
SECOND SUBSTITUTE HOUSE BILL 1417

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.050, 13.32A.060, 13.32A.065, 13.32A.070, 28A.225.020,
3 28A.225.030, 28A.225.150, 70.96A.095, 70.96A.110, 70.96A.140,
4 71.34.030, 71.34.040, 71.34.050, 71.34.070, 71.34.130, 74.13.032,
5 74.13.033, and 74.13.034; adding new sections to chapter 13.32A RCW;
6 adding a new section to chapter 46.20 RCW; adding a new section to
7 chapter 28A.225 RCW; adding a new section to chapter 70.96A RCW; adding
8 a new section to chapter 71.34 RCW; creating a new section; and
9 prescribing penalties.

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

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

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

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

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

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

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

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

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

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

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

3 (1) "Department" means the department of social and health
4 services;

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

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

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

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

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

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

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

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

3 The department shall establish appropriate security requirements
4 for all crisis residential centers. The requirements shall be designed
5 to prevent children from leaving the centers without authorization.
6 Security requirements may include, but not be limited to, locked doors
7 and windows, electronic monitoring bracelets, and perimeter fences or
8 patrols. The crisis residential center administrator shall notify
9 parents and the appropriate law enforcement within four hours of all
10 unauthorized leaves.

11 **Sec. 5.** RCW 13.32A.050 and 1994 sp.s. c 7 s 505 are each amended
12 to read as follows:

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

14 (1) 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 (2) 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 (3) 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 (4) 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 RCW or that the court has issued an order for law enforcement
28 pick-up of the child under this chapter.

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

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

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

1 (6) If a law enforcement officer receives a report that causes the
2 officer to have reasonable suspicion that a child is being harbored
3 under RCW 13.32A.080 or for other reasons has a reasonable suspicion
4 that a child is being ((unlawfully)) harbored under RCW 13.32A.080, the
5 officer shall remove the child from the custody of the person harboring
6 the child and shall transport the child to one of the locations
7 specified in RCW 13.32A.060.

8 **Sec. 6.** RCW 13.32A.060 and 1994 sp.s. c 7 s 506 are each amended
9 to read as follows:

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

13 (a) Transport the child to his or her home. The officer releasing
14 a child into the custody of the parent shall inform the parent of the
15 reason for the taking of the child into custody and shall inform the
16 child and the parent of the nature and location of appropriate services
17 available in their community; or

18 (b) Take the child to the home of an ((adult)) extended family
19 member, a designated crisis residential center, or the home of a
20 responsible adult after attempting to notify the parent or legal
21 guardian:

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

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

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

31 The officer releasing a child into the custody of an extended
32 family member or a responsible adult shall inform the child and the
33 extended family member or responsible adult of the nature and location
34 of appropriate services available in the community.

35 (2) An officer taking a child into custody under RCW 13.32A.050 (3)
36 or (4) shall inform the child of the reason for custody((, and)). An
37 officer taking a child into custody under RCW 13.32A.050(3) shall take
38 the child to a designated crisis residential center licensed by the

1 department and established pursuant to chapter 74.13 RCW. (~~However,~~)
2 An officer taking a child into custody under RCW 13.32A.050(4) (~~may~~)
3 shall place the child in a juvenile detention facility as provided in
4 RCW 13.32A.065. The department shall ensure that all the enforcement
5 authorities are informed on a regular basis as to the location of the
6 designated crisis residential center or centers in their judicial
7 district, where children taken into custody under RCW 13.32A.050 may be
8 taken.

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

13 **Sec. 7.** RCW 13.32A.065 and 1981 c 298 s 4 are each amended to read
14 as follows:

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

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

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

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

28 **Sec. 8.** RCW 13.32A.070 and 1986 c 288 s 2 are each amended to read
29 as follows:

30 (1) Except when expressly required otherwise in this chapter, an
31 officer taking a child into custody under RCW 13.32A.050 may, at his or
32 her discretion, transport the child to the home of a responsible adult
33 who is other than the child's parent or extended family member where
34 the officer reasonably believes that the child will be provided with
35 adequate care and supervision and that the child will remain in the
36 custody of such adult until such time as the department can bring about
37 the child's return home or an alternative residential placement can be

1 agreed to or determined pursuant to this chapter. An officer placing
2 a child with a responsible adult other than his or her parent or
3 extended family member shall immediately notify the department's local
4 community service office of this fact and of the reason for taking the
5 child into custody.

