
SECOND SUBSTITUTE SENATE BILL 5439

State of Washington**54th Legislature****1995 Regular Session**

By Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Long, Franklin, Smith, Schow, Owen, Moyer, Oke, Strannigan, Gaspard, Snyder, Heavey, Haugen, Rasmussen, Quigley, Wojahn, Loveland, Bauer, Winsley, Deccio, Spanel, Hale, Hochstatter and Palmer)

Read first time 03/06/95.

1 AN ACT Relating to revising procedures for nonoffender at-risk
2 youth and their families; amending RCW 13.32A.010, 13.32A.030,
3 13.32A.040, 13.32A.050, 13.32A.060, 13.32A.070, 13.32A.090, 13.32A.120,
4 13.32A.130, 13.32A.140, 13.32A.150, 13.32A.160, 13.32A.170, 13.32A.175,
5 13.32A.177, 13.32A.180, 13.32A.190, 13.32A.192, 13.32A.194, 13.32A.196,
6 13.32A.250, 13.04.030, 13.04.040, 13.04.093, 70.96A.090, 70.96A.095,
7 71.34.030, 74.13.031, 74.13.032, 74.13.033, 74.13.034, 74.13.035,
8 74.13.036, 82.14.300, 82.14.320, 28A.175.010, 28A.225.010, 28A.225.020,
9 28A.225.030, 28A.225.050, 28A.225.060, 28A.225.070, 28A.225.090,
10 28A.225.100, 28A.225.110, 28A.225.120, 28A.225.130, 28A.225.140, and
11 28A.225.150; adding new sections to chapter 13.32A RCW; adding a new
12 section to chapter 71.34 RCW; adding a new section to chapter 74.13
13 RCW; adding a new section to chapter 28A.175 RCW; adding a new section
14 to chapter 28A.225 RCW; adding a new section to chapter 28A.600 RCW;
15 adding a new section to chapter 28A.150 RCW; creating new sections;
16 prescribing penalties; making an appropriation; and providing effective
17 dates.

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

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

3 The legislature finds that within any group of people there exists
4 a need for guidelines for acceptable behavior and that, presumptively,
5 the experience and maturity ((are)) of parents make them better
6 ((qualifications for establishing)) qualified to establish guidelines
7 beneficial to and protective of ((individual members and the group as
8 a whole than are youth and inexperience)) their children. The
9 legislature further finds that it is the right and responsibility of
10 adults to establish laws for the benefit and protection of the society;
11 and that, in the same manner, the right and responsibility for
12 establishing reasonable guidelines for the family unit belongs to the
13 adults within that unit. Further, absent abuse or neglect, parents
14 should have the right to exercise control over their children. The
15 legislature reaffirms its position stated in RCW 13.34.020 that the
16 family unit is the fundamental resource of American life which should
17 be nurtured and that it should remain intact in the absence of
18 compelling evidence to the contrary.

19 The legislature recognizes there is a need for services and
20 assistance for parents and children who are in conflict. These
21 conflicts are manifested by children who exhibit various behaviors
22 including: Running away, substance abuse, serious acting out problems,
23 mental health needs, and other behaviors that endanger themselves or
24 others.

25 The legislature finds many parents do not know their rights
26 regarding their adolescent children and law enforcement. Parents and
27 courts feel they have insufficient legal recourse for the chronic
28 runaway child who is endangering himself or herself through his or her
29 behavior. The legislature further recognizes that for chronic runaways
30 whose behavior puts them in serious danger of harming themselves or
31 others, secure facilities must be provided to allow opportunities for
32 assessment, treatment, and to assist parents and protect their
33 children. The legislature intends to give tools to parents, courts,
34 and law enforcement to keep families together and reunite them whenever
35 possible.

36 The legislature recognizes that some children run away to protect
37 themselves from abuse or neglect in their homes. Abused and neglected
38 children should be dealt with pursuant to chapter 13.34 RCW and it is

1 not the intent of the legislature to handle dependency matters under
2 this chapter.

3 The legislature intends services offered under this chapter be on
4 a voluntary basis whenever possible to children and their families and
5 that the courts be used as a last resort.

6 The legislature intends to increase the safety of children through
7 the preservation of families and the provision of assessment,
8 treatment, and placement services for children in need of services and
9 at-risk youth. Within available funds, the legislature intends to
10 provide these services through semi-secure and secure crisis
11 residential centers in which children and youth may safely reside for
12 a limited period of time. The time in residence shall be used to
13 conduct an assessment of the needs of the children, youth, and their
14 families. The assessments are necessary to identify appropriate
15 services and placement options that will reduce the likelihood that
16 children will place themselves in dangerous or life-threatening
17 situations.

18 The legislature recognizes that crisis residential centers provide
19 an opportunity for children to receive short-term necessary support and
20 nurturing in cases where there may be abuse or neglect. The
21 legislature intends that center staff provide an atmosphere of concern,
22 care, and respect for children in the center and their parents.

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

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

27 (1) "At-risk youth" means a juvenile:

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

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

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

35 (2) "Child," "juvenile," and "youth" mean any unemancipated
36 individual who is under the chronological age of eighteen years.

37 (3) "Child in need of services" means a juvenile:

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

4 (b) Who has been reported to law enforcement as absent without
5 consent for at least twenty-four consecutive hours from the parent's
6 home or a crisis residential center on two or more separate occasions;
7 and

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

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

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

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

16 (iii) Whose parents have evidenced continuing but unsuccessful
17 efforts to maintain the family structure or are unable or unwilling to
18 continue efforts to maintain the family structure.

19 (4) "Child in need of services petition" means a petition filed in
20 juvenile court by a parent, child, or the department seeking
21 adjudication of placement of the child.

22 (5) "Custodian" means the person who has the legal right to the
23 custody of the child.

24 (6) "Department" means the department of social and health
25 services((†

26 ~~(2) "Child," "juvenile," and "youth" mean any individual who is~~
27 ~~under the chronological age of eighteen years;))).~~

28 ((†3)) (7) "Extended family members" means a grandparent, brother,
29 sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom
30 the child has a relationship and is comfortable, and who is willing and
31 available to care for the child.

32 (8) "Guardian" means that person or agency that (a) has been
33 appointed as the guardian of a child in a legal proceeding other than
34 a proceeding under chapter 13.34 RCW, and (b) has the right to legal
35 custody of the child pursuant to such appointment. The term "guardian"
36 does not include a "dependency guardian" appointed pursuant to a
37 proceeding under chapter 13.34 RCW.

38 (9) "Multidisciplinary team" means a group formed to provide
39 assistance and support to a child who is an at-risk youth or a child in

1 need of services and his or her parent. The team shall include the
2 parent, a department case worker, a local government representative
3 when authorized by the local government, and when appropriate, members
4 from the mental health and substance abuse disciplines. The team may
5 also include, but is not limited to, the following persons: Educators,
6 law enforcement personnel, probation officers, employers, church
7 persons, tribal members, therapists, medical personnel, social service
8 providers, placement providers, and extended family members. The team
9 members shall be volunteers who do not receive compensation while
10 acting in a capacity as a team member, unless the member's employer
11 chooses to provide compensation or the member is a state employee.

12 (10) "Out-of-home placement" means a placement in a foster family
13 home or group care facility licensed pursuant to chapter 74.15 RCW or
14 placement in a home, other than that of the child's parent, guardian,
15 or legal custodian, not required to be licensed pursuant to chapter
16 74.15 RCW.

17 (11) "Parent" means the ((legal)) parent or parents who have the
18 legal right to custody of the child. "Parent" includes
19 custodian((s)) or guardian((s) of a child;)).

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

1 ~~(5) "At risk youth" means an individual under the chronological age~~
2 ~~of eighteen years who:~~

3 ~~(a) Is absent from home for more than seventy two consecutive hours~~
4 ~~without consent of his or her parent;~~

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

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

10 (13) "Secure crisis residential center" means a secure facility
11 licensed under chapter 74.13 RCW with doors, windows, or secured
12 perimeter that operates to prevent a child from leaving without
13 permission of the facility staff.

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

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

19 Whenever a child in need of services petition is filed by a youth
20 pursuant to RCW 13.32A.130, or the department pursuant to RCW
21 13.32A.150, the youth or the department shall have a copy of the
22 petition served on the parents of the youth. Service shall first be
23 attempted in person and if unsuccessful, then by certified mail with
24 return receipt.

25 **Sec. 4.** RCW 13.32A.040 and 1994 c 304 s 3 are each amended to read
26 as follows:

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

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

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

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

10 ~~((+1))~~ (a) If a law enforcement agency has been contacted by the
11 parent of the child that the child is absent from parental custody
12 without consent; or

13 ~~((+2))~~ (b) If a law enforcement officer reasonably believes,
14 considering the child's age, the location, and the time of day, that a
15 child is in circumstances which constitute a danger to the child's
16 safety or that a child is violating a local curfew ordinance; or

17 ~~((+3))~~ (c) If an agency legally charged with the supervision of a
18 child has notified a law enforcement agency that the child has run away
19 from placement; or

20 ~~((+4))~~ (d) If a law enforcement agency has been notified by the
21 juvenile court that the court finds probable cause exists to believe
22 that the child has violated a court placement order issued pursuant to
23 chapter 13.32A RCW or that the court has issued an order for law
24 enforcement pick-up of the child under this chapter.

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

28 ~~((An officer who takes a child into custody under this section and~~
29 ~~places the child in a designated crisis residential center shall inform~~
30 ~~the department of such placement within twenty-four hours.))~~

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

37 (4) If the police who initially take the juvenile into custody or
38 the staff of the crisis residential center have reasonable cause to

1 believe that the child is absent from home because he or she is abused
2 or neglected, a report shall be made immediately to the department.

