in obtaining shelter.  
12 If the patient is less than ((fourteen)) eighteen years of age or an  
13 incompetent person the request for discharge from an inpatient program  
14 shall be made by a parent, legal guardian, or other legal  
15 representative or by the ((minor or)) incompetent if he or she was the  
16 original applicant.

17 **Sec. 28.** RCW 70.96A.140 and 1993 c 362 s 1 are each amended to  
18 read as follows:

19 (1) When a designated chemical dependency specialist receives  
20 information alleging that a person is incapacitated as a result of  
21 chemical dependency, the designated chemical dependency specialist,  
22 after investigation and evaluation of the specific facts alleged and of  
23 the reliability and credibility of the information, may file a petition  
24 for commitment of such person with the superior court or district  
25 court.

26 If a petition for commitment is not filed in the case of a minor,  
27 the parent, guardian, or custodian who has custody of the minor may  
28 seek review of that decision made by the designated chemical dependency  
29 specialist in superior or district court. The parent, guardian, or  
30 custodian shall file notice with the court and provide a copy of the  
31 designated chemical dependency specialist's report.

32 If the designated chemical dependency specialist finds that the  
33 initial needs of such person would be better served by placement within  
34 the mental health system, the person shall be referred to an evaluation  
35 and treatment facility as defined in RCW 71.05.020 or 71.34.020. If  
36 placement in a chemical dependency program is available and deemed  
37 appropriate, the petition shall allege that: The person is chemically  
38 dependent and is incapacitated by alcohol or drug addiction, or that

1 the person has twice before in the preceding twelve months been  
2 admitted for detoxification or chemical dependency treatment pursuant  
3 to RCW 70.96A.110, and is in need of a more sustained treatment  
4 program, or that the person is chemically dependent and has threatened,  
5 attempted, or inflicted physical harm on another and is likely to  
6 inflict physical harm on another unless committed. A refusal to  
7 undergo treatment, by itself, does not constitute evidence of lack of  
8 judgment as to the need for treatment. The petition shall be  
9 accompanied by a certificate of a licensed physician who has examined  
10 the person within five days before submission of the petition, unless  
11 the person whose commitment is sought has refused to submit to a  
12 medical examination, in which case the fact of refusal shall be alleged  
13 in the petition. The certificate shall set forth the licensed  
14 physician's findings in support of the allegations of the petition. A  
15 physician employed by the petitioning program or the department is  
16 eligible to be the certifying physician.

17 (2) Upon filing the petition, the court shall fix a date for a  
18 hearing no less than two and no more than seven days after the date the  
19 petition was filed unless the person petitioned against is presently  
20 being detained in a program, pursuant to RCW 70.96A.120, 71.05.210, or  
21 71.34.050, (~~as now or hereafter amended,~~) in which case the hearing  
22 shall be held within seventy-two hours of the filing of the petition:  
23 PROVIDED, HOWEVER, That the above specified seventy-two hours shall be  
24 computed by excluding Saturdays, Sundays, and holidays: PROVIDED  
25 FURTHER, That, the court may, upon motion of the person whose  
26 commitment is sought, or upon motion of petitioner with written  
27 permission of the person whose commitment is sought, or his or her  
28 counsel and, upon good cause shown, extend the date for the hearing.  
29 A copy of the petition and of the notice of the hearing, including the  
30 date fixed by the court, shall be served by the designated chemical  
31 dependency specialist on the person whose commitment is sought, his or  
32 her next of kin, a parent or his or her legal guardian if he or she is  
33 a minor, and any other person the court believes advisable. A copy of  
34 the petition and certificate shall be delivered to each person  
35 notified.