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

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

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

19 NEW SECTION. Sec. 9. A new section is added to chapter 13.32A RCW
20 to read as follows:

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

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

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

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

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

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

1 NEW SECTION. **Sec. 10.** A new section is added to chapter 46.20 RCW
2 to read as follows:

3 When the department of licensing is provided with a notice under
4 section 11 of this act, the department shall suspend for ninety days
5 all driving privileges of the juvenile identified in the notice. To
6 the extent it may be required to provide due process, the department
7 may adopt rules to provide the juvenile with an opportunity to
8 challenge the notice.

9 NEW SECTION. **Sec. 11.** A new section is added to chapter 13.32A
10 RCW to read as follows:

11 When petitioned to do so by a parent, the department shall
12 determine whether the parent's child has, on two or more occasions
13 within a twelve-month period, been absent from home for more than
14 seventy-two consecutive hours without parental consent. If the
15 department finds that the child has and also that the child has a
16 Washington state driver's license, then the department shall provide a
17 notice of its findings to the department of licensing which shall
18 suspend the child's driver's license as provided in section 10 of this
19 act. The twelve-month period shall be the twelve-calendar-month period
20 immediately before the month in which the department receives the
21 petition. The department shall develop procedures for verifying
22 absences and if requested by either a parent or child shall conduct a
23 hearing on the question of whether the absences have occurred.

24 **Sec. 12.** RCW 28A.225.020 and 1992 c 205 s 202 are each amended to
25 read as follows:

26 If a juvenile required to attend school under the laws of the state
27 of Washington fails to attend school without valid justification, the
28 juvenile's school shall:

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

33 (2) Schedule a conference or conferences with the custodial parent,
34 parents or guardian and juvenile at a time and place reasonably
35 convenient for all persons included for the purpose of analyzing the
36 causes of the juvenile's absences after two unexcused absences within
37 any month during the current school year. If a regularly scheduled

1 parent-teacher conference day is to take place within thirty days of
2 the second unexcused absence, then the school district may schedule
3 this conference on that day; and

4 (3) Take steps to eliminate or reduce the juvenile's absences.
5 These steps shall include, where appropriate, adjusting the juvenile's
6 school program or school or course assignment, providing more
7 individualized or remedial instruction, preparing the juvenile for
8 employment with specific vocational courses or work experience, or
9 ~~((both))~~ refer the juvenile to a community truancy board, and assisting
10 the parent or student to obtain supplementary services that might
11 eliminate or ameliorate the cause or causes for the absence from
12 school.

13 **Sec. 13.** RCW 28A.225.030 and 1992 c 205 s 203 are each amended to
14 read as follows:

15 If action taken by a school pursuant to RCW 28A.225.020 is not
16 successful in substantially reducing a student's absences from school,
17 any of the following actions may be taken after five or more unexcused
18 absences during the current school year: (1) The attendance officer of
19 the school district or the community truancy board through its attorney
20 may petition the ~~((juvenile))~~ court to assume jurisdiction under RCW
21 28A.200.010, 28A.200.020, and 28A.225.010 through 28A.225.150 for the
22 purpose of alleging a violation of RCW 28A.225.010 by the parent; or
23 (2) a petition alleging a violation of RCW 28A.225.010 by a child may
24 be filed with the ~~((juvenile))~~ court by the parent of such child or by
25 the attendance officer of the school district or the community truancy
26 board through its attorney at the request of the parent. If the court
27 assumes jurisdiction in such an instance, the provisions of RCW
28 28A.200.010, 28A.200.020, and 28A.225.010 through 28A.225.150, except
29 where otherwise stated, shall apply.

30 NEW SECTION. **Sec. 14.** A new section is added to chapter 28A.225
31 RCW to read as follows:

32 For purposes of this chapter, "community truancy board" means a
33 board comprised of members of the local community in which the juvenile
34 attends school. The local school district shall direct the formation
35 of the board, and if possible include a variety of representatives from
36 the community. The community truancy board shall set conditions

1 designed to improve school attendance and monitor subsequent school
2 attendance.