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

6 (6) If a law enforcement officer has a reasonable suspicion that a
7 child is being unlawfully harbored under RCW 13.32A.080, the officer
8 shall remove the child from the custody of the person harboring the
9 child and shall transport the child to one of the locations specified
10 in RCW 13.32A.060.

11 (7) No child may be placed in a secure crisis residential center
12 except as provided in this chapter.

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

15 (1) An officer taking a child into custody under RCW 13.32A.050 (1)
16 (a) or ((+2)) (b) shall inform the child of the reason for such
17 custody and shall either:

18 (a) Transport the child to his or her home or to a parent at his or
19 her place of employment, if no parent is at home. The officer
20 releasing a child into the custody of the parent shall inform the
21 parent of the reason for the taking of the child into custody and shall
22 inform the child and the parent of the nature and location of
23 appropriate services available in their community. The parent may
24 direct the officer to take the child to the home of an adult extended
25 family member or a responsible adult. The officer releasing a child
26 into the custody of an adult extended family member or a responsible
27 adult shall inform the child and the extended family member or
28 responsible adult of the nature and location of appropriate services
29 available in the community; or

30 (b) Take the child to ~~((the home of an adult extended family~~
31 ~~member,))~~ a designated secure crisis residential center, ((or the home
32 of a responsible adult)) or a semi-secure crisis residential center if
33 a secure crisis residential center is full or is not available or
34 within a reasonable distance, after attempting to notify the parent or
35 legal guardian:

36 (i) If the child expresses fear or distress at the prospect of
37 being returned to his or her home which leads the officer to believe
38 there is a possibility that the child is experiencing ~~((in the home))~~

1 some type of child abuse or neglect, as defined in RCW 26.44.020(~~as~~
2 ~~now law or hereafter amended~~); or

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

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

7 (~~The officer releasing a child into the custody of an extended~~
8 ~~family member or a responsible adult shall inform the child and the~~
9 ~~extended family member or responsible adult of the nature and location~~
10 ~~of appropriate services available in the community.))~~

11 (2) An officer taking a child into custody under RCW 13.32A.050
12 (~~(3)~~) (1) (c) or (~~(4)~~) (d) shall inform the child of the reason for
13 custody, and shall take the child to a designated secure crisis
14 residential center or, if not available or within a reasonable
15 distance, to a semi-secure crisis residential center, licensed by the
16 department and established pursuant to chapter 74.13 RCW. However, an
17 officer taking a child into custody under RCW 13.32A.050(~~(4)~~) (1)(d)
18 may place the child in a juvenile detention facility as provided in RCW
19 13.32A.065. The department shall ensure that all the law enforcement
20 authorities are informed on a regular basis as to the location of
21 (~~the~~) all designated secure and semi-secure crisis residential
22 (~~center or~~) centers in their (~~judicial district~~) jurisdiction,
23 where children taken into custody under RCW 13.32A.050 may be taken.

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

28 **Sec. 7.** RCW 13.32A.070 and 1986 c 288 s 2 are each amended to read
29 as follows:

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

1 ~~immediately notify the department's local community service office of~~
2 ~~this fact and of the reason for taking the child into custody.~~

3 ~~(2))~~ A law enforcement officer acting in good faith pursuant to
4 this chapter in failing to take a child into custody, in taking a child
5 into custody, or in releasing a child to a person ~~((other than))~~ at the
6 request of a parent ~~((of such child))~~ is immune from civil or criminal
7 liability for such action.

8 ~~((3))~~ (2) A person ~~((other than a parent of such child who~~
9 ~~receives))~~ with whom a child is placed pursuant to this chapter and who
10 acts reasonably and in good faith ~~((in doing so))~~ is immune from civil
11 or criminal liability for the act of receiving ~~((such))~~ the child.
12 ~~((Such))~~ The immunity does not release ~~((such))~~ the person from
13 liability under any other law ~~((including the laws regulating licensed~~
14 ~~child care and prohibiting child abuse))~~.

15 NEW SECTION. Sec. 8. A new section is added to chapter 13.32A RCW
16 to read as follows:

17 The parents of a child placed in a secure crisis residential center
18 shall contribute fifty dollars per day, for not more than five
19 consecutive days, for the expense of the child's placement. However,
20 the secretary may establish a payment schedule that requires a lesser
21 payment based on a parent's ability to pay. The payment shall be made
22 to the department. No child may be denied placement in, or removed
23 from, a secure crisis residential center based solely on the income of
24 the parent.

25 Sec. 9. RCW 13.32A.090 and 1990 c 276 s 6 are each amended to read
26 as follows:

27 (1) The person in charge of a designated crisis residential center
28 or the department ~~((pursuant to RCW 13.32A.070))~~ shall perform the
29 duties under subsection (2) of this section:

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

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

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

36 (d) Upon learning that a child has been placed with a responsible
37 adult pursuant to RCW ~~((13.32A.070))~~ 13.32A.060.

1 (2) When any of the circumstances under subsection (1) of this
2 section are present, the person in charge of a center shall perform the
3 following duties:

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

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

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

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

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

27 (f) Immediately notify the department of the placement.

28 **Sec. 10.** RCW 13.32A.120 and 1990 c 276 s 7 are each amended to
29 read as follows:

30 (1) Where either a child or the child's parent or the person or
31 facility currently providing shelter to the child notifies the center
32 that such individual or individuals cannot agree to the continuation of
33 an ~~((alternative—residential))~~ out-of-home placement arrived at
34 pursuant to RCW 13.32A.090(2)(e), the center shall immediately contact
35 the remaining party or parties to the agreement and shall attempt to
36 bring about the child's return home or to an alternative living
37 arrangement agreeable to the child and the parent as soon as
38 practicable.

1 (2) If a child and his or her parent cannot agree to an
2 (~~alternative residential~~) out-of-home placement under RCW
3 13.32A.090(2)(e), either the child or parent may file with the juvenile
4 court a petition to approve an (~~alternative residential~~) out-of-home
5 placement or the parent may file with the juvenile court a petition in
6 the interest of a child alleged to be an at-risk youth under this
7 chapter.

8 (3) If a child and his or her parent cannot agree to the
9 continuation of an (~~alternative residential~~) out-of-home placement
10 arrived at under RCW 13.32A.090(2)(e), either the child or parent may
11 file with the juvenile court a petition to approve an (~~alternative~~
12 ~~residential~~) out-of-home placement or the parent may file with the
13 juvenile court a petition in the interest of a child alleged to be an
14 at-risk youth under this chapter.

15 **Sec. 11.** RCW 13.32A.130 and 1994 sp.s. c 7 s 508 are each amended
16 to read as follows:

17 (1) A child admitted to a crisis residential center under this
18 chapter who is not returned to the home of his or her parent, is not
19 placed in a semi-secure crisis residential center pursuant to a
20 temporary out-of-home placement order, or (who) is not placed in an
21 (~~alternative residential~~) out-of-home placement (~~under an agreement~~
22 ~~between the parent and child,~~) shall(~~(, except as provided for by RCW~~
23 ~~13.32A.140 and 13.32A.160(2),)~~) reside in the (~~placement~~) center
24 under the rules (~~established for~~) of the center for a period not less
25 than three and not to exceed five consecutive days from the time of
26 intake(, except as otherwise provided by this chapter). The parents
27 may remove the child at any time during the five-day period if no
28 allegations of abuse or neglect have been made against the parents.
29 The department may remove the child whenever a dependency petition is
30 filed under chapter 13.34 RCW.

31 (2) Crisis residential center staff shall make (~~a concerted~~)
32 every reasonable effort to protect the child and achieve a
33 reconciliation of the family. If a reconciliation and voluntary return
34 of the child has not been achieved within forty-eight hours from the
35 time of intake, and if the person in charge of the center does not
36 consider it likely that reconciliation will be achieved within the
37 five-day period, then the person in charge shall inform the parent and
38 child of (~~(1)~~) (a) the availability of counseling services; ((2))

1 (b) the right to file a child in need of services petition for an
2 ((~~alternative residential~~)) out-of-home placement, the right of a
3 parent to file an at-risk youth petition, and the right of the parent
4 and child to obtain assistance in filing the petition; (c) the right to
5 request the department to form a multidisciplinary team; and ((+3))
6 (d) the right to request a review of any ((~~alternative residential~~))
7 out-of-home placement.

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

17 NEW SECTION. Sec. 12. A new section is added to chapter 13.32A
18 RCW to read as follows:

19 (1) The administrator of a crisis residential center may convene a
20 multidisciplinary team at the request of a child placed at the center
21 or the child's parent. If the administrator has reasonable cause to
22 believe that a child is a child in need of services and the parent is
23 unavailable or unwilling to continue efforts to maintain the family
24 structure, the administrator shall immediately convene a
25 multidisciplinary team. The parent may disband the team at any time
26 unless the court has ordered an out-of-home placement pursuant to
27 section 18(3) of this act. Upon the filing of an at-risk youth or
28 dependency petition, the team shall cease to exist unless the parent
29 requests continuation of the team.

30 (2) The secretary shall request participation of appropriate state
31 agencies in the multidisciplinary teams. Those agencies that agree to
32 participate shall provide the secretary all information necessary to
33 facilitate forming a multidisciplinary team and the secretary shall
34 provide this information to the administrator of each crisis
35 residential center.

36 (3) The secretary shall designate within each region a department
37 employee who shall have responsibility for coordination of the state
38 response to a request for creation of a multidisciplinary team. The

1 secretary shall advise the administrator of each crisis residential
2 center of the name of the appropriate employee. Upon a request of the
3 administrator to form a multidisciplinary team the employee shall
4 provide a list of the agencies that have agreed to participate in the
5 multidisciplinary team.

6 (4) The administrator shall also seek participation from
7 representatives of mental health and drug and alcohol treatment
8 providers as appropriate.