36 (3) At the hearing the court shall hear all relevant testimony,  
37 including, if possible, the testimony, which may be telephonic, of at  
38 least one licensed physician who has examined the person whose  
39 commitment is sought. Communications otherwise deemed privileged under

1 the laws of this state are deemed to be waived in proceedings under  
2 this chapter when a court of competent jurisdiction in its discretion  
3 determines that the waiver is necessary to protect either the detained  
4 person or the public. The waiver of a privilege under this section is  
5 limited to records or testimony relevant to evaluation of the detained  
6 person for purposes of a proceeding under this chapter. Upon motion by  
7 the detained person, or on its own motion, the court shall examine a  
8 record or testimony sought by a petitioner to determine whether it is  
9 within the scope of the waiver.

10 The record maker shall not be required to testify in order to  
11 introduce medical, nursing, or psychological records of detained  
12 persons so long as the requirements of RCW 5.45.020 are met, except  
13 that portions of the record that contain opinions as to whether the  
14 detained person is chemically dependent shall be deleted from the  
15 records unless the person offering the opinions is available for cross-  
16 examination. The person shall be present unless the court believes  
17 that his or her presence is likely to be injurious to him or her; in  
18 this event the court may deem it appropriate to appoint a guardian ad  
19 litem to represent him or her throughout the proceeding. If deemed  
20 advisable, the court may examine the person out of courtroom. If the  
21 person has refused to be examined by a licensed physician, he or she  
22 shall be given an opportunity to be examined by a court appointed  
23 licensed physician. If he or she refuses and there is sufficient  
24 evidence to believe that the allegations of the petition are true, or  
25 if the court believes that more medical evidence is necessary, the  
26 court may make a temporary order committing him or her to the  
27 department for a period of not more than five days for purposes of a  
28 diagnostic examination.

29 (4) If after hearing all relevant evidence, including the results  
30 of any diagnostic examination, the court finds that grounds for  
31 involuntary commitment have been established by clear, cogent, and  
32 convincing proof, it shall make an order of commitment to an approved  
33 treatment program. It shall not order commitment of a person unless it  
34 determines that an approved treatment program is available and able to  
35 provide adequate and appropriate treatment for him or her.

36 (5) A person committed under this section shall remain in the  
37 program for treatment for a period of sixty days unless sooner  
38 discharged. At the end of the sixty-day period, he or she shall be  
39 discharged automatically unless the program, before expiration of the

1 period, files a petition for his or her recommitment upon the grounds  
2 set forth in subsection (1) of this section for a further period of  
3 ninety days unless sooner discharged.

4 If a petition for recommitment is not filed in the case of a minor,  
5 the parent, guardian, or custodian who has custody of the minor may  
6 seek review of that decision made by the designated chemical dependency  
7 specialist in superior or district court. The parent, guardian, or  
8 custodian shall file notice with the court and provide a copy of the  
9 treatment progress report.

10 If a person has been committed because he or she is chemically  
11 dependent and likely to inflict physical harm on another, the program  
12 shall apply for recommitment if after examination it is determined that  
13 the likelihood still exists.

14 (6) Upon the filing of a petition for recommitment under subsection  
15 (5) of this section, the court shall fix a date for hearing no less  
16 than two and no more than seven days after the date the petition was  
17 filed: PROVIDED, That, the court may, upon motion of the person whose  
18 commitment is sought and upon good cause shown, extend the date for the  
19 hearing. A copy of the petition and of the notice of hearing,  
20 including the date fixed by the court, shall be served by the treatment  
21 program on the person whose commitment is sought, his or her next of  
22 kin, the original petitioner under subsection (1) of this section if  
23 different from the petitioner for recommitment, one of his or her  
24 parents or his or her legal guardian if he or she is a minor, and his  
25 or her attorney and any other person the court believes advisable. At  
26 the hearing the court shall proceed as provided in subsection (3) of  
27 this section.

28 (7) The approved treatment program shall provide for adequate and  
29 appropriate treatment of a person committed to its custody. A person  
30 committed under this section may be transferred from one approved  
31 public treatment program to another if transfer is medically advisable.