3 **Sec. 15.** RCW 28A.225.150 and 1992 c 205 s 205 are each amended to
4 read as follows:

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

8 (1) The number of petitions filed by a school district or by a
9 parent;

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

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

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

17 The educational service district superintendent shall compile such
18 information and report annually to the superintendent of public
19 instruction. The superintendent of public instruction shall compile
20 such information and report to the committees of the house of
21 representatives and the senate by September 1 of each year.

22 **Sec. 16.** RCW 70.96A.095 and 1991 c 364 s 9 are each amended to
23 read as follows:

24 (1) Any person fourteen years of age or older may give consent for
25 himself or herself to the furnishing of counseling, care, treatment, or
26 rehabilitation by a treatment program or by any person. Consent of the
27 parent, parents, or legal guardian of a person less than eighteen years
28 of age is not necessary to authorize the care, except that the person
29 shall not become a resident of the treatment program without such
30 permission except as provided in RCW 70.96A.120 or 70.96A.140. The
31 parent, parents, or legal guardian of a person less than eighteen years
32 of age are not liable for payment of care for such persons pursuant to
33 this chapter, unless they have joined in the consent to the counseling,
34 care, treatment, or rehabilitation. The parent's, parents', or
35 guardians' insurance carrier is also not liable for payment and shall
36 not be billed for payment unless the parent, parents, or guardian has
37 given consent.

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

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

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

15 **Sec. 18.** RCW 70.96A.110 and 1990 c 151 s 7 are each amended to
16 read as follows:

17 (1) An alcoholic or other drug addict may apply for voluntary
18 treatment directly to an approved treatment program. If the proposed
19 patient is ~~((a minor or))~~ an incompetent person, he or she, a parent,
20 a legal guardian, or other legal representative may make the
21 application. If the proposed patient is a minor, the minor or the
22 minor's parent, legal guardian, or other legal representative may make
23 the application as provided in RCW 70.96A.095.

24 (2) Subject to rules adopted by the secretary, the administrator in
25 charge of an approved treatment program may determine who shall be
26 admitted for treatment. If a person is refused admission to an
27 approved treatment program, the administrator, subject to rules adopted
28 by the secretary, shall refer the person to another approved treatment
29 program for treatment if possible and appropriate.

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

36 (4) If a patient leaves an approved public treatment program, with
37 or against the advice of the administrator in charge of the program,

1 the department may make reasonable provisions for his or her
2 transportation to another program or to his or her home. If the
3 patient has no home he or she should be assisted in obtaining shelter.
4 If the patient is less than (~~fourteen~~) eighteen years of age or an
5 incompetent person the request for discharge from an inpatient program
6 shall be made by a parent, legal guardian, or other legal
7 representative or by the (~~minor or~~) incompetent if he or she was the
8 original applicant.

9 **Sec. 19.** RCW 70.96A.140 and 1993 c 362 s 1 are each amended to
10 read as follows:

11 (1) When a designated chemical dependency specialist receives
12 information alleging that a person is incapacitated as a result of
13 chemical dependency, the designated chemical dependency specialist,
14 after investigation and evaluation of the specific facts alleged and of
15 the reliability and credibility of the information, may file a petition
16 for commitment of such person with the superior court or district
17 court.

18 If a petition for commitment is not filed in the case of a minor,
19 the parent, guardian, or custodian who has custody of the minor may
20 seek review of that decision made by the designated chemical dependency
21 specialist in superior or district court. The parent, guardian, or
22 custodian shall file notice with the court and provide a copy of the
23 designated chemical dependency specialist's report.