9 (5) A parent shall be advised of the request to form a
10 multidisciplinary team and may select additional members of the
11 multidisciplinary team. The parent or child may request any person or
12 persons to participate including, but not limited to, educators, law
13 enforcement personnel, court personnel, family therapists, licensed
14 health care practitioners, social service providers, youth residential
15 placement providers, other family members, church representatives, and
16 members of their own community. The administrator shall assist in
17 obtaining the prompt participation of persons requested by the parent
18 or child.

19 (6) When an administrator of a crisis residential center requests
20 the formation of a team, the state agencies must respond as soon as
21 possible. The team shall have the authority to evaluate the juvenile,
22 and family members, if appropriate and agreed to by the parent, and
23 shall:

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

26 (b) Make a referral to the designated chemical dependency
27 specialist or the county designated mental health professional, if
28 appropriate;

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

31 (d) With the parent's consent, work with them to achieve
32 reconciliation of the child and family.

33 (7) The purpose of the multidisciplinary team is to assist in a
34 coordinated referral of the family to available social and health-
35 related services.

36 (8) At the first meeting of the multidisciplinary team, it shall
37 choose a member to coordinate the team's efforts. The parent member of
38 the multidisciplinary team must agree with the choice of coordinator.

1 The team shall meet or communicate as often as necessary to assist the
2 family.

3 (9) The coordinator of the multidisciplinary team may assist in
4 filing a child in need of services petition when requested by the
5 parent or child or an at-risk youth petition when requested by the
6 parent. The multidisciplinary team shall have no standing as a party
7 in any action under this title.

8 (10) If the administrator is unable to contact the child's parent,
9 the multidisciplinary team may be used for assistance. If the parent
10 has not been contacted within five days the administrator shall contact
11 the department and request the case be reviewed for a dependency filing
12 under chapter 13.34 RCW.

13 **Sec. 13.** RCW 13.32A.140 and 1990 c 276 s 9 are each amended to
14 read as follows:

15 The department shall file a child in need of services petition to
16 approve an (~~alternative residential~~) out-of-home placement on behalf
17 of a child under any of the following sets of circumstances:

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

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

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

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

27 (d) No child in need of services petition (~~requesting approval of~~
28 ~~an alternative residential placement~~) has been filed by either the
29 child or parent (~~or legal custodian~~);

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

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

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

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

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

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

3 (3) An agreement between parent and child made pursuant to RCW
4 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer
5 acceptable to parent or child, and:

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

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

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

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

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

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

18 Under the circumstances of subsections (1), (2), or (3) of this
19 section, the child shall remain in (~~a licensed child care facility,~~
20 ~~including but not limited to a crisis residential center, or in any~~
21 ~~other suitable residence to be determined by the department until~~) an
22 (~~alternative residential~~) out-of-home placement until a child in need
23 of services petition filed by the department on behalf of the child is
24 reviewed by the juvenile court and is resolved by such court. The
25 department may authorize emergency medical or dental care for a child
26 placed under this section. The state, when the department files a
27 child in need of services petition (~~for alternative residential~~
28 ~~placement~~) under this section, shall be represented as provided for in
29 RCW 13.04.093.

30 **Sec. 14.** RCW 13.32A.150 and 1992 c 205 s 208 are each amended to
31 read as follows:

32 (1) Except as otherwise provided in this (~~section~~) chapter, the
33 juvenile court shall not accept the filing of (~~an alternative~~
34 ~~residential placement~~) a child in need of services petition by the
35 child or the parents or the filing of an at-risk youth petition by the
36 parent, unless verification is provided that a family assessment has
37 been completed by the department. The family assessment shall be aimed
38 at family reconciliation and avoidance of the out-of-home placement of

1 the child. If the department is unable to complete an assessment
2 within two working days following a request for assessment the child or
3 the parents may proceed under subsection (2) of this section or the
4 parent may proceed under (~~subsection (3) of this~~) section 22 of this
5 act.

6 (2) A child or a child's parent may file with the juvenile court a
7 child in need of services petition to approve an (~~alternative~~
8 ~~residential~~) out-of-home placement for the child (~~outside the~~
9 ~~parent's home~~). The department shall, when requested, assist either
10 a parent or child in the filing of the petition. The petition shall
11 only ask that the placement of a child outside the home of his or her
12 parent be approved. The filing of a petition to approve (~~such~~) the
13 placement is not dependent upon the court's having obtained any prior
14 jurisdiction over the child or his or her parent, and confers upon the
15 court a special jurisdiction to approve or disapprove an (~~alternative~~
16 ~~residential~~) out-of-home placement.

17 (~~((3) A child's parent may file with the juvenile court a petition~~
18 ~~in the interest of a child alleged to be an at risk youth. The~~
19 ~~department shall, when requested, assist the parent in filing the~~
20 ~~petition. The petition shall be filed in the county where the~~
21 ~~petitioning parent resides. The petition shall set forth the name,~~
22 ~~age, and residence of the child and the names and residence of the~~
23 ~~child's parents and shall allege that:~~

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

25 (b) The petitioning parent has the right to legal custody of the
26 child;

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

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

31 The petition shall set forth facts that support the allegations in
32 this subsection and shall generally request relief available under this
33 chapter. The petition need not specify any proposed disposition
34 following adjudication of the petition. The filing of an at risk youth
35 petition is not dependent upon the court's having obtained any prior
36 jurisdiction over the child or his or her parent and confers upon the
37 court the special jurisdiction to assist the parent in maintaining
38 parental authority and responsibility for the child. An at risk youth
39 petition may not be filed if the court has approved an alternative

1 residential placement petition regarding the child or if the child is
2 the subject of a proceeding under chapter 13.34 RCW. A petition may be
3 accepted for filing only if alternatives to court intervention have
4 been attempted. Juvenile court personnel may screen all at-risk youth
5 petitions and may refuse to allow the filing of any petition that lacks
6 merit, fails to comply with the requirements of this section, or fails
7 to allege sufficient facts in support of allegations in the petition.)

8 **Sec. 15.** RCW 13.32A.160 and 1990 c 276 s 11 are each amended to
9 read as follows:

10 (1) When a proper child in need of services petition to approve an
11 (~~alternative residential~~) out-of-home placement is filed under RCW
12 13.32A.120, 13.32A.140, or 13.32A.150 the juvenile court shall: (a)
13 Schedule a (~~date for a~~) fact-finding hearing to be held within three
14 judicial days; notify the parent, child, and the department of such
15 date; (b) notify the parent of the right to be represented by counsel
16 and, if indigent, to have counsel appointed for him or her by the
17 court; (c) appoint legal counsel for the child; (d) inform the child
18 and his or her parent of the legal consequences of the court approving
19 or disapproving an (~~alternative residential~~) out-of-home placement
20 petition; (e) notify the parents of their rights under this chapter and
21 chapters 11.88, 13.34, 70.96A, and 71.34 RCW, including the right to
22 file an at-risk youth petition, the right to submit on application for
23 admission of their child to a treatment facility for alcohol, chemical
24 dependency, or mental health treatment, and the right to file a
25 guardianship petition; and (~~(+e)~~) (f) notify all parties, including
26 the department, of their right to present evidence at the fact-finding
27 hearing.

28 (2) Upon filing of (~~an alternative residential placement~~) a child
29 in need of services petition, the child may be placed, if not already
30 placed, by the department in a crisis residential center, foster family
31 home, group home facility licensed under chapter 74.15 RCW, or any
32 other suitable residence to be determined by the department.

33 (3) If the child has been placed in a foster family home or group
34 care facility under chapter 74.15 RCW, the child shall remain there, or
35 in any other suitable residence as determined by the department,
36 pending resolution of the (~~alternative residential placement~~)
37 petition by the court. Any placement may be reviewed by the court

1 within three (~~court~~) judicial days upon the request of the juvenile
2 or the juvenile's parent.

3 **Sec. 16.** RCW 13.32A.170 and 1989 c 269 s 3 are each amended to
4 read as follows:

5 (1) The court shall hold a fact-finding hearing to consider a
6 proper petition and may approve or deny (~~alternative residential~~) an
7 out-of-home placement giving due weight to the intent of the
8 legislature that families have the right to place reasonable
9 restrictions and rules upon their children, appropriate to the
10 individual child's developmental level. The court may appoint legal
11 counsel and/or a guardian ad litem to represent the child and advise
12 parents of their right to be represented by legal counsel. The court
13 may approve an order stating that the child shall be placed in a
14 residence other than the home of his or her parent only if it is
15 established by a preponderance of the evidence, including a
16 departmental recommendation for approval or dismissal of the petition,
17 that:

18 (a) The petition is not capricious;

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

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

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

27 (e) A suitable out-of-home placement resource is available.

28 The court may not grant a petition filed by the child or the
29 department if it is established that the petition is based only upon a
30 dislike of reasonable rules or reasonable discipline established by the
31 parent.

32 (2) (~~The order approving out of home placement shall direct the~~
33 ~~department to submit a disposition plan for a three month placement of~~
34 ~~the child that is designed to reunite the family and resolve the family~~
35 ~~conflict. Such plan shall delineate any conditions or limitations on~~
36 ~~parental involvement. In making the order, the court shall further~~
37 ~~direct the department to make recommendations, as to which agency or~~
38 ~~person should have physical custody of the child, as to which parental~~

1 powers should be awarded to such agency or person, and as to parental
2 visitation rights. The court may direct the department to consider the
3 cultural heritage of the child in making its recommendations.

4 (3) The hearing to consider the recommendations of the department
5 for a three-month disposition plan shall be set no later than fourteen
6 days after the approval of the court of a petition to approve
7 alternative residential placement. Each party shall be notified of the
8 time and place of such disposition hearing.

