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HOUSE BILL 2818

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State of Washington

54th Legislature

1996 Regular Session

By Representatives Wolfe, Dickerson, Romero, Ogden, Scott, Scheuerman, Kessler, Patterson, Linville and Costa

Read first time 01/22/96. Referred to Committee on Children & Family Services.

1 AN ACT Relating to at-risk youth; amending RCW 13.32A.030,  
2 13.32A.050, 13.32A.060, 13.32A.065, 13.32A.070, 13.32A.082, 13.32A.090,  
3 13.32A.095, 13.32A.100, 13.32A.110, 13.32A.120, 13.32A.130, 13.32A.140,  
4 13.32A.150, 13.32A.152, 13.32A.160, 13.32A.170, 13.32A.179, 13.32A.190,  
5 13.32A.192, 13.32A.194, 13.32A.250, 13.34.165, 28A.225.030,  
6 28A.225.035, 28A.225.090, 70.96A.095, 71.34.035, 28A.225.010,  
7 28A.225.020, 28A.225.030, 28A.225.035, 28A.225.151, and 28A.225.025;  
8 adding a new section to chapter 2.56 RCW; creating a new section;  
9 repealing RCW 13.32A.044; and providing an expiration date.

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

11 **Sec. 1.** RCW 13.32A.030 and 1995 c 312 s 3 are each amended to read  
12 as follows:

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

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

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

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

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

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

8 ~~((+2))~~ (3) "Child," "juvenile," and "youth" mean any unemancipated  
9 individual who is under the chronological age of eighteen years.

10 ~~((+3))~~ (4) "Child in need of services" means a juvenile:

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

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

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

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

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

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

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

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

32 ~~((+5))~~ (6) "Crisis residential center" means a secure or semi-  
33 secure facility established pursuant to RCW 74.13.032.

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

36 ~~((+6))~~ (8) "Department" means the department of social and health  
37 services.

38 ~~((+7))~~ (9) "Extended family member" means an adult who is a  
39 grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or

1 first cousin with whom the child has a relationship and is comfortable,  
2 and who is willing and available to care for the child.

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

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

22 ~~((10))~~ (11) "Out-of-home placement" means a placement in a foster  
23 family home or group care facility licensed pursuant to chapter 74.15  
24 RCW or placement in a home, other than that of the child's parent,  
25 guardian, or legal custodian, not required to be licensed pursuant to  
26 chapter 74.15 RCW.

27 ~~((11))~~ (12) "Parent" means the parent or parents who have the  
28 legal right to custody of the child. "Parent" includes custodian or  
29 guardian.

30 ~~((12))~~ (13) "Secure facility" means a crisis residential center,  
31 or portion thereof, that has locking doors, locking windows, or a  
32 secured perimeter, designed and operated to prevent a child from  
33 leaving without permission of the facility staff.

34 ~~((13))~~ (14) "Semi-secure facility" means any facility, including  
35 but not limited to crisis residential centers or specialized foster  
36 family homes, operated in a manner to reasonably assure that youth  
37 placed there will not run away. Pursuant to rules established by the  
38 department, the facility administrator shall establish reasonable hours  
39 for residents to come and go from the facility such that no residents

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

9 ~~((14))~~ (15) "Temporary out-of-home placement" means an out-of-  
10 home placement of not more than fourteen days ordered by the court at  
11 a fact-finding hearing on a child in need of services petition.

12 **Sec. 2.** RCW 13.32A.050 and 1995 c 312 s 6 are each amended to read  
13 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

20 **Sec. 3.** RCW 13.32A.060 and 1995 c 312 s 7 are each amended to read  
21 as follows:

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

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

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

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

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

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

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

15 (c) If a crisis residential center is full, not available, or not  
16 located within a reasonable distance, the officer may request the  
17 department to accept custody of the child. If the department  
18 determines that an appropriate placement is currently available, the  
19 department may accept custody and place the child in an out-of-home  
20 placement. If the department declines to accept custody of the child,  
21 the officer may release the child after taking the child to the home of  
22 an adult extended family member or a responsible adult or a licensed  
23 youth shelter.

24 (2) An officer taking a child into custody under RCW 13.32A.050(1)  
25 (c) or (d) shall inform the child of the reason for custody. An  
26 officer taking a child into custody under RCW 13.32A.050(1)(c)  
27 ~~((shall))~~ may release the child to the supervising agency, or shall  
28 take the child to a designated crisis residential center's secure  
29 facility ~~((or))~~. If the secure facility is not available ~~((or))~~, not  
30 located within a reasonable distance, or full, the officer shall take  
31 the child to a semi-secure ~~((facility within a))~~ crisis residential  
32 center, licensed by the department and established pursuant to chapter  
33 74.13 RCW. An officer taking a child into custody under RCW  
34 13.32A.050(1)(d) may place the child in a juvenile detention facility  
35 as provided in RCW 13.32A.065 or a secure facility, except that the  
36 child shall be taken to detention whenever the officer has been  
37 notified that a juvenile court has entered a detention order under this  
38 chapter or chapter 13.34 RCW.