32 (8) A person committed to the custody of a program for treatment  
33 shall be discharged at any time before the end of the period for which  
34 he or she has been committed and he or she shall be discharged by order  
35 of the court if either of the following conditions are met:

36 (a) In case of a chemically dependent person committed on the  
37 grounds of likelihood of infliction of physical harm upon himself,  
38 herself, or another, the likelihood no longer exists; or further  
39 treatment will not be likely to bring about significant improvement in

1 the person's condition, or treatment is no longer adequate or  
2 appropriate.

3 (b) In case of a chemically dependent person committed on the  
4 grounds of the need of treatment and incapacity, that the incapacity no  
5 longer exists.

6 (9) The court shall inform the person whose commitment or  
7 recommitment is sought of his or her right to contest the application,  
8 be represented by counsel at every stage of any proceedings relating to  
9 his or her commitment and recommitment, and have counsel appointed by  
10 the court or provided by the court, if he or she wants the assistance  
11 of counsel and is unable to obtain counsel. If the court believes that  
12 the person needs the assistance of counsel, the court shall require, by  
13 appointment if necessary, counsel for him or her regardless of his or  
14 her wishes. The person shall, if he or she is financially able, bear  
15 the costs of such legal service; otherwise such legal service shall be  
16 at public expense. The person whose commitment or recommitment is  
17 sought shall be informed of his or her right to be examined by a  
18 licensed physician of his or her choice. If the person is unable to  
19 obtain a licensed physician and requests examination by a physician,  
20 the court shall employ a licensed physician.

21 (10) A person committed under this chapter may at any time seek to  
22 be discharged from commitment by writ of habeas corpus in a court of  
23 competent jurisdiction.

24 (11) The venue for proceedings under this section is the county in  
25 which person to be committed resides or is present.

26 (12) When in the opinion of the professional person in charge of  
27 the program providing involuntary treatment under this chapter, the  
28 committed patient can be appropriately served by less restrictive  
29 treatment before expiration of the period of commitment, then the less  
30 restrictive care may be required as a condition for early release for  
31 a period which, when added to the initial treatment period, does not  
32 exceed the period of commitment. If the program designated to provide  
33 the less restrictive treatment is other than the program providing the  
34 initial involuntary treatment, the program so designated must agree in  
35 writing to assume such responsibility. A copy of the conditions for  
36 early release shall be given to the patient, the designated chemical  
37 dependency specialist of original commitment, and the court of original  
38 commitment. The program designated to provide less restrictive care  
39 may modify the conditions for continued release when the modifications

1 are in the best interests of the patient. If the program providing  
2 less restrictive care and the designated chemical dependency specialist  
3 determine that a conditionally released patient is failing to adhere to  
4 the terms and conditions of his or her release, or that substantial  
5 deterioration in the patient's functioning has occurred, then the  
6 designated chemical dependency specialist shall notify the court of  
7 original commitment and request a hearing to be held no less than two  
8 and no more than seven days after the date of the request to determine  
9 whether or not the person should be returned to more restrictive care.  
10 The designated chemical dependency specialist shall file a petition  
11 with the court stating the facts substantiating the need for the  
12 hearing along with the treatment recommendations. The patient shall  
13 have the same rights with respect to notice, hearing, and counsel as  
14 for the original involuntary treatment proceedings. The issues to be  
15 determined at the hearing are whether the conditionally released  
16 patient did or did not adhere to the terms and conditions of his or her  
17 release to less restrictive care or that substantial deterioration of  
18 the patient's functioning has occurred and whether the conditions of  
19 release should be modified or the person should be returned to a more  
20 restrictive program. The hearing may be waived by the patient and his  
21 or her counsel and his or her guardian or conservator, if any, but may  
22 not be waived unless all such persons agree to the waiver. Upon  
23 waiver, the person may be returned for involuntary treatment or  
24 continued on conditional release on the same or modified conditions.