9 (4) If the court approves or denies a petition for an alternative
10 residential placement, a written statement of the reasons shall be
11 filed. If the court denies a petition requesting that a child be
12 placed in a residence other than the home of his or her parent, the
13 court shall enter an order requiring the child to remain at or return
14 to the home of his or her parent.

15 (5) If the court denies the petition, the court shall impress upon
16 the party filing the petition of the legislative intent to restrict the
17 proceedings to situations where a family conflict is so great that it
18 cannot be resolved by the provision of in-home services.

19 (6) A child who fails to comply with a court order directing that
20 the child remain at or return to the home of his or her parent shall be
21 subject to contempt proceedings, as provided in this chapter, but only
22 if the noncompliance occurs within ninety calendar days after the day
23 of the order.

24 (7) The department may request, and the juvenile court may grant,
25 dismissal of an alternative residential placement order when it is not
26 feasible for the department to provide services due to one or more of
27 the following circumstances:

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

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

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

35 Following the fact-finding hearing the court shall: (a) Enter a
36 temporary out-of-home placement for a period not to exceed fourteen
37 days pending approval of a disposition decision to be made under
38 section 18(2) of this act; (b) approve an at-risk youth petition filed
39 by the parents; (c) dismiss the petition; or (d) order the department

1 to review the case to determine whether the case is appropriate for a
2 dependency petition under chapter 13.34 RCW.

3 **Sec. 17.** RCW 13.32A.175 and 1987 c 435 s 13 are each amended to
4 read as follows:

5 In any proceeding in which the court approves an (~~alternative~~
6 ~~residential~~) out-of-home placement, the court shall inquire into the
7 ability of parents to contribute to the child's support. If the court
8 finds that the parents are able to contribute to the support of the
9 child, the court shall order them to make such support payments as the
10 court deems equitable. The court may enforce such an order by
11 execution or in any way in which a court of equity may enforce its
12 orders. However, payments shall not be required of a parent who has
13 both opposed the placement and continuously sought reconciliation with,
14 and the return of, the child. All orders entered in a proceeding
15 approving (~~alternative residential~~) out-of-home placement shall be in
16 compliance with the provisions of RCW 26.23.050.

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

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

22 (2) At the commencement of the hearing the court shall advise the
23 parents of their rights as set forth in RCW 13.32A.160(1)(e). If the
24 court approves or denies a child in need of services petition, a
25 written statement of the reasons shall be filed. At the conclusion of
26 the hearing the court may: (a) Reunite the family and dismiss the
27 petition; (b) approve an at-risk youth petition filed by the parents;
28 (c) approve a voluntary out-of-home placement requested by the parents;
29 (d) order any conditions set forth in RCW 13.32A.196(2); or (e) order
30 the department to file a petition for dependency under chapter 13.34
31 RCW.

32 (3) At the conclusion of the hearing, if the court has not taken
33 action under subsection (2) of this section it may, at the request of
34 the child or department, enter an order for out-of-home placement for
35 not more than ninety days. The court may only enter an order under
36 this subsection if it finds by clear, cogent, and convincing evidence
37 that: (a)(i) The order is in the best interest of the family; (ii) the

1 parents have not requested an out-of-home placement; (iii) the parents
2 have not exercised any other right listed in RCW 13.32A.160(1)(e); (iv)
3 the child has made reasonable efforts to resolve the conflict; (v) the
4 conflict cannot be resolved by delivery of services to the family
5 during continued placement of the child in the parental home; (vi)
6 reasonable efforts have been made to prevent or eliminate the need for
7 removal of the child from the child's home and to make it possible for
8 the child to return home; and (vii) a suitable out-of-home placement
9 resource is available; (b)(i) the order is in the best interest of the
10 child; and (ii) the parents are unavailable; or (c) the parent's
11 actions cause an imminent threat to the child's health or safety.

12 (4) A child who fails to comply with a court order issued under
13 this section shall be subject to contempt proceedings, as provided in
14 this chapter, but only if the noncompliance occurs within one year
15 after the entry of the order.

16 (5) The parents or the department may request, and the court may
17 grant, dismissal of a placement order when it is not feasible for the
18 department to provide services due to one or more of the following
19 circumstances:

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

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

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

27 (6) The court shall dismiss a placement made under subsection
28 (2)(c) of this section upon the request of the parents.

29 **Sec. 19.** RCW 13.32A.177 and 1988 c 275 s 14 are each amended to
30 read as follows:

31 A determination of ((child)) support payments ordered under RCW
32 13.32A.175 shall be based upon ((the child support schedule and
33 ~~standards adopted under~~)) chapter 26.19 RCW ((26.19.040)).

34 **Sec. 20.** RCW 13.32A.180 and 1979 c 155 s 32 are each amended to
35 read as follows:

1 ~~((At a dispositional hearing held to consider the three month~~
2 ~~dispositional plan presented by the department the court shall consider~~
3 ~~all such recommendations included therein. The court, consistent with~~
4 ~~the stated goal of resolving the family conflict and reuniting the~~
5 ~~family, may modify such plan and shall make its dispositional order~~
6 ~~for)) If the court orders a three-month out-of-home placement for the
7 child~~((-))~~, the court ~~((dispositional order))~~ shall specify the person
8 or agency with whom the child shall be placed, those parental powers
9 which will be temporarily awarded to such agency or person including
10 but not limited to the right to authorize medical, dental, and optical
11 treatment, and parental visitation rights. Any agency or residence at
12 which the child is placed must, at a minimum, comply with minimum
13 standards for licensed family foster homes.~~

14 (2) No placement made pursuant to this section may be in a secure
15 residence as defined by the federal Juvenile Justice and Delinquency
16 Prevention Act of 1974 ~~((and clarifying interpretations and regulations~~
17 ~~promulgated thereunder))~~.

18 **Sec. 21.** RCW 13.32A.190 and 1989 c 269 s 5 are each amended to
19 read as follows:

20 (1) Upon making a dispositional order under ~~((RCW 13.32A.180))~~
21 section 18 of this act, the court shall schedule the matter on the
22 calendar for review within three months, advise the parties of the date
23 thereof, appoint legal counsel and/or a guardian ad litem to represent
24 the child at the review hearing, advise parents of their right to be
25 represented by legal counsel at the review hearing, and notify the
26 parties of their rights to present evidence at the hearing. Where
27 resources are available, the court shall encourage the parent and child
28 to participate in ~~((mediation))~~ programs for reconciliation of their
29 conflict.

30 (2) At the review hearing, the court shall approve or disapprove
31 the continuation of the dispositional plan in accordance with ~~((the~~
32 ~~goal of resolving the conflict and reuniting the family which governed~~
33 ~~the initial approval))~~ this chapter. The court shall determine whether
34 reasonable efforts have been made to reunify the family and make it
35 possible for the child to return home. The court ~~((is authorized to))~~
36 shall discontinue the placement and order that the child return home if
37 the court has reasonable grounds to believe that the parents have
38 ~~((displayed concerted))~~ made reasonable efforts to ~~((utilize services~~

1 and)) resolve the conflict and the court has reason to believe that the
2 child's refusal to return home is capricious. If out-of-home placement
3 is continued, the court may modify the dispositional plan.

4 (3) Out-of-home placement may not be continued past one hundred
5 eighty days from the day the review hearing commenced. The court shall
6 order ~~((that))~~ the child to return to the home of the parent at the
7 expiration of the placement. If ~~((continued))~~ an out-of-home placement
8 is disapproved prior to one hundred eighty days, the court shall enter
9 an order requiring ~~((that))~~ the child to return to the home of the
10 child's parent.

11 (4) The parents and the department may request, and the juvenile
12 court may grant, dismissal of an ~~((alternative residential))~~ out-of-
13 home placement order when it is not feasible for the department to
14 provide services due to one or more of the following circumstances:

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

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

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

22 (5) The court shall terminate a placement made under this section
23 upon the request of a parent unless the placement is made pursuant to
24 section 18(3) of this act.

25 NEW SECTION. Sec. 22. A new section is added to chapter 13.32A
26 RCW to read as follows:

27 (1) A child's parent may file with the juvenile court a petition in
28 the interest of a child alleged to be an at-risk youth. The department
29 shall, when requested, assist the parent in filing the petition. The
30 petition shall be filed in the county where the petitioner resides.
31 The petition shall set forth the name, age, and residence of the child
32 and the names and residence of the child's parents and shall allege
33 that:

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

35 (b) The petitioner has the right to legal custody of the child;

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

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

3 (2) The petition shall set forth facts that support the allegations
4 in this section and shall generally request relief available under this
5 chapter. The petition need not specify any proposed disposition
6 following adjudication of the petition. The filing of an at-risk youth
7 petition is not dependent upon the court's having obtained any prior
8 jurisdiction over the child or his or her parent and confers upon the
9 court the special jurisdiction to assist the parent in maintaining
10 parental authority and responsibility for the child.

11 (3) A petition may not be filed if a dependency petition is pending
12 under chapter 13.34 RCW.

13 **Sec. 23.** RCW 13.32A.192 and 1990 c 276 s 12 are each amended to
14 read as follows:

15 (1) When a proper at-risk youth petition is filed by a child's
16 parent under ((RCW 13.32A.120 or 13.32A.150)) this chapter, the
17 juvenile court shall:

18 (a) Schedule a fact-finding hearing to be held within three
19 judicial days and notify the parent and the child of such date;

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

22 (c) Appoint legal counsel for the child;

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

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

27 (2) Unless out-of-home placement of the child is otherwise
28 authorized or required by law, the child shall reside in the home of
29 his or her parent or in an ((~~alternative residential~~)) out-of-home
30 placement requested by the parent or child and approved by the parent.
31 ((~~Upon request by the parent, the court may enter a court order~~
32 ~~requiring the child to reside in the home of his or her parent or an~~
33 ~~alternative residential placement approved by the parent.~~))

34 (3) If upon sworn written or oral declaration of the petitioning
35 parent, the court has reason to believe that a child has willfully and
36 knowingly violated a court order issued pursuant to subsection (2) of
37 this section, the court may issue an order directing law enforcement to
38 take the child into custody and place the child in a juvenile detention

1 facility or in a secure crisis residential center (~~((licensed by the~~
2 ~~department and established pursuant to chapter 74.13 RCW))~~). If the
3 child is placed in detention, a review shall be held as provided in RCW
4 13.32A.065.