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

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

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

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

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

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

22       **Sec. 5.** RCW 13.32A.070 and 1995 c 312 s 8 are each amended to read  
23 as follows:

24       (1) 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, in placing a child in a crisis residential center, in  
27 releasing the child to the department or a supervising agency, or in  
28 releasing a child to a person at the request of a parent is immune from  
29 civil or criminal liability for such action.

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

34       **Sec. 6.** RCW 13.32A.082 and 1995 c 312 s 34 are each amended to  
35 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (d) Arrange transportation for the child to the residence of the  
13 parent, as soon as practicable, at the latter's expense to the extent  
14 of his or her ability to pay, with any unmet transportation expenses to  
15 be assumed by the department, when the child and his or her parent  
16 agrees to the child's return home or when the parent produces a copy of  
17 a court order entered under this chapter requiring the child to reside  
18 in the parent's home;

19 (e) Arrange transportation for the child to an out-of-home  
20 placement which may include a licensed group care facility or foster  
21 family when agreed to by the child and parent at the latter's expense  
22 to the extent of his or her ability to pay, with any unmet  
23 transportation expenses assumed by the department((÷

24 ~~(f) Immediately notify the department of the placement)).~~

25 (3) If the administrator of the crisis residential center performs  
26 the duties listed in subsection (1) of this section, he or she shall  
27 also notify the department that a child has been admitted to the crisis  
28 residential center.

29 **Sec. 8.** RCW 13.32A.095 and 1995 c 312 s 21 are each amended to  
30 read as follows:

31 The ~~((crisis residential center))~~ administrator of the crisis  
32 residential center shall notify parents and the appropriate law  
33 enforcement agency immediately as to any unauthorized leave from the  
34 center by a child placed at the center.

35 **Sec. 9.** RCW 13.32A.100 and 1981 c 298 s 8 are each amended to read  
36 as follows:

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

7       **Sec. 10.** RCW 13.32A.110 and 1979 c 155 s 25 are each amended to  
8 read as follows:

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

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

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

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

30       (3) If a child and his or her parent cannot agree to the  
31 continuation of an out-of-home placement arrived at under RCW  
32 13.32A.090(2)(e), either the child or parent may file with the juvenile  
33 court a child in need of services petition to approve an out-of-home  
34 placement or the parent may file with the juvenile court a petition in  
35 the interest of a child alleged to be an at-risk youth under this  
36 chapter.

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

3       (1) A child admitted to a secure facility within a crisis  
4 residential center shall remain in the facility for not more than five  
5 consecutive days, but for at least twenty-four hours after admission.  
6 If the child is transferred between centers or between secure and semi-  
7 secure facilities, the aggregate length of time spent in all such  
8 centers or facilities may not exceed five consecutive days.

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

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

27       (b) If the administrator of a secure facility determines the child  
28 is unlikely to remain in a semi-secure facility, the administrator  
29 shall keep the child in the secure facility pursuant to this chapter  
30 and in order to provide for space for the child may transfer another  
31 child who has been in the facility for at least seventy-two hours to a  
32 semi-secure facility. The administrator shall only make a transfer of  
33 a child after determining that the child who may be transferred is  
34 likely to remain at the semi-secure facility.

35       (c) A crisis residential center administrator is authorized to  
36 transfer a child to a crisis residential center in the area where the  
37 child's parents reside or where the child's lawfully prescribed  
38 residence is located.

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

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

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

16 (5) Notwithstanding the provisions of subsection (1) of this  
17 section, the parents may remove the child at any time during the five-  
18 day period unless the staff of the crisis residential center has  
19 reasonable cause to believe that the child is absent from the home  
20 because he or she is abused or neglected or if allegations of abuse or  
21 neglect have been made against the parents. (~~The department may~~  
22 ~~remove the child whenever a dependency petition is filed under chapter~~  
23 ~~13.34 RCW.~~) Any agency legally charged with the supervision of a  
24 child or the department may remove a child from a crisis residential  
25 center at any time after the first twenty-four-hour period after  
26 admission has elapsed and only after full consideration by all parties  
27 of the factors in subsection (2)(a) of this section.

28 (6) Crisis residential center staff shall make reasonable efforts  
29 to protect the child and achieve a reconciliation of the family. If a  
30 reconciliation and voluntary return of the child has not been achieved  
31 within forty-eight hours from the time of intake, and if the (~~person~~  
32 ~~in charge~~) administrator of the center does not consider it likely  
33 that reconciliation will be achieved within the five-day period, then  
34 the (~~person in charge~~) administrator shall inform the parent and  
35 child of (a) the availability of counseling services; (b) the right to  
36 file a child in need of services petition for an out-of-home placement,  
37 the right of a parent to file an at-risk youth petition, and the right  
38 of the parent and child to obtain assistance in filing the petition;  
39 (c) the right to request the facility administrator or his or her

1 designee to form a multidisciplinary team; and (d) the right to request  
2 a review of any out-of-home placement.

3 (7) At no time shall information regarding a parent's or child's  
4 rights be withheld. The department shall develop and distribute to all  
5 law enforcement agencies and to each crisis residential center  
6 administrator a written statement delineating the services and rights.  
7 Every officer taking a child into custody shall provide the child and  
8 his or her parent(s) or responsible adult with whom the child is placed  
9 with a copy of the statement. In addition, the administrator of the  
10 facility or his or her designee shall provide every resident and parent  
11 with a copy of the statement.