24 If the designated chemical dependency specialist finds that the
25 initial needs of such person would be better served by placement within
26 the mental health system, the person shall be referred to an evaluation
27 and treatment facility as defined in RCW 71.05.020 or 71.34.020. If
28 placement in a chemical dependency program is available and deemed
29 appropriate, the petition shall allege that: The person is chemically
30 dependent and is incapacitated by alcohol or drug addiction, or that
31 the person has twice before in the preceding twelve months been
32 admitted for detoxification or chemical dependency treatment pursuant
33 to RCW 70.96A.110, and is in need of a more sustained treatment
34 program, or that the person is chemically dependent and has threatened,
35 attempted, or inflicted physical harm on another and is likely to
36 inflict physical harm on another unless committed. A refusal to
37 undergo treatment, by itself, does not constitute evidence of lack of
38 judgment as to the need for treatment. The petition shall be

1 accompanied by a certificate of a licensed physician who has examined
2 the person within five days before submission of the petition, unless
3 the person whose commitment is sought has refused to submit to a
4 medical examination, in which case the fact of refusal shall be alleged
5 in the petition. The certificate shall set forth the licensed
6 physician's findings in support of the allegations of the petition. A
7 physician employed by the petitioning program or the department is
8 eligible to be the certifying physician.

9 (2) Upon filing the petition, the court shall fix a date for a
10 hearing no less than two and no more than seven days after the date the
11 petition was filed unless the person petitioned against is presently
12 being detained in a program, pursuant to RCW 70.96A.120, 71.05.210, or
13 71.34.050, (~~as now or hereafter amended,~~) in which case the hearing
14 shall be held within seventy-two hours of the filing of the petition:
15 PROVIDED, HOWEVER, That the above specified seventy-two hours shall be
16 computed by excluding Saturdays, Sundays, and holidays: PROVIDED
17 FURTHER, That, the court may, upon motion of the person whose
18 commitment is sought, or upon motion of petitioner with written
19 permission of the person whose commitment is sought, or his or her
20 counsel and, upon good cause shown, extend the date for the hearing.
21 A copy of the petition and of the notice of the hearing, including the
22 date fixed by the court, shall be served by the designated chemical
23 dependency specialist on the person whose commitment is sought, his or
24 her next of kin, a parent or his or her legal guardian if he or she is
25 a minor, and any other person the court believes advisable. A copy of
26 the petition and certificate shall be delivered to each person
27 notified.

28 (3) At the hearing the court shall hear all relevant testimony,
29 including, if possible, the testimony, which may be telephonic, of at
30 least one licensed physician who has examined the person whose
31 commitment is sought. Communications otherwise deemed privileged under
32 the laws of this state are deemed to be waived in proceedings under
33 this chapter when a court of competent jurisdiction in its discretion
34 determines that the waiver is necessary to protect either the detained
35 person or the public. The waiver of a privilege under this section is
36 limited to records or testimony relevant to evaluation of the detained
37 person for purposes of a proceeding under this chapter. Upon motion by
38 the detained person, or on its own motion, the court shall examine a

1 record or testimony sought by a petitioner to determine whether it is
2 within the scope of the waiver.

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

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

29 (5) A person committed under this section shall remain in the
30 program for treatment for a period of sixty days unless sooner
31 discharged. At the end of the sixty-day period, he or she shall be
32 discharged automatically unless the program, before expiration of the
33 period, files a petition for his or her recommitment upon the grounds
34 set forth in subsection (1) of this section for a further period of
35 ninety days unless sooner discharged.

36 If a petition for recommitment is not filed in the case of a minor,
37 the parent, guardian, or custodian who has custody of the minor may
38 seek review of that decision made by the designated chemical dependency
39 specialist in superior or district court. The parent, guardian, or

1 custodian shall file notice with the court and provide a copy of the
2 treatment progress report.

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

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

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

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

29 (a) In case of a chemically dependent person committed on the
30 grounds of likelihood of infliction of physical harm upon himself,
31 herself, or another, the likelihood no longer exists; or further
32 treatment will not be likely to bring about significant improvement in
33 the person's condition, or treatment is no longer adequate or
34 appropriate.