25 **Sec. 29.** RCW 71.34.030 and 1985 c 354 s 3 are each amended to read  
26 as follows:

27 (1) Any minor (~~(thirteen)~~) fourteen years or older may request and  
28 receive outpatient treatment without the consent of the minor's parent  
29 provided that the treatment provider provides notice to the minor's  
30 parent. The treatment provider must provide notice within forty-eight  
31 hours of the minor's request for treatment excluding Saturdays,  
32 Sundays, and holidays. The notice shall contain the same information  
33 as required under subsection (2)(c) of this section. Parental  
34 authorization is required for outpatient treatment of a minor under the  
35 age of (~~(thirteen)~~) fourteen.

36 (2) When in the judgment of the professional person in charge of an  
37 evaluation and treatment facility there is reason to believe that a  
38 minor is in need of inpatient treatment because of a mental disorder,

1 and the facility provides the type of evaluation and treatment needed  
2 by the minor, and it is not feasible to treat the minor in any less  
3 restrictive setting or the minor's home, the minor may be admitted to  
4 an evaluation and treatment facility in accordance with the following  
5 requirements:

6 (a) A minor under (~~(thirteen)~~) fourteen years of age may only be  
7 admitted on the application of the minor's parent.

8 (b) A minor (~~(thirteen years or older)~~) may be voluntarily admitted  
9 by application of the parent. (~~(Such application must be accompanied~~  
10 ~~by the written consent, knowingly and voluntarily given, of the~~  
11 ~~minor.)~~) The consent of the minor is not required.

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

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

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

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

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

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

38 (vi) The hearing shall be conducted by a judge, court commissioner,  
39 or licensed attorney designated by the superior court as a hearing

1 officer for such hearing. The hearing may be held at the treatment  
2 facility.

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

10 (d) Written renewal of voluntary consent must be obtained from the  
11 applicant (~~((and the minor thirteen years or older))~~) no less than once  
12 every twelve months.

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

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

16 (a) Any minor under the age of (~~((thirteen))~~) fourteen and any minor  
17 fourteen or older admitted by a parent under subsection (2)(b) of this  
18 section must be discharged immediately upon written request of the  
19 parent.

20 (b) Any minor (~~((thirteen))~~) fourteen years or older voluntarily  
21 admitted by himself or herself under subsection (2)(c) of this section  
22 may give notice of intent to leave at any time. The notice need not  
23 follow any specific form so long as it is written and the intent of the  
24 minor can be discerned.

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

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

36 (4) The ability of a parent to apply for treatment of his or her  
37 child under this section does not create a right to obtain this  
38 treatment or to obtain or benefit from any public funds or resources.

1       **Sec. 30.** RCW 71.34.040 and 1985 c 354 s 4 are each amended to read  
2 as follows:

3       If a minor, (~~thirteen~~) fourteen years or older, is brought to an  
4 evaluation and treatment facility or hospital emergency room for  
5 immediate mental health services, the professional person in charge of  
6 the facility shall evaluate the minor's mental condition, determine  
7 whether the minor suffers from a mental disorder, and whether the minor  
8 is in need of immediate inpatient treatment. If it is determined that  
9 the minor suffers from a mental disorder, inpatient treatment is  
10 required, the minor is unwilling to consent to voluntary admission, and  
11 the professional person believes that the minor meets the criteria for  
12 initial detention set forth herein, the facility may detain or arrange  
13 for the detention of the minor for up to twelve hours in order to  
14 enable a county-designated mental health professional to evaluate the  
15 minor and commence initial detention proceedings under the provisions  
16 of this chapter.

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

19       Nothing in this chapter authorizes school district personnel to  
20 refer minors to any evaluation and treatment program or mental health  
21 professional without providing notice of the referral to the minor's  
22 parent.

23       **Sec. 32.** RCW 71.34.050 and 1985 c 354 s 5 are each amended to read  
24 as follows:

25       (1) When a county-designated mental health professional receives  
26 information that a minor, (~~thirteen~~) fourteen years or older, as a  
27 result of a mental disorder presents a likelihood of serious harm or is  
28 gravely disabled, has investigated the specific facts alleged and of  
29 the credibility of the person or persons providing the information, and  
30 has determined that voluntary admission for inpatient treatment is not  
31 possible, the county-designated mental health professional may take the  
32 minor, or cause the minor to be taken, into custody and transported to  
33 an evaluation and treatment facility providing inpatient treatment.