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

15 **Sec. 13.** RCW 13.32A.140 and 1995 c 312 s 15 are each amended to  
16 read as follows:

17 Unless the department files a dependency petition, the department  
18 shall file a child in need of services petition to approve an out-of-  
19 home placement on behalf of a child under any of the following sets of  
20 circumstances:

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

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

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

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

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

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

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

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

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

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

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

5 (3) An agreement between parent and child made pursuant to RCW  
6 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer  
7 acceptable to parent or child, and:

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

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

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

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

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

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

19 Under the circumstances of subsections (1), (2), or (3) of this  
20 section, the child shall remain in an out-of-home placement until a  
21 child in need of services petition filed by the department on behalf of  
22 the child is reviewed by the juvenile court and is resolved by ~~((such))~~  
23 the court. The department may authorize emergency medical or dental  
24 care for a child ~~((placed under this section))~~ admitted to a crisis  
25 residential center or placed in an out-of-home placement by the  
26 department. The state, when the department files a child in need of  
27 services petition under this section, shall be represented as provided  
28 for in RCW 13.04.093.

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

32 **Sec. 14.** RCW 13.32A.150 and 1995 c 312 s 16 are each amended to  
33 read as follows:

34 (1) Except as otherwise provided in this chapter, the juvenile  
35 court shall not accept the filing of a child in need of services  
36 petition by the child or the parents or the filing of an at-risk youth  
37 petition by the parent, unless verification is provided that a family  
38 assessment has been completed by the department. ~~((The family~~

1 assessment provided by the department shall involve the  
2 multidisciplinary team as provided in RCW 13.32A.040, if one exists.))  
3 The family assessment ((or plan of services developed by the  
4 multidisciplinary team)) shall be aimed at family reconciliation,  
5 reunification, and avoidance of the out-of-home placement of the child.  
6 If the department is unable to complete an assessment within two  
7 working days following a request for assessment the child or the  
8 parents may proceed under subsection (2) of this section or the parent  
9 may proceed under RCW 13.32A.191.

10 (2) A child or a child's parent may file with the juvenile court a  
11 child in need of services petition to approve an out-of-home placement  
12 for the child. The department shall, when requested, assist either a  
13 parent or child in the filing of the petition. The petition must be  
14 filed in the county where the parent resides. The petition shall  
15 ((only)) allege that the child is a child in need of services and shall  
16 ask only that the placement of a child outside the home of his or her  
17 parent be approved. The filing of a petition to approve the placement  
18 is not dependent upon the court's having obtained any prior  
19 jurisdiction over the child or his or her parent, and confers upon the  
20 court a special jurisdiction to approve or disapprove an out-of-home  
21 placement.

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

24 **Sec. 15.** RCW 13.32A.152 and 1995 c 312 s 4 are each amended to  
25 read as follows:

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

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

35 **Sec. 16.** RCW 13.32A.160 and 1995 c 312 s 17 are each amended to  
36 read as follows:

1 (1) When a proper child in need of services petition to approve an  
2 out-of-home placement is filed under RCW 13.32A.120, 13.32A.140, or  
3 13.32A.150 the juvenile court shall: (a) Schedule a fact-finding  
4 hearing to be held within (~~three~~) five judicial days unless the last  
5 judicial day is a Saturday, Sunday, or holiday, in which case the  
6 hearing shall be held on the next judicial day; notify the parent,  
7 child, and the department of such date; (b) notify the parent of the  
8 right to be represented by counsel and, if indigent, to have counsel  
9 appointed for him or her by the court; (c) appoint legal counsel for  
10 the child; (d) inform the child and his or her parent of the legal  
11 consequences of the court approving or disapproving (~~an out-of-home~~  
12 ~~placement~~) a child in need of services petition; (e) notify the  
13 parents of their rights under this chapter and chapters 11.88, 13.34,  
14 70.96A, and 71.34 RCW, including the right to file an at-risk youth  
15 petition, the right to submit (~~an~~) an application for admission  
16 of their child to a treatment facility for alcohol, chemical  
17 dependency, or mental health treatment, and the right to file a  
18 guardianship petition; and (f) notify all parties, including the  
19 department, of their right to present evidence at the fact-finding  
20 hearing. The court may place a child in a crisis residential center  
21 for a temporary out-of-home placement as long as the requirements of  
22 RCW 13.32A.125 are met.

23 (2) Upon filing of a child in need of services petition, the child  
24 may be placed, if not already placed, by the department in a (~~crisis~~  
25 ~~residential center,~~) foster family home, group home facility licensed  
26 under chapter 74.15 RCW, or any other suitable residence to be  
27 determined by the department. The court may place a child in a crisis  
28 residential center for a temporary out-of-home placement as long as the  
29 requirements of RCW 13.32A.125 are met.

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

36 **Sec. 17.** RCW 13.32A.170 and 1995 c 312 s 18 are each amended to  
37 read as follows:

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

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

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

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

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

22 ~~(d)) The child is a child in need of services as defined in RCW~~  
23 ~~13.32A.030(4);~~

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

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

29 ~~((e))~~ (d) A suitable out-of-home placement resource is available.