5 (4) If both (~~((an alternative residential placement))~~) a child in
6 need of services petition and an at-risk youth petition have been filed
7 with regard to the same child, the petitions and proceedings shall be
8 consolidated (~~((for purposes of fact-finding))~~) as an at-risk youth
9 petition. Pending a fact-finding hearing regarding the petition, the
10 child may be placed(~~((in the parent's home or in an out-of-home~~
11 ~~placement if not already placed(~~((in an alternative residential~~
12 ~~a temporary out-of-home~~ placement (~~((as provided in RCW 13.32A.160~~
13 ~~unless the court has previously entered an order requiring the child to~~
14 ~~reside in the home of his or her parent))~~). The child or the parent may
15 request a review of the child's placement including a review of any
16 court order requiring the child to reside in the parent's home. (~~((At~~
17 ~~the review the court, in its discretion, may order the child placed in~~
18 ~~the parent's home or in an alternative residential placement pending~~
19 ~~the hearing.))~~)~~

20 **Sec. 24.** RCW 13.32A.194 and 1990 c 276 s 13 are each amended to
21 read as follows:

22 (1) The court shall hold a fact-finding hearing to consider a
23 proper at-risk youth petition. The court (~~((may))~~) shall grant the
24 petition and enter an order finding the child to be an at-risk youth if
25 the allegations in the petition are established by a preponderance of
26 the evidence(~~((The court shall not enter such an order if the court~~
27 ~~has approved an alternative residential placement petition regarding~~
28 ~~the child or if))~~), unless the child is the subject of a proceeding
29 under chapter 13.34 RCW. If the petition is granted, the court shall
30 enter an order requiring the child to reside in the home of his or her
31 parent or (~~((in an alternative residential placement approved by the~~
32 ~~parent))~~) in an out-of-home placement as provided in RCW 13.32A.192(2).

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

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

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

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

11 **Sec. 25.** RCW 13.32A.196 and 1991 c 364 s 14 are each amended to
12 read as follows:

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

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

21 (a) Regular school attendance;

22 (b) Counseling;

23 (c) Participation in a substance abuse or mental health outpatient
24 treatment program;

25 (d) Reporting on a regular basis to the department or any other
26 designated person or agency; and

27 (e) Any other condition the court deems an appropriate condition of
28 supervision including but not limited to: Employment, participation in
29 an anger management program, and refraining from using alcohol or
30 drugs.

31 (3) No dispositional order or condition of supervision ordered by
32 a court pursuant to this section shall include involuntary commitment
33 of a child for substance abuse or mental health treatment.

34 (4) The court may order the parent to participate in counseling
35 services or any other services for the child requiring parental
36 participation. The parent shall cooperate with the court-ordered case
37 plan and shall take necessary steps to help implement the case plan.
38 The parent shall be financially responsible for costs related to the

1 court-ordered plan; however, this requirement shall not affect the
2 eligibility of the parent or child for public assistance or other
3 benefits to which the parent or child may otherwise be entitled.

4 (5) The parent may request dismissal of an at-risk youth proceeding
5 or out-of-home placement at any time and upon such a request, the court
6 shall dismiss the matter and cease court supervision of the child
7 unless a contempt action is pending in the case. The court may retain
8 jurisdiction over the matter for the purpose of concluding any pending
9 contempt proceedings, including the full satisfaction of any penalties
10 imposed as a result of a contempt finding.

11 ((+5+)) (6) The court may order the department to monitor
12 compliance with the dispositional order, assist in coordinating the
13 provision of court-ordered services, and submit reports at subsequent
14 review hearings regarding the status of the case.

15 **Sec. 26.** RCW 13.32A.250 and 1990 c 276 s 16 are each amended to
16 read as follows:

17 (1) In all (~~alternative residential placement~~) child in need of
18 services proceedings and at-risk youth proceedings, the court shall
19 verbally notify the parents and the child of the possibility of a
20 finding of contempt for failure to comply with the terms of a court
21 order entered pursuant to this chapter. The court shall treat the
22 parents and the child equally for the purposes of applying contempt of
23 court processes and penalties under this section.

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

27 (3) The court may impose a fine of up to one hundred dollars and
28 imprisonment for up to seven days, or both for contempt of court under
29 this section.

30 (4) A child imprisoned for contempt under this section shall be
31 imprisoned only in a secure juvenile detention facility operated by or
32 pursuant to a contract with a county.

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

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

3 No superior court may refuse to accept for filing a properly
4 completed and presented child in need of services petition or an at-
5 risk youth petition. To be properly presented, the petitioner shall
6 verify that the family assessment required under RCW 13.32A.150 has
7 been completed. In the event of an improper refusal that is appealed
8 and reversed, the petitioner shall be awarded actual damages, costs,
9 and attorneys' fees.

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

12 (1) Any person who provides shelter to a child for at least six
13 consecutive hours and who has reasonable cause to believe that the
14 child is absent from his or her home without permission shall, not
15 later than the end of the six-hour period:

16 (a) Attempt to notify the parent of the child of the location of
17 the child and return the child to the parent unless there has been a
18 placement ordered under this title;

19 (b) Notify the law enforcement agency of the jurisdiction in which
20 the person lives if (i) the parent cannot be located; (ii) the parent
21 declines to take custody of the child; or (iii) a placement order has
22 been entered under this chapter; or

23 (c) Notify the department.

24 (2) If a person provides the notices required in this section he or
25 she is immune from liability for any cause of action arising from
26 providing shelter to the child. The immunity shall not extend to acts
27 of intentional misconduct or gross negligence by the person providing
28 the shelter.

29 **Sec. 29.** RCW 13.04.030 and 1994 sp.s. c 7 s 519 are each amended
30 to read as follows:

31 (1) Except as provided in subsection (2) of this section, the
32 juvenile courts in the several counties of this state, shall have
33 exclusive original jurisdiction over all proceedings:

34 (a) Under the interstate compact on placement of children as
35 provided in chapter 26.34 RCW;

36 (b) Relating to children alleged or found to be dependent as
37 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170;

1 (c) Relating to the termination of a parent and child relationship
2 as provided in RCW 13.34.180 through 13.34.210;

3 (d) To approve or disapprove (~~(alternative residential)~~) out-of-
4 home placement as provided in RCW 13.32A.170;

5 (e) Relating to juveniles alleged or found to have committed
6 offenses, traffic infractions, or violations as provided in RCW
7 13.40.020 through 13.40.230, unless:

8 (i) The juvenile court transfers jurisdiction of a particular
9 juvenile to adult criminal court pursuant to RCW 13.40.110; or

10 (ii) The statute of limitations applicable to adult prosecution for
11 the offense, traffic infraction, or violation has expired; or

12 (iii) The alleged offense or infraction is a traffic, fish,
13 boating, or game offense or traffic infraction committed by a juvenile
14 sixteen years of age or older and would, if committed by an adult, be
15 tried or heard in a court of limited jurisdiction, in which instance
16 the appropriate court of limited jurisdiction shall have jurisdiction
17 over the alleged offense or infraction: PROVIDED, That if such an
18 alleged offense or infraction and an alleged offense or infraction
19 subject to juvenile court jurisdiction arise out of the same event or
20 incident, the juvenile court may have jurisdiction of both matters:
21 PROVIDED FURTHER, That the jurisdiction under this subsection does not
22 constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1)
23 or (e)(i) of this subsection: PROVIDED FURTHER, That courts of limited
24 jurisdiction which confine juveniles for an alleged offense or
25 infraction may place juveniles in juvenile detention facilities under
26 an agreement with the officials responsible for the administration of
27 the juvenile detention facility in RCW 13.04.035 and 13.20.060; or

28 (iv) The juvenile is sixteen or seventeen years old and the alleged
29 offense is: (A) A serious violent offense as defined in RCW 9.94A.030
30 committed on or after June 13, 1994; or (B) a violent offense as
31 defined in RCW 9.94A.030 committed on or after June 13, 1994, and the
32 juvenile has a criminal history consisting of: (I) One or more prior
33 serious violent offenses; (II) two or more prior violent offenses; or
34 (III) three or more of any combination of the following offenses: Any
35 class A felony, any class B felony, vehicular assault, or manslaughter
36 in the second degree, all of which must have been committed after the
37 juvenile's thirteenth birthday and prosecuted separately. In such a
38 case the adult criminal court shall have exclusive original
39 jurisdiction.

1 If the juvenile challenges the state's determination of the
2 juvenile's criminal history, the state may establish the offender's
3 criminal history by a preponderance of the evidence. If the criminal
4 history consists of adjudications entered upon a plea of guilty, the
5 state shall not bear a burden of establishing the knowing and
6 voluntariness of the plea;

7 (f) Under the interstate compact on juveniles as provided in
8 chapter 13.24 RCW;

9 (g) Relating to termination of a diversion agreement under RCW
10 13.40.080, including a proceeding in which the divertee has attained
11 eighteen years of age; and

12 (h) Relating to court validation of a voluntary consent to foster
13 care placement under chapter 13.34 RCW, by the parent or Indian
14 custodian of an Indian child, except if the parent or Indian custodian
15 and child are residents of or domiciled within the boundaries of a
16 federally recognized Indian reservation over which the tribe exercises
17 exclusive jurisdiction.