34       If the minor is not taken into custody for evaluation and  
35 treatment, the parent who has custody of the minor may seek review of  
36 that decision made by the county designated mental health professional  
37 in court. The parent shall file notice with the court and provide a

1 copy of the county designated mental health professional's report or  
2 notes.

3 (2) Within twelve hours of the minor's arrival at the evaluation  
4 and treatment facility, the county-designated mental health  
5 professional shall serve on the minor a copy of the petition for  
6 initial detention, notice of initial detention, and statement of  
7 rights. The county-designated mental health professional shall file  
8 with the court on the next judicial day following the initial detention  
9 the original petition for initial detention, notice of initial  
10 detention, and statement of rights along with an affidavit of service.  
11 The county-designated mental health professional shall commence service  
12 of the petition for initial detention and notice of the initial  
13 detention on the minor's parent and the minor's attorney as soon as  
14 possible following the initial detention.

15 (3) At the time of initial detention, the county-designated mental  
16 health professional shall advise the minor both orally and in writing  
17 that if admitted to the evaluation and treatment facility for inpatient  
18 treatment, a commitment hearing shall be held within seventy-two hours  
19 of the minor's provisional acceptance to determine whether probable  
20 cause exists to commit the minor for further mental health treatment.

21 The minor shall be advised that he or she has a right to  
22 communicate immediately with an attorney and that he or she has a right  
23 to have an attorney appointed to represent him or her before and at the  
24 hearing if the minor is indigent.

25 (4) Whenever the county designated mental health professional  
26 petitions for detention of a minor under this chapter, an evaluation  
27 and treatment facility providing seventy-two hour evaluation and  
28 treatment must immediately accept on a provisional basis the petition  
29 and the person. Within twenty-four hours of the minor's arrival, the  
30 facility must evaluate the minor's condition and either admit or  
31 release the minor in accordance with this chapter.

32 (5) If a minor is not approved for admission by the inpatient  
33 evaluation and treatment facility, the facility shall make such  
34 recommendations and referrals for further care and treatment of the  
35 minor as necessary.

36 **Sec. 33.** RCW 71.34.070 and 1985 c 354 s 7 are each amended to read  
37 as follows:

1 (1) The professional person in charge of an evaluation and  
2 treatment facility where a minor has been admitted involuntarily for  
3 the initial seventy-two hour treatment period under this chapter may  
4 petition to have a minor committed to an evaluation and treatment  
5 facility for fourteen-day diagnosis, evaluation, and treatment.

6 If the professional person in charge of the treatment and  
7 evaluation facility does not petition to have the minor committed, the  
8 parent who has custody of the minor may seek review of that decision in  
9 court. The parent shall file notice with the court and provide a copy  
10 of the treatment and evaluation facility's report.

11 (2) A petition for commitment of a minor under this section shall  
12 be filed with the superior court in the county where the minor is  
13 residing or being detained.

14 (a) A petition for a fourteen-day commitment shall be signed either  
15 by two physicians or by one physician and a mental health professional  
16 who have examined the minor and shall contain the following:

17 (i) The name and address of the petitioner;

18 (ii) The name of the minor alleged to meet the criteria for  
19 fourteen-day commitment;

20 (iii) The name, telephone number, and address if known of every  
21 person believed by the petitioner to be legally responsible for the  
22 minor;

23 (iv) A statement that the petitioner has examined the minor and  
24 finds that the minor's condition meets required criteria for fourteen-  
25 day commitment and the supporting facts therefor;

26 (v) A statement that the minor has been advised of the need for  
27 voluntary treatment but has been unwilling or unable to consent to  
28 necessary treatment;

29 (vi) A statement recommending the appropriate facility or  
30 facilities to provide the necessary treatment; and

31 (vii) A statement concerning whether a less restrictive alternative  
32 to inpatient treatment is in the best interests of the minor.