30 The court may not grant a petition filed by the child or the  
31 department if it is established that the petition is based only upon a  
32 dislike of reasonable rules or reasonable discipline established by the  
33 parent. The court may not grant the petition if the child is the  
34 subject of a proceeding under chapter 13.34 RCW.

35 ~~((2))~~ (3) Following the fact-finding hearing the court shall:

36 (a) Approve a child in need of services petition and, if appropriate,  
37 enter a temporary out-of-home placement for a period not to exceed  
38 fourteen days pending approval of a disposition decision to be made  
39 under RCW 13.32A.179(2); (b) approve an at-risk youth petition filed by

1 the parents and dismiss the child in need of services petition; (c)  
2 dismiss the petition; or (d) order the department to review the case to  
3 determine whether the case is appropriate for a dependency petition  
4 under chapter 13.34 RCW.

5 **Sec. 18.** RCW 13.32A.179 and 1995 c 312 s 20 are each amended to  
6 read as follows:

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

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

27 (3) (~~At the conclusion of the hearing, if the court has not taken~~  
28 ~~action under subsection (2) of this section it may, at the request of~~  
29 ~~the child or department, enter an order for out-of-home placement for~~  
30 ~~not more than ninety days.)) The court may only enter an order under  
31 ((this)) subsection (2)(d) of this section if it finds by clear,  
32 cogent, and convincing evidence that: (a)(i) The order is in the best  
33 interest of the family; (ii) the parents have not requested an out-of-  
34 home placement; (iii) the parents have not exercised any other right  
35 listed in RCW 13.32A.160(1)(e); (iv) the child has made reasonable  
36 efforts to resolve the ((conflict)) problems that led to the filing of  
37 the petition; (v) the ((conflict)) problem cannot be resolved by  
38 delivery of services to the family during continued placement of the~~

1 child in the parental home; (vi) reasonable efforts have been made to  
2 prevent or eliminate the need for removal of the child from the child's  
3 home and to make it possible for the child to return home; and (vii) a  
4 suitable out-of-home placement resource is available; (b)(i) the order  
5 is in the best interest of the child; and (ii) the parents are  
6 unavailable; or (c) the parent's actions cause an imminent threat to  
7 the child's health or safety. (~~(If the court has entered an order~~  
8 ~~under this section, it may order any conditions set forth in RCW~~  
9 ~~13.32A.196(2).)~~) The court shall review a placement order entered  
10 under this subsection within ninety days in accordance with RCW  
11 13.32A.190.

12 (4) The court may order the department to submit a dispositional  
13 plan if such a plan would assist the court in ordering a suitable  
14 disposition in the case. The plan, if ordered, shall address only the  
15 needs of the child and shall not address the perceived needs of the  
16 parents, unless specifically agreed to by the parents. If the court  
17 orders the department to prepare a plan, the department shall provide  
18 copies of the plan to the parent, the child, and the court. If the  
19 parties or the court desire the department to be involved in any future  
20 proceedings or case plan development, the department shall be provided  
21 with timely notification of all court hearings.

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

26 (~~(+5)~~) (6) After the court approves or orders an out-of-home  
27 placement, the parents or the department may request, and the court may  
28 grant, dismissal of (~~a placement order~~) the child in need of  
29 services proceeding when it is not feasible for the department to  
30 provide services due to one or more of the following circumstances:

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

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

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

38 (~~(+6)~~) (7) The court shall dismiss a placement made under  
39 subsection (2)(c) of this section upon the request of the parents.

1       **Sec. 19.** RCW 13.32A.190 and 1995 c 312 s 24 are each amended to  
2 read as follows:

3       (1) Upon making a dispositional order under RCW 13.32A.179, the  
4 court shall schedule the matter on the calendar for review within three  
5 months, advise the parties of the date thereof, appoint legal counsel  
6 and/or a guardian ad litem to represent the child at the review  
7 hearing, advise parents of their right to be represented by legal  
8 counsel at the review hearing, and notify the parties of their rights  
9 to present evidence at the hearing. Where resources are available, the  
10 court shall encourage the parent and child to participate in programs  
11 for reconciliation of their conflict.

12       (2) At the review hearing, the court shall approve or disapprove  
13 the continuation of the dispositional plan in accordance with this  
14 chapter. The court shall determine whether reasonable efforts have  
15 been made to reunify the family and make it possible for the child to  
16 return home. The court shall discontinue the placement and order that  
17 the child return home if the court has reasonable grounds to believe  
18 that the parents have made reasonable efforts to resolve the conflict  
19 and the court has reason to believe that the child's refusal to return  
20 home is capricious. If out-of-home placement is continued, the court  
21 may modify the dispositional plan.

22       (3) Out-of-home placement may not be continued past one hundred  
23 eighty days from the day the review hearing commenced. The court shall  
24 order the child to return to the home of the parent at the expiration  
25 of the placement. If an out-of-home placement is disapproved prior to  
26 one hundred eighty days, the court shall enter an order requiring the  
27 child to return to the home of the child's parent.