18 (2) The family court shall have concurrent original jurisdiction
19 with the juvenile court over all proceedings under this section if the
20 superior court judges of a county authorize concurrent jurisdiction as
21 provided in RCW 26.12.010.

22 (3) A juvenile subject to adult superior court jurisdiction under
23 subsection (1)(e) (i) through (iv) of this section, who is detained
24 pending trial, may be detained in a county detention facility as
25 defined in RCW 13.40.020 pending sentencing or a dismissal.

26 **Sec. 30.** RCW 13.04.040 and 1983 c 191 s 14 are each amended to
27 read as follows:

28 The administrator shall, in any county or judicial district in the
29 state, appoint or designate one or more persons of good character to
30 serve as probation counselors during the pleasure of the administrator.
31 The probation counselor shall:

32 (1) Receive and examine referrals to the juvenile court for the
33 purpose of considering the filing of a petition or information pursuant
34 to chapter 13.32A or 13.34 RCW (~~((13.34.040, 13.34.180, and))~~) or RCW
35 13.40.070 (~~((as now or hereafter amended, and RCW 13.32A.150))~~);

36 (2) Make recommendations to the court regarding the need for
37 continued detention or shelter care of a child unless otherwise
38 provided in this title;

1 (3) Arrange and supervise diversion agreements as provided in RCW
2 13.40.080, (~~as now or hereafter amended,~~) and ensure that the
3 requirements of such agreements are met except as otherwise provided in
4 this title;

5 (4) Prepare predisposition studies as required in RCW 13.34.120 and
6 13.40.130, (~~as now or hereafter amended,~~) and be present at the
7 disposition hearing to respond to questions regarding the
8 predisposition study: PROVIDED, That such duties shall be performed by
9 the department (~~of social and health services~~) for cases relating to
10 dependency or to the termination of a parent and child relationship
11 which is filed by the department (~~of social and health services~~)
12 unless otherwise ordered by the court; and

13 (5) Supervise court orders of disposition to ensure that all
14 requirements of the order are met.

15 All probation counselors shall possess all the powers conferred
16 upon sheriffs and police officers to serve process and make arrests of
17 juveniles under their supervision for the violation of any state law or
18 county or city ordinance.

19 The administrator may, in any county or judicial district in the
20 state, appoint one or more persons who shall have charge of detention
21 rooms or houses of detention.

22 The probation counselors and persons appointed to have charge of
23 detention facilities shall each receive compensation which shall be
24 fixed by the legislative authority of the county, or in cases of joint
25 counties, judicial districts of more than one county, or joint judicial
26 districts such sums as shall be agreed upon by the legislative
27 authorities of the counties affected, and such persons shall be paid as
28 other county officers are paid.

29 The administrator is hereby authorized, and to the extent possible
30 is encouraged to, contract with private agencies existing within the
31 community for the provision of services to youthful offenders and youth
32 who have entered into diversion agreements pursuant to RCW 13.40.080(~~(~~
33 ~~as now or hereafter amended)~~).

34 The administrator shall establish procedures for the collection of
35 fines assessed under RCW 13.40.080 (2)(d) and (13) and for the payment
36 of the fines into the county general fund.

37 **Sec. 31.** RCW 13.04.093 and 1991 c 363 s 11 are each amended to
38 read as follows:

1 It shall be the duty of the prosecuting attorney to act in
2 proceedings relating to the commission of a juvenile offense as
3 provided in RCW 13.40.070 and 13.40.090 and in proceedings as provided
4 in chapter 71.34 RCW. It shall be the duty of the prosecuting attorney
5 to handle delinquency cases under chapter 13.24 RCW and it shall be the
6 duty of the attorney general to handle dependency cases under chapter
7 13.24 RCW. It shall be the duty of the attorney general in contested
8 cases brought by the department to present the evidence supporting any
9 petition alleging dependency or seeking the termination of a parent and
10 child relationship or any contested case filed under RCW 26.33.100 or
11 approving or disapproving (~~(alternative residential)~~) out-of-home
12 placement: PROVIDED, That in each county with a population of less
13 than two hundred ten thousand, the attorney general may contract with
14 the prosecuting attorney of the county to perform (~~(said)~~) the duties
15 of the attorney general under this section.

16 NEW SECTION. **Sec. 32.** The department of social and health
17 services shall develop a plan for the development of an intensive
18 treatment system for children whose behavior puts them at serious risk
19 of harm to themselves or others. In developing this plan, the
20 department shall work with service providers, community leaders,
21 representatives of different cultural communities, businesses,
22 educational institutions, community public health and safety networks,
23 and others to propose a continuum of services, including placement
24 alternatives, for children who might otherwise be on the street.

25 In developing this plan, the department shall identify existing
26 local and state services and barriers to those services for children.
27 The plan for intensive treatment services, to the extent possible,
28 shall build upon those existing resources.

29 The plan shall be presented to the legislature and the governor no
30 later than December 1, 1995.

31 NEW SECTION. **Sec. 33.** A new section is added to chapter 13.32A
32 RCW to read as follows:

33 Nothing in this chapter shall be construed to create an entitlement
34 to services nor to create judicial authority to order the provision at
35 public expense of services to any person or family where the department
36 has determined that such services are unavailable or unsuitable or that
37 the child or family are not eligible for such services.

1 NEW SECTION. **Sec. 34.** A new section is added to chapter 13.32A
2 RCW to read as follows:

3 In approving a petition under this chapter, a child may be placed
4 in a semi-secure crisis residential center as a temporary out-of-home
5 placement under the following conditions: (1) No other suitable out-
6 of-home placement is available; (2) space is available in the semi-
7 secure crisis residential center; and (3) no child will be denied
8 access for a five-day placement due to this placement.

9 Any child referred to a semi-secure crisis residential center by a
10 law enforcement officer, the department, or himself or herself shall
11 have priority over a temporary out-of-home placement in the facility.
12 Any out-of-home placement order shall be subject to this priority, and
13 the administrator of the semi-secure crisis residential center shall
14 transfer the temporary out-of-home placement youth to a new out-of-home
15 placement as necessary to ensure access for youth needing the semi-
16 secure crisis residential center.

17 **Sec. 35.** RCW 70.96A.090 and 1990 c 151 s 5 are each amended to
18 read as follows:

19 (1) The department shall adopt rules establishing standards for
20 approved treatment programs, the process for the review and inspection
21 program applying to the department for certification as an approved
22 treatment program, and fixing the fees to be charged by the department
23 for the required inspections. The standards may concern the health
24 standards to be met and standards of services and treatment to be
25 afforded patients.

26 (2) The department may suspend, revoke, limit, restrict, or modify
27 an approval, or refuse to grant approval, for failure to meet the
28 provisions of this chapter, or the standards adopted under this
29 chapter. RCW 43.20A.205 governs notice of a license denial,
30 revocation, suspension, or modification and provides the right to an
31 adjudicative proceeding.

32 (3) No treatment program may advertise or represent itself as an
33 approved treatment program if approval has not been granted, has been
34 denied, suspended, revoked, or canceled.

35 (4) Certification as an approved treatment program is effective for
36 one calendar year from the date of issuance of the certificate. The
37 certification shall specify the types of services provided by the
38 approved treatment program that meet the standards adopted under this

1 chapter. Renewal of certification shall be made in accordance with
2 this section for initial approval and in accordance with the standards
3 set forth in rules adopted by the secretary.

4 (5) Approved treatment programs shall not provide alcoholism or
5 other drug addiction treatment services for which the approved
6 treatment program has not been certified. Approved treatment programs
7 may provide services for which approval has been sought and is pending,
8 if approval for the services has not been previously revoked or denied.

9 (6) The department periodically shall inspect approved public and
10 private treatment programs at reasonable times and in a reasonable
11 manner.

12 (7) The department shall maintain and periodically publish a
13 current list of approved treatment programs.

14 (8) Each approved treatment program shall file with the department
15 on request, data, statistics, schedules, and information the department
16 reasonably requires. An approved treatment program that without good
17 cause fails to furnish any data, statistics, schedules, or information
18 as requested, or files fraudulent returns thereof, may be removed from
19 the list of approved treatment programs, and its certification revoked
20 or suspended.

21 (9) The department shall use the data provided in subsection (8) of
22 this section to evaluate each program in terms of rates of successful
23 treatment of drug or alcohol abuse. The evaluation shall be done at
24 least once every twelve months. In addition, the department shall
25 randomly select and review the information on individual children who
26 are admitted on application of the child's parent for the purpose of
27 determining whether the child was appropriately placed into treatment
28 based on an objective evaluation of the child's condition and the
29 success of the child's treatment.

30 (10) Upon petition of the department and after a hearing held upon
31 reasonable notice to the facility, the superior court may issue a
32 warrant to an officer or employee of the department authorizing him or
33 her to enter and inspect at reasonable times, and examine the books and
34 accounts of, any approved public or private treatment program refusing
35 to consent to inspection or examination by the department or which the
36 department has reasonable cause to believe is operating in violation of
37 this chapter.

1 **Sec. 36.** RCW 70.96A.095 and 1991 c 364 s 9 are each amended to
2 read as follows:

3 (1) Any person (~~fourteen~~) thirteen years of age or older may give
4 consent for himself or herself to the furnishing of counseling, care,
5 treatment, or rehabilitation by a treatment program or by any person.
6 Consent of the parent, parents, or legal guardian of a person less than
7 eighteen years of age is not necessary to authorize the care, except
8 that the person shall not become a resident of the treatment program
9 without such permission except as provided in RCW 70.96A.120 or
10 70.96A.140. The parent, parents, or legal guardian of a person less
11 than eighteen years of age are not liable for payment of care for such
12 persons pursuant to this chapter, unless they have joined in the
13 consent to the counseling, care, treatment, or rehabilitation.