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

38 (9) The court shall inform the person whose commitment or
39 recommitment is sought of his or her right to contest the application,

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

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

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

19 (12) When in the opinion of the professional person in charge of
20 the program providing involuntary treatment under this chapter, the
21 committed patient can be appropriately served by less restrictive
22 treatment before expiration of the period of commitment, then the less
23 restrictive care may be required as a condition for early release for
24 a period which, when added to the initial treatment period, does not
25 exceed the period of commitment. If the program designated to provide
26 the less restrictive treatment is other than the program providing the
27 initial involuntary treatment, the program so designated must agree in
28 writing to assume such responsibility. A copy of the conditions for
29 early release shall be given to the patient, the designated chemical
30 dependency specialist of original commitment, and the court of original
31 commitment. The program designated to provide less restrictive care
32 may modify the conditions for continued release when the modifications
33 are in the best interests of the patient. If the program providing
34 less restrictive care and the designated chemical dependency specialist
35 determine that a conditionally released patient is failing to adhere to
36 the terms and conditions of his or her release, or that substantial
37 deterioration in the patient's functioning has occurred, then the
38 designated chemical dependency specialist shall notify the court of
39 original commitment and request a hearing to be held no less than two

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

18 **Sec. 20.** RCW 71.34.030 and 1985 c 354 s 3 are each amended to read
19 as follows:

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

29 (2) When in the judgment of the professional person in charge of an
30 evaluation and treatment facility there is reason to believe that a
31 minor is in need of inpatient treatment because of a mental disorder,
32 and the facility provides the type of evaluation and treatment needed
33 by the minor, and it is not feasible to treat the minor in any less
34 restrictive setting or the minor's home, the minor may be admitted to
35 an evaluation and treatment facility in accordance with the following
36 requirements:

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

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

5 (c) A minor (~~((thirteen))~~) fourteen years or older may, with the
6 concurrence of the professional person in charge of an evaluation and
7 treatment facility, admit himself or herself without parental consent
8 to the evaluation and treatment facility, provided that notice is given
9 by the facility to the minor's parent in accordance with the following
10 requirements:

11 (i) Notice of the minor's admission shall be in the form most
12 likely to reach the parent within twenty-four hours of the minor's
13 voluntary admission and shall advise the parent that the minor has been
14 admitted to inpatient treatment; the location and telephone number of
15 the facility providing such treatment; and the name of a professional
16 person on the staff of the facility providing treatment who is
17 designated to discuss the minor's need for inpatient treatment with the
18 parent.

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

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

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

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

31 (vi) The hearing shall be conducted by a judge, court commissioner,
32 or licensed attorney designated by the superior court as a hearing
33 officer for such hearing. The hearing may be held at the treatment
34 facility.

35 (vii) At such hearing, the facility must demonstrate by a
36 preponderance of the evidence presented at the hearing that the minor
37 is in need of inpatient treatment and that release would constitute a
38 threat to the minor's health or safety. The hearing shall not be
39 conducted using the rules of evidence, and the admission or exclusion

1 of evidence sought to be presented shall be within the exercise of
2 sound discretion by the judicial officer conducting the hearing.

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

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

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

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

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

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

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

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

32 **Sec. 21.** RCW 71.34.040 and 1985 c 354 s 4 are each amended to read
33 as follows:

34 If a minor, (~~((thirteen))~~) fourteen years or older, is brought to an
35 evaluation and treatment facility or hospital emergency room for
36 immediate mental health services, the professional person in charge of
37 the facility shall evaluate the minor's mental condition, determine
38 whether the minor suffers from a mental disorder, and whether the minor

1 is in need of immediate inpatient treatment. If it is determined that
2 the minor suffers from a mental disorder, inpatient treatment is
3 required, the minor is unwilling to consent to voluntary admission, and
4 the professional person believes that the minor meets the criteria for
5 initial detention set forth herein, the facility may detain or arrange
6 for the detention of the minor for up to twelve hours in order to
7 enable a county-designated mental health professional to evaluate the
8 minor and commence initial detention proceedings under the provisions
9 of this chapter.

10 NEW SECTION. **Sec. 22.** A new section is added to chapter 71.34 RCW
11 to read as follows:

12 Nothing in this chapter authorizes school district personnel to
13 refer minors to any evaluation and treatment program or mental health
14 professional without providing notice of the referral to the minor's
15 parent.

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

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

27 If the minor is not taken into custody for evaluation and
28 treatment, the parent who has custody of the minor may seek review of
29 that decision made by the county designated mental health professional
30 in court. The parent shall file notice with the court and provide a
31 copy of the county designated mental health professional's report or
32 notes.