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

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

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

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

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

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

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

10 **Sec. 20.** RCW 13.32A.192 and 1995 c 312 s 26 are each amended to  
11 read as follows:

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

14 (a) Schedule a fact-finding hearing to be held within ~~((three))~~  
15 five judicial days unless the last judicial day is a Saturday, Sunday,  
16 or holiday, in which case the hearing shall be held on the next  
17 judicial day and notify the parent and the child of such date;

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

20 (c) Appoint legal counsel for the child;

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

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

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

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

37 (4) If both a child in need of services petition and an at-risk  
38 youth petition have been filed with regard to the same child, the

1 petitions and proceedings shall be consolidated as an at-risk youth  
2 petition. Pending a fact-finding hearing regarding the petition, the  
3 child may be placed in the parent's home or in an out-of-home placement  
4 if not already placed in a temporary out-of-home placement pursuant to  
5 a child in need of services petition. The child or the parent may  
6 request a review of the child's placement including a review of any  
7 court order requiring the child to reside in the parent's home.

8       **Sec. 21.** RCW 13.32A.194 and 1995 c 312 s 27 are each amended to  
9 read as follows:

10       (1) The court shall hold a fact-finding hearing to consider a  
11 proper at-risk youth petition. The court shall grant the petition and  
12 enter an order finding the child to be an at-risk youth if the  
13 allegations in the petition are established by a preponderance of the  
14 evidence, unless the child is the subject of a proceeding under chapter  
15 13.34 RCW. If the petition is granted, the court shall enter an order  
16 requiring the child to reside in the home of his or her parent or in an  
17 out-of-home placement as provided in RCW 13.32A.192(2).

18       (2) The court may order the department to submit a dispositional  
19 plan if such a plan would assist the court in ordering a suitable  
20 disposition in the case. If the court orders the department to prepare  
21 a plan, the department shall provide copies of the plan to the parent,  
22 the child, and the court. If the parties or the court desire the  
23 department to be involved in any future proceedings or case plan  
24 development, the department shall be provided timely notification of  
25 all court hearings.

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

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

35       **Sec. 22.** RCW 13.32A.250 and 1995 c 312 s 29 are each amended to  
36 read as follows:

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

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

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

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

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

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

29 **Sec. 23.** RCW 13.34.165 and 1989 c 373 s 17 are each amended to  
30 read as follows:

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

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

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

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

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

13 **Sec. 24.** RCW 28A.225.030 and 1995 c 312 s 68 are each amended to  
14 read as follows:

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

23 If the school district fails to file a petition under this section,  
24 the parent of a child with five or more unexcused absences in any month  
25 during the current school year or upon the tenth unexcused absence  
26 during the current school year may file a petition with the juvenile  
27 court alleging a violation of RCW 28A.225.010.

28 **Sec. 25.** RCW 28A.225.035 and 1995 c 312 s 69 are each amended to  
29 read as follows:

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

32 (a) The child has five or more unexcused absences within any month  
33 during the current school year or ten or more unexcused absences in the  
34 current school year;

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

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

3 (2) The petition shall set forth the name, age, school, and  
4 residence of the child and the names and residence of the child's  
5 parents.

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

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

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

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

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

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

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

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

25 (7) If the court assumes jurisdiction, the school district shall  
26 regularly report to the court any additional unexcused absences by the  
27 child.

28 **Sec. 26.** RCW 28A.225.090 and 1995 c 312 s 74 are each amended to  
29 read as follows:

30 Any person violating any of the provisions of either RCW  
31 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five  
32 dollars for each day of unexcused absence from school. However, a  
33 child found to be in violation of RCW 28A.225.010 shall be required to  
34 attend school and shall not be fined. If the child fails to comply  
35 with the court order to attend school, the court may: (1) Order the  
36 child be punished by detention; or (2) impose alternatives to detention  
37 such as community service hours or participation in dropout prevention  
38 programs or referral to a community truancy board, if available.

1 Failure by a child to comply with an order issued under this section  
2 shall not be punishable by detention for a period greater than that  
3 permitted pursuant to a civil contempt proceeding against a child under  
4 chapter 13.32A RCW. It shall be a defense for a parent charged with  
5 violating RCW 28A.225.010 to show that he or she exercised reasonable  
6 diligence in attempting to cause a child in his or her custody to  
7 attend school or that the child's school did not perform its duties as  
8 required in RCW 28A.225.020. The court may order the parent to provide  
9 community service at the child's school instead of imposing a fine.  
10 Any fine imposed pursuant to this section may be suspended upon the  
11 condition that a parent charged with violating RCW 28A.225.010 shall  
12 participate with the school and the child in a supervised plan for the  
13 child's attendance at school or upon condition that the parent attend  
14 a conference or conferences scheduled by a school for the purpose of  
15 analyzing the causes of a child's absence.

16 School districts shall make complaint for violation of the  
17 provisions of RCW 28A.225.010 through 28A.225.140 to a judge of the  
18 juvenile court.