14 (2) The parent of any minor child may apply to an approved
15 treatment program for the admission of his or her minor child for
16 purposes authorized in this chapter. The consent of the minor child
17 shall not be required for the application or admission. The approved
18 treatment program shall accept the application and evaluate the child
19 for admission. The ability of a parent to apply to an approved
20 treatment program for the involuntary admission of his or her minor
21 child does not create a right to obtain or benefit from any funds or
22 resources of the state.

23 **Sec. 37.** RCW 71.34.030 and 1985 c 354 s 3 are each amended to read
24 as follows:

25 (1) Any minor thirteen years or older may request and receive
26 outpatient treatment without the consent of the minor's parent.
27 Parental authorization is required for outpatient treatment of a minor
28 under the age of thirteen.

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

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

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

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

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

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

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

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

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

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

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

1 conducted using the rules of evidence, and the admission or exclusion
2 of evidence sought to be presented shall be within the exercise of
3 sound discretion by the judicial officer conducting the hearing.

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

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

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

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

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

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

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

28 NEW SECTION. Sec. 38. A new section is added to chapter 71.34 RCW
29 to read as follows:

30 The department shall randomly select and review the information on
31 children who are admitted to in-patient treatment on application of the
32 child's parent. The review shall determine whether the children
33 reviewed were appropriately admitted into treatment based on an
34 objective evaluation of the child's condition and the success of the
35 child's treatment.

36 **Sec. 39.** RCW 74.13.031 and 1990 c 146 s 9 are each amended to read
37 as follows:

1 The department shall have the duty to provide child welfare
2 services as defined in RCW 74.13.020, and shall:

3 (1) Develop, administer, supervise, and monitor a coordinated and
4 comprehensive plan that establishes, aids, and strengthens services for
5 the protection and care of homeless, runaway, dependent, or neglected
6 children.

7 (2) Develop a recruiting plan for recruiting an adequate number of
8 prospective adoptive and foster homes, both regular and specialized,
9 ~~((i.e.))~~ including homes for children of ethnic minority, ~~((including))~~
10 Indian homes for Indian children, sibling groups, handicapped and
11 emotionally disturbed, and annually submit the plan for review to the
12 ~~((house and senate committees on social and health services))~~
13 legislature. The plan shall include a section entitled "Foster Home
14 Turn-Over, Causes and Recommendations."

15 (3) Investigate complaints of neglect, abuse, or abandonment of
16 children, and on the basis of the findings of such investigation, offer
17 child welfare services in relation to the problem to such parents,
18 legal custodians, or persons serving in loco parentis, and/or bring the
19 situation to the attention of an appropriate court, or another
20 community agency~~((: PROVIDED, That an))~~. No investigation is ~~((not))~~
21 required of nonaccidental injuries which are clearly not the result of
22 a lack of care or supervision by the child's parents, legal custodians,
23 or persons serving in loco parentis. If ~~((the))~~ an investigation
24 reveals that a crime may have been committed, the department shall
25 notify the appropriate law enforcement agency.

26 (4) Offer, on a voluntary basis, family reconciliation services to
27 families who are in conflict.

28 (5) Monitor out-of-home placements, on a timely and routine basis,
29 to assure the safety, well-being, and quality of care being provided is
30 within the scope of the intent of the legislature as defined in RCW
31 74.13.010 and 74.15.010, and annually submit a report delineating the
32 results to the ~~((house and senate committees on social and health
33 services))~~ legislature.

34 (6) Have authority to accept custody of children from parents and
35 ~~((to accept custody of children from))~~ juvenile courts, where
36 authorized to do so under law, to provide child welfare services
37 including placement for adoption, and to provide for the physical care
38 of such children and make payment of maintenance costs if needed.
39 Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no

1 private adoption agency which receives children for adoption from the
2 department shall discriminate on the basis of race, creed, or color
3 when considering applications in their placement for adoption.

4 (7) Have authority to provide temporary shelter to children who
5 have run away from home and who are admitted to crisis residential
6 centers.

7 (8) Have authority to purchase care for children(~~(7)~~) and (~~shall~~
8 ~~follow in general the policy of using~~) use properly approved private
9 agency services for the (~~actual~~) care and supervision of such
10 children insofar as they are available, paying for care of such
11 children as are accepted by the department as eligible for support at
12 reasonable rates established by the department.

13 (9) Establish a children's services advisory committee which shall
14 assist the secretary in the development of a partnership plan for
15 utilizing resources of the public and private sectors, and advise on
16 all matters pertaining to child welfare, day care, licensing of child
17 care agencies, adoption, and related services (~~related thereto~~). At
18 least one-third of the membership shall be (~~composed of~~) child care
19 providers, and at least one member shall represent the adoption
20 community.

21 (10) Have authority to provide continued foster care or group care
22 for individuals from eighteen through twenty years of age to enable
23 them to complete their high school or vocational school program.

24 (11) Have authority within funds appropriated for foster care
25 services to purchase care for Indian children who are in the custody of
26 a federally recognized Indian tribe or tribally licensed child-placing
27 agency pursuant to parental consent, tribal court order, or state
28 juvenile court order(~~(7) and~~). The purchase of such care (~~shall be~~)
29 is subject to the same eligibility standards and rates of support
30 applicable to other children for whom the department purchases care.

31 Notwithstanding any other provision of RCW 13.32A.170 through
32 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
33 services to be provided by the department of social and health services
34 under subsections (4)(~~7~~) and (6)(~~7 and 7~~) of this section,
35 subject to the limitations of these subsections, may be provided by any
36 program offering such services funded pursuant to Titles II and III of
37 the federal juvenile justice and delinquency prevention act of 1974.

1 **Sec. 40.** RCW 74.13.032 and 1979 c 155 s 78 are each amended to
2 read as follows:

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

13 (2) Within available funds appropriated for this purpose, the
14 department shall establish, by contracts with private vendors, secure
15 crisis residential centers which shall be facilities licensed under
16 rules adopted by the department. The location of these facilities
17 shall be determined by the department.

18 (3) The department shall, in addition to the (~~regional~~)
19 facilities established under subsections (1) and (2) of this section,
20 establish (~~not less than thirty~~) additional crisis residential
21 centers pursuant to contract with licensed private group care (~~or~~
22 ~~specialized foster home~~) facilities. The staff at the facilities
23 shall be trained so that they may effectively counsel juveniles
24 admitted to the centers, provide treatment, supervision, and structure
25 to the juveniles, and carry out the responsibilities stated in RCW
26 13.32A.090. The responsibilities stated in RCW 13.32A.090 may, in any
27 of the centers, be carried out by the department.

28 (4) Secure crisis residential facilities shall be operated as
29 (~~semi-secure~~) secure facilities as defined in RCW 13.32A.030. The
30 facilities shall have an average of no more than three adult staff
31 members to every eight children. The staffing ratio shall continue to
32 ensure the safety of the children.

33 (5) Any secure center created under this section may be located
34 within, or on the same grounds as, other secure facilities including
35 jails, juvenile detention facilities operated by the state, or units of
36 local government. The operation of a center located within or on the
37 same grounds as another secure facility shall not permit in-person
38 contact between the residents of the center and the persons held in the
39 other secure facility.

1 NEW SECTION. **Sec. 41.** A new section is added to chapter 74.13 RCW
2 to read as follows:

3 No contract may provide reimbursement or compensation to a center
4 for any service delivered or provided to a resident child after five
5 consecutive days of residence.

6 **Sec. 42.** RCW 74.13.033 and 1992 c 205 s 213 are each amended to
7 read as follows:

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

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

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

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

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

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

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

11 **Sec. 43.** RCW 74.13.034 and 1992 c 205 s 214 are each amended to
12 read as follows:

13 (1) A child taken into custody and taken to a crisis residential
14 center established pursuant to RCW 74.13.032(~~((+2))~~) (3) may, if the
15 center is unable to provide appropriate treatment, supervision, and
16 structure to the child, be taken at department expense to another
17 crisis residential center (~~((or))~~), the nearest regional secure crisis
18 residential center, or a secure facility with which it is collocated
19 under RCW 74.13.032. Placement in both (~~((centers))~~) locations shall not
20 (~~((exceed))~~) be less than three nor more than five consecutive days from
21 the point of intake as provided in RCW 13.32A.130.

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

34 (3) Any child placed in secure detention pursuant to this section
35 shall, during the period of confinement, be provided with appropriate
36 treatment by the department or the department's designee, which shall
37 include the services defined in RCW 74.13.033(2). If the child placed
38 in secure detention is not returned home or if an alternative living

1 arrangement agreeable to the parent and the child is not made within
2 twenty-four hours after the child's admission, the child shall be taken
3 at the department's expense to a crisis residential center. Placement
4 in the crisis residential center or centers plus placement in juvenile
5 detention shall not exceed five consecutive days from the point of
6 intake as provided in RCW 13.32A.130.

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

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

20 **Sec. 44.** RCW 74.13.035 and 1979 c 155 s 81 are each amended to
21 read as follows:

22 Crisis residential centers shall compile ~~((yearly))~~ quarterly
23 records which shall be transmitted to the department and which shall
24 contain information regarding population profiles of the children
25 admitted to the centers during each past calendar year. Such
26 information shall include but shall not be limited to the following:

- 27 (1) The number, county of residency, age, and sex of children
28 admitted to custody;
- 29 (2) Who brought the children to the center;
- 30 (3) Services provided to children admitted to the center;
- 31 (4) The circumstances which necessitated the children being brought
32 to the center;
- 33 (5) The ultimate disposition of cases;
- 34 (6) The number of children admitted to custody who ran away from
35 the center and their ultimate disposition, if any;
- 36 (7) Length of stay.

