
HOUSE BILL 1417

State of Washington

54th Legislature

1995 Regular Session

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 01/24/95. Referred to Committee on Law and Justice.

1 AN ACT Relating to juveniles; amending RCW 13.32A.030, 13.32A.060,
2 13.32A.065, 13.32A.070, 70.96A.095, 70.96A.110, 71.34.030, 74.13.032,
3 74.13.033, and 74.13.034; adding a new section to chapter 46.20 RCW;
4 adding new sections to chapter 13.40 RCW; creating a new section; and
5 prescribing penalties.

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

7 NEW SECTION. **Sec. 1.** This act may be known and cited as the
8 "Becca bill."

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

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

13 (1) "Department" means the department of social and health
14 services;

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

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

1 (4) "~~((Semi-secure))~~ Secure facility" means any facility, including
2 but not limited to crisis residential centers or specialized foster
3 family homes, operated in a manner to ~~((reasonably))~~ assure that youth
4 placed there will not run away(~~(:—PROVIDED, That such facility shall~~
5 ~~not be a secure institution or facility as defined by the federal~~
6 ~~juvenile justice and delinquency prevention act of 1974 (P.L. 93-415;~~
7 ~~42 U.S.C. Sec. 5634 et seq.)~~ and regulations and clarifying
8 instructions promulgated thereunder. Pursuant to rules established by
9 the department, the facility administrator shall establish reasonable
10 hours for residents to come and go from the facility such that no
11 residents are free to come and go at all hours of the day and night.
12 To prevent residents from taking unreasonable actions, the facility
13 administrator, where appropriate, may condition a resident's leaving
14 the facility upon the resident being accompanied by the administrator
15 or the administrator's designee and the resident may be required to
16 notify the administrator or the administrator's designee of any intent
17 to leave, his or her intended destination, and the probable time of his
18 or her return to the center)). The facility administrator shall notify
19 a parent and the appropriate law enforcement agency within four hours
20 of all unauthorized leaves;

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

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

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

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

30 **Sec. 3.** RCW 13.32A.060 and 1994 sp.s. c 7 s 506 are each amended
31 to read as follows:

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

35 (a) Transport the child to his or her home. The officer releasing
36 a child into the custody of the parent shall inform the parent of the
37 reason for the taking of the child into custody and shall inform the

1 child and the parent of the nature and location of appropriate services
2 available in their community; or

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

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

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

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

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

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

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

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

37 (1) A child (~~(may)~~) shall be placed in detention after being taken
38 into custody pursuant to RCW 13.32A.050(4). The court shall hold a

1 detention review hearing within twenty-four hours, excluding Saturdays,
2 Sundays, and holidays. The court shall release the child after twenty-
3 four hours, excluding Saturdays, Sundays, and holidays, unless:

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

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

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

12 **Sec. 5.** RCW 13.32A.070 and 1986 c 288 s 2 are each amended to read
13 as follows:

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

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

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

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 46.20 RCW
2 to read as follows:

3 (1) In addition to any other authority to suspend driving
4 privileges under this chapter, the department shall suspend for ninety
5 days all driving privileges of a juvenile who has run away from his or
6 her parent's home twice in a twelve-month period when the department
7 receives a notice under section 7 of this act. If the child is under
8 sixteen years of age the ninety-day period shall begin on the child's
9 sixteenth birthday.

10 (2) In addition to any other penalties under this chapter, the
11 child shall perform up to one hundred hours of community service.

12 NEW SECTION. **Sec. 7.** A new section is added to chapter 13.40 RCW
13 to read as follows:

14 If a juvenile runs away from his or her parent's home twice in a
15 twelve-month period, the department shall notify the department of
16 licensing within twenty-four hours after notification by the parents.

17 The department shall develop procedures for verifying reports
18 received under this section.

19 NEW SECTION. **Sec. 8.** A new section is added to chapter 13.40 RCW
20 to read as follows:

21 If a child has run away from his or her parent's home three times
22 in a twelve-month period, the court shall enter a finding that the
23 child is at-risk and the court on its own motion shall detain the child
24 in a secure juvenile detention facility for a period not to exceed one
25 year. The department shall develop a program of education and services
26 for the child and family to address the child's behavior.

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

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

1 than eighteen years of age are not liable for payment of care for such
2 persons pursuant to this chapter, unless they have joined in the
3 consent to the counseling, care, treatment, or rehabilitation.

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

13 **Sec. 10.** RCW 70.96A.110 and 1990 c 151 s 7 are each amended to
14 read as follows:

15 (1) An alcoholic or other drug addict may apply for voluntary
16 treatment directly to an approved treatment program. If the proposed
17 patient is (~~a minor or~~) an incompetent person, he or she, a parent,
18 a legal guardian, or other legal representative may make the
19 application. If the proposed patient is a minor, a parent, a legal
20 guardian, or other legal representative may make the application.