19 **Sec. 27.** RCW 70.96A.095 and 1995 c 312 s 47 are each amended to  
20 read as follows:

21 (1) Any person thirteen years of age or older may give consent for  
22 himself or herself to the furnishing of ~~((counseling, care,))~~  
23 outpatient and inpatient treatment~~((, or rehabilitation))~~ by a chemical  
24 dependency treatment program ~~((or by any person))~~ certified by the  
25 department. Consent of the parent, parents, or legal guardian of a  
26 person less than eighteen years of age for inpatient treatment is  
27 ~~((not))~~ necessary to authorize the care~~((, except that the person shall~~  
28 ~~not become a resident of the treatment program without such permission~~  
29 ~~except as provided in RCW 70.96A.120 or 70.96A.140))~~ unless the child  
30 does not have a familial relationship, has not resided with either  
31 parent for ninety days immediately preceding the request for treatment,  
32 and attempts to involve the parents in treatment for the child have  
33 been unsuccessful. Consent of the parent, parents, or legal guardian  
34 of a person less than eighteen years of age is not necessary to  
35 authorize outpatient treatment. Parental authorization is required for  
36 treatment of a minor under the age of thirteen. The parent, parents,  
37 or legal guardian of a person less than eighteen years of age are not  
38 liable for payment of care for such persons pursuant to this chapter,

1 unless they have joined in the consent to the ((~~counseling, care,~~)  
2 treatment(~~(, or rehabilitation)~~)).

3 (2) The parent of any minor child may apply to ((~~an approved~~)) a  
4 certified treatment program for the admission of his or her minor child  
5 for purposes authorized in this chapter. The consent of the minor  
6 child shall not be required for the application or admission. The  
7 ((~~approved~~)) certified treatment program shall accept the application  
8 and evaluate the child for admission. The ability of a parent to apply  
9 to ((~~an approved~~)) a certified treatment program for the  
10 ((~~involuntary~~)) admission of his or her minor child does not create a  
11 right to obtain or benefit from any funds or resources of the state.  
12 However, the state may provide services for indigent minors to the  
13 extent that funds are available therefor.

14 **Sec. 28.** RCW 71.34.035 and 1995 c 312 s 58 are each amended to  
15 read as follows:

16 The department shall randomly select and review the information on  
17 children who are admitted to ((~~in-patient~~)) either a public or private  
18 facility for inpatient treatment on application of the child's parent.  
19 The review shall determine whether the children reviewed were  
20 appropriately admitted into treatment based on an objective evaluation  
21 of the child's condition and the outcome of the child's treatment.

22 **Sec. 29.** RCW 28A.225.010 and 1990 c 33 s 219 are each amended to  
23 read as follows:

24 (1) All parents in this state of any child eight years of age and  
25 under eighteen years of age shall cause such child to attend the public  
26 school of the district in which the child resides and such child shall  
27 have the responsibility to and therefore shall attend for the full time  
28 when such school may be in session unless:

29 (a) The child is attending an approved private school for the same  
30 time or is enrolled in an extension program as provided in RCW  
31 28A.195.010(4);

32 (b) The child is receiving home-based instruction as provided in  
33 subsection (4) of this section; ((~~or~~))

34 (c) The school district superintendent of the district in which the  
35 child resides shall have excused such child from attendance because the  
36 child is physically or mentally unable to attend school, is attending  
37 a residential school operated by the department of social and health

1 services, or has been temporarily excused upon the request of his or  
2 her parents for purposes agreed upon by the school authorities and the  
3 parent: PROVIDED, That such excused absences shall not be permitted if  
4 deemed to cause a serious adverse effect upon the student's educational  
5 progress: PROVIDED FURTHER, That students excused for such temporary  
6 absences may be claimed as full time equivalent students to the extent  
7 they would otherwise have been so claimed for the purposes of RCW  
8 28A.150.250 and 28A.150.260 and shall not affect school district  
9 compliance with the provisions of RCW 28A.150.220; or

10 (d) The child is (~~(fifteen)~~) sixteen years of age or older and:

11 (i) (~~The school district superintendent determines that such child~~  
12 ~~has already attained a reasonable proficiency in the branches required~~  
13 ~~by law to be taught in the first nine grades of the public schools of~~  
14 ~~this state;~~

15 (~~ii~~)) The child is regularly and lawfully (~~engaged in a useful or~~  
16 ~~remunerative occupation~~) employed and either the parent agrees that  
17 the child should not be required to attend school or the child is  
18 emancipated in accordance with chapter 13.64 RCW;

19 (~~iii~~)) (ii) The child has already met graduation requirements in  
20 accordance with state board of education rules and regulations; or

21 (~~iv~~)) (iii) The child has received a certificate of educational  
22 competence under rules and regulations established by the state board  
23 of education under RCW 28A.305.190.

24 (2) A parent for the purpose of this chapter means a parent,  
25 guardian, or person having legal custody of a child.

26 (3) An approved private school for the purposes of this chapter and  
27 chapter 28A.200 RCW shall be one approved under regulations established  
28 by the state board of education pursuant to RCW 28A.305.130.