33 (2) Within twelve hours of the minor's arrival at the evaluation
34 and treatment facility, the county-designated mental health
35 professional shall serve on the minor a copy of the petition for
36 initial detention, notice of initial detention, and statement of
37 rights. The county-designated mental health professional shall file

1 with the court on the next judicial day following the initial detention
2 the original petition for initial detention, notice of initial
3 detention, and statement of rights along with an affidavit of service.
4 The county-designated mental health professional shall commence service
5 of the petition for initial detention and notice of the initial
6 detention on the minor's parent and the minor's attorney as soon as
7 possible following the initial detention.

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

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

18 (4) Whenever the county designated mental health professional
19 petitions for detention of a minor under this chapter, an evaluation
20 and treatment facility providing seventy-two hour evaluation and
21 treatment must immediately accept on a provisional basis the petition
22 and the person. Within twenty-four hours of the minor's arrival, the
23 facility must evaluate the minor's condition and either admit or
24 release the minor in accordance with this chapter.

25 (5) If a minor is not approved for admission by the inpatient
26 evaluation and treatment facility, the facility shall make such
27 recommendations and referrals for further care and treatment of the
28 minor as necessary.

29 **Sec. 24.** RCW 71.34.070 and 1985 c 354 s 7 are each amended to read
30 as follows:

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

36 If the professional person in charge of the treatment and
37 evaluation facility does not petition to have the minor committed, the
38 parent who has custody of the minor may seek review of that decision in

1 court. The parent shall file notice with the court and provide a copy
2 of the treatment and evaluation facility's report.

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

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

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

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

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

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

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

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

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

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

28 **Sec. 25.** RCW 71.34.130 and 1985 c 354 s 13 are each amended to
29 read as follows:

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

35 (2) The minor's parent shall not be liable for payment for the
36 costs of treatment, care, and transportation unless the parent gave
37 consent to the treatment, care, and transportation. The parent's

1 insurance carrier is also not liable for payment and shall not be
2 billed for payment unless the parent has given consent.

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

6 **Sec. 26.** RCW 74.13.032 and 1979 c 155 s 78 are each amended to
7 read as follows:

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

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

32 Crisis residential (~~facilities~~) centers shall be operated as
33 (~~semi-secure~~) secure facilities.

34 **Sec. 27.** RCW 74.13.033 and 1992 c 205 s 213 are each amended to
35 read as follows:

36 (1) If a resident of a center becomes by his or her behavior
37 disruptive to the facility's program, such resident may be immediately

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

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

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

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

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

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

31 (3) A juvenile taking unauthorized leave from this residence
32 (~~(may)~~) shall be apprehended and returned to it by law enforcement
33 officers or other persons designated as having this authority as
34 provided in RCW 13.32A.050. If returned to the facility after having
35 taken unauthorized leave for a period of more than twenty-four hours a
36 juvenile (~~(may)~~) shall be supervised by such a facility for a period,
37 pursuant to this chapter, which, unless where otherwise provided, may
38 not exceed five consecutive days on the premises. Costs of housing

1 juveniles admitted to crisis residential centers shall be assumed by
2 the department for a period not to exceed five consecutive days.

3 **Sec. 28.** RCW 74.13.034 and 1992 c 205 s 214 are each amended to
4 read as follows:

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

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

24 (3) Any child placed in secure detention pursuant to this section
25 shall, during the period of confinement, be provided with appropriate
26 treatment by the department or the department's designee, which shall
27 include the services defined in RCW 74.13.033(2). If the child placed
28 in secure detention is not returned home or if an alternative living
29 arrangement agreeable to the parent and the child is not made within
30 twenty-four hours after the child's admission, the child shall be taken
31 at the department's expense to a crisis residential center. Placement
32 in the crisis residential center or centers plus placement in juvenile
33 detention shall not exceed five consecutive days from the point of
34 intake as provided in RCW 13.32A.130.

35 ~~(4) ((Juvenile detention facilities used pursuant to this section
36 shall first be certified by the department to ensure that juveniles
37 placed in the facility pursuant to this section are provided with
38 living conditions suitable to the well being of the child. Where space~~

1 ~~is available, juvenile courts, when certified by the department to do~~
2 ~~so, shall provide secure placement for juveniles pursuant to this~~
3 ~~section, at department expense.~~

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

--- END ---