33 (b) A copy of the petition shall be personally delivered to the  
34 minor by the petitioner or petitioner's designee. A copy of the  
35 petition shall be sent to the minor's attorney and the minor's parent.

36 **Sec. 34.** RCW 71.34.130 and 1985 c 354 s 13 are each amended to  
37 read as follows:

1 (1) Except as provided in subsection (2) of this section, a minor  
2 receiving treatment under the provisions of this chapter and  
3 responsible others shall be liable for the costs of treatment, care,  
4 and transportation to the extent of available resources and ability to  
5 pay.

6 (2) The minor's parent shall not be liable for payment for the  
7 costs of treatment, care, and transportation unless the parent gave  
8 consent to the treatment, care, and transportation. The parent's  
9 insurance carrier is also not liable for payment and shall not be  
10 billed for payment unless the parent has given consent.

11 (3) The secretary shall establish rules to implement this section  
12 and to define income, resources, and exemptions to determine the  
13 responsible person's or persons' ability to pay.

14 **Sec. 35.** RCW 74.13.032 and 1979 c 155 s 78 are each amended to  
15 read as follows:

16 (1) The department shall establish, by contracts with private  
17 vendors, not less than eight regional crisis residential centers, which  
18 shall be structured group care facilities licensed under rules adopted  
19 by the department. Each regional center shall have an average of at  
20 least four adult staff members and in no event less than three adult  
21 staff members to every eight children. The staff shall be trained so  
22 that they may effectively counsel juveniles admitted to the centers,  
23 provide treatment, supervision, and structure to the juveniles, and  
24 carry out the responsibilities outlined in RCW 13.32A.090.

25 (2) The department shall, in addition to the regional facilities  
26 established under subsection (1) of this section, establish not less  
27 than thirty additional crisis residential centers pursuant to contract  
28 with licensed private group care or specialized foster home facilities.  
29 The department may also locate crisis residential centers in or  
30 adjacent to secure juvenile detention facilities operated by the  
31 county. Where a center is located in or adjacent to a secure juvenile  
32 detention facility, the center shall be operated in a manner that  
33 prevents in-person contact between the residents of the center and the  
34 persons held in such facility. The staff at the facilities shall be  
35 trained so that they may effectively counsel juveniles admitted to the  
36 centers, provide treatment, supervision, and structure to the  
37 juveniles, and carry out the responsibilities stated in RCW 13.32A.090.

1 The responsibilities stated in RCW 13.32A.090 may, in any of the  
2 centers, be carried out by the department.

3 Crisis residential (~~(facilities)~~) centers shall be operated as  
4 (~~(semi-secure)~~) secure facilities.

5 **Sec. 36.** RCW 74.13.033 and 1992 c 205 s 213 are each amended to  
6 read as follows:

7 (1) If a resident of a center becomes by his or her behavior  
8 disruptive to the facility's program, such resident may be immediately  
9 removed to a separate area within the facility and counseled on an  
10 individual basis until such time as the child regains his or her  
11 composure. The department may set rules and regulations establishing  
12 additional procedures for dealing with severely disruptive children on  
13 the premises, (~~(which procedures are consistent with the federal~~  
14 ~~juvenile justice and delinquency prevention act of 1974 and regulations~~  
15 ~~and clarifying instructions promulgated thereunder)~~). Nothing in this  
16 section shall prohibit a center from referring any child who, as the  
17 result of a mental or emotional disorder, or intoxication by alcohol or  
18 other drugs, is suicidal, seriously assaultive or seriously destructive  
19 toward others, or otherwise similarly evidences an immediate need for  
20 emergency medical evaluation and possible care, for evaluation pursuant  
21 to chapter 71.34 RCW (~~(or)~~), to a mental health professional pursuant  
22 to chapter 71.05 RCW, or to a chemical dependency specialist pursuant  
23 to chapter 70.96A RCW whenever such action is deemed appropriate and  
24 consistent with law.