29 (4) For the purposes of this chapter and chapter 28A.200 RCW,  
30 instruction shall be home-based if it consists of planned and  
31 supervised instructional and related educational activities, including  
32 a curriculum and instruction in the basic skills of occupational  
33 education, science, mathematics, language, social studies, history,  
34 health, reading, writing, spelling, and the development of an  
35 appreciation of art and music, provided for a number of hours  
36 equivalent to the total annual program hours per grade level  
37 established for approved private schools under RCW 28A.195.010 and  
38 28A.195.040 and if such activities are:

1 (a) Provided by a parent who is instructing his or her child only  
2 and are supervised by a certificated person. A certificated person for  
3 purposes of this chapter and chapter 28A.200 RCW shall be a person  
4 certified under chapter 28A.410 RCW. For purposes of this section,  
5 "supervised by a certificated person" means: The planning by the  
6 certificated person and the parent of objectives consistent with this  
7 subsection; a minimum each month of an average of one contact hour per  
8 week with the child being supervised by the certificated person; and  
9 evaluation of such child's progress by the certificated person. The  
10 number of children supervised by the certificated person shall not  
11 exceed thirty for purposes of this subsection; or

12 (b) Provided by a parent who is instructing his or her child only  
13 and who has either earned forty-five college level quarter credit hours  
14 or its equivalent in semester hours or has completed a course in home-  
15 based instruction at a postsecondary institution or a vocational-  
16 technical institute; or

17 (c) Provided by a parent who is deemed sufficiently qualified to  
18 provide home-based instruction by the superintendent of the local  
19 school district in which the child resides.

20 (5) The legislature recognizes that home-based instruction is less  
21 structured and more experiential than the instruction normally provided  
22 in a classroom setting. Therefore, the provisions of subsection (4) of  
23 this section relating to the nature and quantity of instructional and  
24 related educational activities shall be liberally construed.

25 **Sec. 30.** RCW 28A.225.020 and 1995 c 312 s 67 are each amended to  
26 read as follows:

27 (1) If a child required to attend school under ~~((the laws of the~~  
28 ~~state of Washington))~~ RCW 28A.225.010 fails to attend school without  
29 valid justification, the child's school shall:

30 ~~((1))~~ (a) Inform the child's custodial parent, parents, or  
31 guardian by a notice in writing or by telephone whenever the child has  
32 failed to attend school after one unexcused absence within any month  
33 during the current school year. School officials shall inform the  
34 parent of the potential consequences of additional unexcused absences;

35 ~~((2))~~ (b) Schedule a conference or conferences with the custodial  
36 parent, parents, or guardian and child at a time ~~((and place))~~  
37 reasonably convenient for all persons included for the purpose of  
38 analyzing the causes of the child's absences after two unexcused

1 absences within any month during the current school year. If a  
2 regularly scheduled parent-teacher conference day is to take place  
3 within thirty days of the second unexcused absence, then the school  
4 district may schedule this conference on that day; and

5 ~~((+3+))~~ (c) Take steps to eliminate or reduce the child's absences.  
6 These steps shall include, where appropriate, adjusting the child's  
7 school program or school or course assignment, providing more  
8 individualized or remedial instruction, providing appropriate  
9 vocational courses or work experience, ~~((or refer))~~ referring the child  
10 to a community truancy board, requiring the child to attend an  
11 alternative school or program, or assisting the parent or child to  
12 obtain supplementary services that might eliminate or ameliorate the  
13 cause or causes for the absence from school. If the child's parent  
14 does not attend the scheduled conference, the conference may be  
15 conducted with the student and school official. However, the parent  
16 shall be notified of the steps to be taken to eliminate or reduce the  
17 child's absence.

18 (2) For purposes of this chapter, an "unexcused absence" means that  
19 a child:

20 (a) Has failed to attend the majority of hours or periods in an  
21 average school day or has failed to comply with a more restrictive  
22 school district policy; and

23 (b) Has failed to meet the school district's policy for excused  
24 absences.

25 **Sec. 31.** RCW 28A.225.030 and 1995 c 312 s 68 are each amended to  
26 read as follows:

27 (1) If a child is required to attend school under RCW 28A.225.010  
28 and if the actions taken by a school district under RCW 28A.225.020 are  
29 not successful in substantially reducing an enrolled student's absences  
30 from school, upon the fifth unexcused absence by a child within any  
31 month during the current school year or upon the tenth unexcused  
32 absence during the current school year the school district shall:

33 (a) File a petition for a civil action with the juvenile court  
34 alleging a violation of RCW 28A.225.010: ~~((+1+))~~ (i) By the parent;  
35 ~~((+2+))~~ (ii) by the child; or ~~((+3+))~~ (iii) by the parent and the child  
36 i

37 (b) Enter into an agreement with the student and parent that  
38 establishes school attendance requirements; or

1       (c) Refer the student to a community truancy board as defined in  
2 RCW 28A.225.025. The community truancy board shall enter into a  
3 contract with the student and parent that establishes school attendance  
4 requirements.

5       (2) If the school district or community truancy board determines  
6 that the student has failed to meet the school attendance requirements  
7 contained in an agreement required in subsection (1) (b) and (c) of  
8 this section, the school district shall file a petition with the  
9 juvenile court in accordance with subsection (1)(a) of this section  
10 within five school days.

11       (3) The petition may be filed by a school district employee who is  
12 not an attorney.

13       (4) If the school district fails to file a petition under this  
14 section, the parent of a child with five or more unexcused absences in  
15 any month during the current school year or upon the tenth unexcused  
16 absence during the current school year may file a petition with the  
17 juvenile court alleging a violation of RCW 28A.225.010.