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

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

33 (4) If a patient leaves an approved public treatment program, with
34 or against the advice of the administrator in charge of the program,
35 the department may make reasonable provisions for his or her
36 transportation to another program or to his or her home. If the
37 patient has no home he or she should be assisted in obtaining shelter.
38 If the patient is less than (~~fourteen~~) eighteen years of age or an

1 incompetent person the request for discharge from an inpatient program
2 shall be made by a parent, legal guardian, or other legal
3 representative or by the (~~minor or~~) incompetent if he or she was the
4 original applicant.

5 **Sec. 11.** RCW 71.34.030 and 1985 c 354 s 3 are each amended to read
6 as follows:

7 (1) Any minor thirteen years or older may request and receive
8 outpatient treatment without the consent of the minor's parent.
9 Parental authorization is required for outpatient treatment of a minor
10 under the age of thirteen.

11 (2) When in the judgment of the professional person in charge of an
12 evaluation and treatment facility there is reason to believe that a
13 minor is in need of inpatient treatment because of a mental disorder,
14 and the facility provides the type of evaluation and treatment needed
15 by the minor, and it is not feasible to treat the minor in any less
16 restrictive setting or the minor's home, the minor may be admitted to
17 an evaluation and treatment facility in accordance with the following
18 requirements:

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

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

25 ~~((e))) (b) A minor thirteen years or older may, with the
26 concurrence of the professional person in charge of an evaluation and
27 treatment facility, admit himself or herself without parental consent
28 to the evaluation and treatment facility, provided that notice is given
29 by the facility to the minor's parent in accordance with the following
30 requirements:~~

31 (i) Notice of the minor's admission shall be in the form most
32 likely to reach the parent within twenty-four hours of the minor's
33 voluntary admission and shall advise the parent that the minor has been
34 admitted to inpatient treatment; the location and telephone number of
35 the facility providing such treatment; and the name of a professional
36 person on the staff of the facility providing treatment who is
37 designated to discuss the minor's need for inpatient treatment with the
38 parent.

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

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

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

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

13 (vi) The hearing shall be conducted by a judge, court commissioner,
14 or licensed attorney designated by the superior court as a hearing
15 officer for such hearing. The hearing may be held at the treatment
16 facility.

17 (vii) At such hearing, the facility must demonstrate by a
18 preponderance of the evidence presented at the hearing that the minor
19 is in need of inpatient treatment and that release would constitute a
20 threat to the minor's health or safety. The hearing shall not be
21 conducted using the rules of evidence, and the admission or exclusion
22 of evidence sought to be presented shall be within the exercise of
23 sound discretion by the judicial officer conducting the hearing.

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

27 ~~((e))~~ (d) The minor's need for continued inpatient treatments
28 shall be reviewed and documented no less than every one hundred eighty
29 days.

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

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

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

37 (c) The staff member receiving the notice shall date it
38 immediately, record its existence in the minor's clinical record, and

1 send copies of it to the minor's attorney, if any, the county-
2 designated mental health professional, and the parent.

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

10 **Sec. 12.** RCW 74.13.032 and 1979 c 155 s 78 are each amended to
11 read as follows:

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

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

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

35 **Sec. 13.** RCW 74.13.033 and 1992 c 205 s 213 are each amended to
36 read as follows:

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

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

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

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

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

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

33 (3) A juvenile taking unauthorized leave from this residence
34 (~~(may)~~) shall be apprehended and returned to it by law enforcement
35 officers or other persons designated as having this authority as
36 provided in RCW 13.32A.050. If returned to the facility after having
37 taken unauthorized leave for a period of more than twenty-four hours a
38 juvenile (~~(may)~~) shall be supervised by such a facility for a period,
39 pursuant to this chapter, which, unless where otherwise provided, may

1 not exceed five consecutive days on the premises. Costs of housing
2 juveniles admitted to crisis residential centers shall be assumed by
3 the department for a period not to exceed five consecutive days.

4 **Sec. 14.** RCW 74.13.034 and 1992 c 205 s 214 are each amended to
5 read as follows:

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

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

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

36 ~~(4) ((Juvenile detention facilities used pursuant to this section~~
37 ~~shall first be certified by the department to ensure that juveniles~~
38 ~~placed in the facility pursuant to this section are provided with~~

1 ~~living conditions suitable to the well-being of the child. Where space~~
2 ~~is available, juvenile courts, when certified by the department to do~~
3 ~~so, shall provide secure placement for juveniles pursuant to this~~
4 ~~section, at department expense.~~

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

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