25 (2) When the juvenile resides in this facility, all services deemed  
26 necessary to the juvenile's reentry to normal family life shall be made  
27 available to the juvenile as required by chapter 13.32A RCW. In  
28 providing these services, the facility shall:

29 (a) Interview the juvenile as soon as possible;

30 (b) Contact the juvenile's parents and arrange for a counseling  
31 interview with the juvenile and his or her parents as soon as possible;

32 (c) Conduct counseling interviews with the juvenile and his or her  
33 parents, to the end that resolution of the child/parent conflict is  
34 attained and the child is returned home as soon as possible; and

35 (d) Provide additional crisis counseling as needed, to the end that  
36 placement of the child in the crisis residential center will be  
37 required for the shortest time possible, but not to exceed five  
38 consecutive days.

1 (3) A juvenile taking unauthorized leave from this residence  
2 ((may)) shall be apprehended and returned to it by law enforcement  
3 officers or other persons designated as having this authority as  
4 provided in RCW 13.32A.050. If returned to the facility after having  
5 taken unauthorized leave for a period of more than twenty-four hours a  
6 juvenile ((may)) shall be supervised by such a facility for a period,  
7 pursuant to this chapter, which, unless where otherwise provided, may  
8 not exceed five consecutive days on the premises. Costs of housing  
9 juveniles admitted to crisis residential centers shall be assumed by  
10 the department for a period not to exceed five consecutive days.

11 **Sec. 37.** RCW 74.13.034 and 1992 c 205 s 214 are each amended to  
12 read as follows:

13 (1) A child taken into custody and taken to a crisis residential  
14 center established pursuant to RCW 74.13.032(2) may, if the center is  
15 unable to provide appropriate treatment, supervision, and structure to  
16 the child, be taken at department expense to another crisis residential  
17 center or the nearest regional crisis residential center. Placement in  
18 both centers shall not exceed five consecutive days from the point of  
19 intake as provided in RCW 13.32A.130.

20 (2) A child taken into custody and taken to a crisis residential  
21 center established by this chapter may be placed physically by the  
22 department or the department's designee and, at departmental expense  
23 and approval, in a secure juvenile detention facility operated by the  
24 county in which the center is located for a maximum of forty-eight  
25 hours, including Saturdays, Sundays, and holidays, if the child has  
26 taken unauthorized leave from the center and the person in charge of  
27 the center determines that the center cannot provide supervision and  
28 structure adequate to ensure that the child will not again take  
29 unauthorized leave. Juveniles placed in such a facility pursuant to  
30 this section may not, to the extent possible, come in contact with  
31 alleged or convicted juvenile or adult offenders.

32 (3) Any child placed in secure detention pursuant to this section  
33 shall, during the period of confinement, be provided with appropriate  
34 treatment by the department or the department's designee, which shall  
35 include the services defined in RCW 74.13.033(2). If the child placed  
36 in secure detention is not returned home or if an alternative living  
37 arrangement agreeable to the parent and the child is not made within  
38 twenty-four hours after the child's admission, the child shall be taken

1 at the department's expense to a crisis residential center. Placement  
2 in the crisis residential center or centers plus placement in juvenile  
3 detention shall not exceed five consecutive days from the point of  
4 intake as provided in RCW 13.32A.130.

5 ~~(4) ((Juvenile detention facilities used pursuant to this section  
6 shall first be certified by the department to ensure that juveniles  
7 placed in the facility pursuant to this section are provided with  
8 living conditions suitable to the well being of the child. Where space  
9 is available, juvenile courts, when certified by the department to do  
10 so, shall provide secure placement for juveniles pursuant to this  
11 section, at department expense.~~

12 (5)) It is the intent of the legislature that by July 1, 1982,  
13 crisis residential centers, supplemented by community mental health  
14 programs and mental health professionals, will be able to respond  
15 appropriately to children admitted to centers under this chapter and  
16 will be able to respond to the needs of such children with appropriate  
17 treatment, supervision, and structure.

--- END ---