18       **Sec. 32.** RCW 28A.225.035 and 1995 c 312 s 69 are each amended to  
19 read as follows:

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

22       (a) The child has five or more unexcused absences within any month  
23 during the current school year or ten or more unexcused absences in the  
24 current school year;

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

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

29       (2) The petition shall set forth the name, age, school, and  
30 residence of the child and the names and residence of the child's  
31 parents.

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

35       (4) When a petition is filed under RCW 28A.225.030, the juvenile  
36 court (~~may~~

37       ~~(a)~~) shall schedule a ((fact-finding)) hearing at which the court  
38 shall consider the petition((?)).

1        ~~((b))~~ When a hearing is held, the court shall:

2        (a) Separately notify the child, the parent of the child, and the  
3 school district of the ~~((fact-finding))~~ hearing;

4        ~~((e))~~ (b) Notify the parent and the child of their rights to  
5 present evidence at the fact-finding hearing; and

6        ~~((d))~~ (c) Notify the parent and the child of the options and  
7 rights available under chapter 13.32A RCW.

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

10        (6) The court may permit the first hearing to be held without  
11 requiring that either party be represented by legal counsel. At the  
12 request of the school district, the court may permit a school district  
13 representative who is not an attorney to represent the school district  
14 at future hearings.

15        (7) The court shall grant the petition and enter an order assuming  
16 jurisdiction to intervene for the remainder of the school year, if the  
17 allegations in the petition are established by a preponderance of the  
18 evidence.

19        ~~((7))~~ (8) If the court assumes jurisdiction, the school district  
20 shall regularly report to the court any additional unexcused absences  
21 by the child.

22        **Sec. 33.** RCW 28A.225.151 and 1995 c 312 s 72 are each amended to  
23 read as follows:

24        (1) Each school shall document the actions taken under RCW  
25 ~~((28A.225.020 and))~~ 28A.225.030 and report this information ~~((at the~~  
26 ~~end of each grading period))~~ to the school district superintendent who  
27 shall compile the data for all the schools in the district and prepare  
28 an annual school district report for each school year and submit the  
29 report to the superintendent of public instruction. The reports shall  
30 be made upon forms furnished by the superintendent of public  
31 instruction and shall be transmitted as determined by the  
32 superintendent of public instruction.

33        (2) The reports under subsection (1) of this section shall include:

34        (a) The number of enrolled students ~~((and the number of excused and~~  
35 ~~unexcused absences;~~

36        ~~(b) Documentation of the steps taken by the school district under~~  
37 ~~each subsection of RCW 28A.225.020));~~

1       (~~(e)~~) (b) The number of enrolled students with ten or more  
2 unexcused absences in a school year or five or more unexcused absences  
3 in a month during a school year; and

4       (~~(d)~~) ~~Documentation of success by the school district in~~  
5 ~~substantially reducing enrolled student absences for students with five~~  
6 ~~or more absences in any month or ten or more unexcused absences in any~~  
7 ~~school year;~~

8       (~~(e)~~) (c) The number of petitions filed by a school district or a  
9 parent with the juvenile court(~~(; and~~

10       (~~(f)~~) ~~The disposition of cases filed with the juvenile court,~~  
11 ~~including the frequency of contempt orders issued to enforce a court's~~  
12 ~~order under RCW 28A.225.090)).~~

13       (3) A report required under this section shall not disclose the  
14 name or other identification of a child or parent.

15       (4) The superintendent of public instruction shall collect these  
16 reports from all school districts and prepare an annual report for each  
17 school year to be submitted to the legislature no later than December  
18 15th of each year.

19       NEW SECTION. Sec. 34. A new section is added to chapter 2.56 RCW  
20 to read as follows:

21       The administrator for the courts shall prepare a report for each  
22 school year to be submitted to the legislature no later than December  
23 15th of each year that summarizes the disposition of petitions filed  
24 with the juvenile court under RCW 28A.225.030, including the number of  
25 contempt orders issued to enforce a court's order under RCW  
26 28A.225.030.

27       Sec. 35. RCW 28A.225.025 and 1995 c 312 s 66 are each amended to  
28 read as follows:

29       For purposes of this chapter, "community truancy board" means a  
30 board composed of members of the local community in which the child  
31 attends school. The local school district boards of directors may  
32 create a community truancy board or may use other boards that exist or  
33 are created, such as diversion boards. Members of the board shall be  
34 selected from representatives of the community. Duties of a community  
35 truancy board shall include, but not be limited to, recommending  
36 methods for improving school attendance.

1        NEW SECTION.    **Sec. 36.**    (1) The superintendent of public  
2 instruction shall establish an incentive program to encourage the  
3 creation of alternative learning schools and programs for students who  
4 have been truant, suspended, expelled, or who are subject to other  
5 disciplinary actions. Grants may be awarded to individual school  
6 districts, school district consortiums, and educational service  
7 districts. Funds for the grants may be used for planning and initial  
8 program development. Grants shall be awarded no later than November 1,  
9 1996.

10        (2) This section expires December 31, 1996.

11        NEW SECTION.    **Sec. 37.**    RCW 13.32A.044 and 1995 c 312 s 14 are each  
12 repealed.

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