1 The department may require the provision of additional information and
2 may require each center to provide all such necessary information in a
3 uniform manner.

4 The department shall report to the legislature within one year of
5 the initial contracts establishing secure crisis residential centers.
6 The report shall evaluate and compare the information required to be
7 compiled in this section for the secure and semi-secure crisis
8 residential centers and shall include plans for establishing secure
9 crisis residential centers as funds are appropriated.

10 A center may, in addition to being licensed as such, also be
11 licensed as a ((~~family foster home or~~)) group care facility and may
12 house on the premises juveniles assigned for temporary out-of-home
13 placement or foster or group care.

14 **Sec. 45.** RCW 74.13.036 and 1989 c 175 s 147 are each amended to
15 read as follows:

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

24 (2) The department shall((~~, by January 1, 1986,~~)) develop a plan
25 and procedures, in cooperation with the state-wide advisory committee,
26 to insure the full implementation of the provisions of chapter 13.32A
27 RCW. Such plan and procedures shall include but are not limited to:

28 (a) Procedures defining and delineating the role of the department
29 and juvenile court with regard to the execution of the ((~~alternative~~
30 ~~residential~~)) child in need of services placement process;

31 (b) Procedures for designating department staff responsible for
32 family reconciliation services;

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

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

1 ((The plan and procedures required under this subsection shall be
2 submitted to the appropriate standing committees of the legislature by
3 January 1, 1986.))

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

8 (3) In addition to its other oversight duties, the department
9 shall:

10 (a) Identify and evaluate resource needs in each region of the
11 state;

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

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

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

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

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

24 (5) Where appropriate, the department shall request opinions from
25 the attorney general regarding correct construction of these laws.

26 **Sec. 46.** RCW 82.14.300 and 1990 2nd ex.s. c 1 s 1 are each amended
27 to read as follows:

28 The legislature finds and declares that local government criminal
29 justice systems are in need of assistance. Many counties and cities
30 are unable to provide sufficient funding for additional police
31 protection, mitigation of congested court systems, public safety
32 education, and relief of overcrowded jails.

33 In order to ensure public safety, it is necessary to provide fiscal
34 assistance to help local governments to respond immediately to these
35 criminal justice problems, while initiating a review of the criminal
36 justice needs of cities and counties and the resources available to
37 address those needs.

1 To provide for a more efficient and effective response to these
2 problems, the legislature encourages cities and counties to coordinate
3 strategies against crime and use multijurisdictional and innovative
4 approaches in addressing criminal justice problems.

5 ~~((The legislature intends to provide fiscal assistance to counties
6 and cities in the manner provided in this act until the report of the
7 task force created under RCW 82.14.301 is available for consideration
8 by the legislature.))~~

9 **Sec. 47.** RCW 82.14.320 and 1993 sp.s. c 21 s 2 are each amended to
10 read as follows:

11 (1) The municipal criminal justice assistance account is created in
12 the state treasury.

13 (2) No city may receive a distribution under this section from the
14 municipal criminal justice assistance account unless:

15 (a) The city has a crime rate in excess of one hundred twenty-five
16 percent of the state-wide average as calculated in the most recent
17 annual report on crime in Washington state as published by the
18 Washington association of sheriffs and police chiefs;

19 (b) The city has levied the tax authorized in RCW 82.14.030(2) at
20 the maximum rate or the tax authorized in RCW 82.46.010(3) at the
21 maximum rate; and

22 (c) The city has a per capita yield from the tax imposed under RCW
23 82.14.030(1) at the maximum rate of less than one hundred fifty percent
24 of the state-wide average per capita yield for all cities from such
25 local sales and use tax.

26 (3) The moneys deposited in the municipal criminal justice
27 assistance account for distribution under this section shall be
28 distributed at such times as distributions are made under RCW
29 82.44.150. The distributions shall be made as follows:

30 (a) Unless reduced by this subsection, thirty percent of the moneys
31 shall be distributed ratably based on population as last determined by
32 the office of financial management to those cities eligible under
33 subsection (2) of this section that have a crime rate determined under
34 subsection (2)(a) of this section which is greater than one hundred
35 seventy-five percent of the state-wide average crime rate. No city may
36 receive more than fifty percent of any moneys distributed under this
37 subsection (a) but, if a city distribution is reduced as a result of

1 exceeding the fifty percent limitation, the amount not distributed
2 shall be distributed under (b) of this subsection.

3 (b) The remainder of the moneys, including any moneys not
4 distributed in subsection (2)(a) of this section, shall be distributed
5 to all cities eligible under subsection (2) of this section ratably
6 based on population as last determined by the office of financial
7 management.

8 (4) No city may receive more than thirty percent of all moneys
9 distributed under subsection (3) of this section.

10 (5) Notwithstanding other provisions of this section, the
11 distributions to any city that substantially decriminalizes or repeals
12 its criminal code after July 1, 1990, and that does not reimburse the
13 county for costs associated with criminal cases under RCW 3.50.800 or
14 3.50.805(2), shall be made to the county in which the city is located.

15 (6) Moneys distributed under this section shall be expended
16 exclusively for criminal justice purposes and shall not be used to
17 replace or supplant existing funding. Criminal justice purposes are
18 defined as activities that substantially assist the criminal justice
19 system, which may include circumstances where ancillary benefit to the
20 civil justice system occurs, and which includes domestic violence
21 services such as those provided by domestic violence programs,
22 community advocates, and legal advocates, as defined in RCW 70.123.020,
23 and publications and public educational efforts designed to provide
24 information and assistance to parents in dealing with runaway or at-
25 risk youth. Existing funding for purposes of this subsection is
26 defined as calendar year 1989 actual operating expenditures for
27 criminal justice purposes. Calendar year 1989 actual operating
28 expenditures for criminal justice purposes exclude the following:
29 Expenditures for extraordinary events not likely to reoccur, changes in
30 contract provisions for criminal justice services, beyond the control
31 of the local jurisdiction receiving the services, and major
32 nonrecurring capital expenditures.

33 NEW SECTION. **Sec. 48.** A new section is added to chapter 28A.175
34 RCW to read as follows:

35 Unless the context clearly requires otherwise, the definitions in
36 this section apply throughout this chapter.

37 (1) "Dropout" means a student enrolled in a school district who
38 leaves school, during a regular school term or between school terms,

1 for any reason other than death or a lawfully imposed expulsion prior
2 to graduation or completion of a program of studies, without
3 transferring to another school.

4 (2) "Dropout rate" means the total number of dropouts as a
5 percentage of the total number of students enrolled in the school
6 district.

7 (3) "State average dropout rate" means the total number of dropouts
8 reported in the state as a percentage of the total number of students
9 enrolled in the school districts that submit annual reports to the
10 superintendent of public instruction.

11 **Sec. 49.** RCW 28A.175.010 and 1991 c 235 s 4 are each amended to
12 read as follows:

13 Each school district shall account for the educational progress of
14 each of its students. To achieve this, school districts by July 31
15 shall be required to report annually to the superintendent of public
16 instruction:

17 (1) For students enrolled in each of a school district's high
18 school programs:

19 (a) The number of students eligible for graduation in fewer than
20 four years;

21 (b) The number of students who graduate in four years;

22 (c) The number of students who remain in school for more than four
23 years but who eventually graduate and the number of students who remain
24 in school for more than four years but do not graduate;

25 (d) The number of students who transfer to other schools;

26 (e) The number of students who enter from other schools;

27 (f) The number of students in the ninth through twelfth grade who
28 drop out of school over a four-year period; and

29 (g) The number of students whose status is unknown.

30 (2) Dropout rates of students in each of the grades nine through
31 twelve and the dropout rate for all students in grades nine through
32 twelve.

33 (3) Dropout rates for student populations in each of the grades
34 nine through twelve by:

35 (a) Ethnicity;

36 (b) Gender;

37 (c) Socioeconomic status; and

38 (d) Disability status.

1 (4) The causes or reasons, or both, attributed to students for
2 having dropped out of school in grades nine through twelve.

3 (5) The superintendent of public instruction shall adopt rules
4 under chapter 34.05 RCW to assure uniformity in the information
5 districts are required to report under subsections (1) through (4) of
6 this section. In developing rules, the superintendent of public
7 instruction shall consult with school districts, including
8 administrative and counseling personnel, with regard to the methods
9 through which information is to be collected and reported.

10 (6) In reporting on the causes or reasons, or both, attributed to
11 students for having dropped out of school, school building officials
12 shall, to the extent reasonably practical, obtain such information
13 directly from students. In lieu of obtaining such information directly
14 from students, building principals and counselors shall identify the
15 causes or reasons, or both, based on their professional judgment.

16 (7) The superintendent of public instruction shall report annually
17 to the legislature the information collected under (~~subsections (1)~~
18 ~~through (4) of~~) this section.

19 **Sec. 50.** RCW 28A.225.010 and 1990 c 33 s 219 are each amended to
20 read as follows:

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

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

29 (b) The child is receiving home-based instruction as provided in
30 subsection (~~(4)~~) (7) of this section; or

31 (c) The school district superintendent of the district in which the
32 child resides shall have excused such child from attendance because the
33 child is physically or mentally unable to attend school, is attending
34 a residential school operated by the department of social and health
35 services, or has been temporarily excused upon the request of his or
36 her parents for purposes agreed upon by the school authorities and the
37 parent: PROVIDED, That such excused absences shall not be permitted if
38 deemed to cause a serious adverse effect upon the student's educational

1 progress: PROVIDED FURTHER, That students excused for such temporary
2 absences may be claimed as full time equivalent students to the extent
3 they would otherwise have been so claimed for the purposes of RCW
4 28A.150.250 and 28A.150.260 and shall not affect school district
5 compliance with the provisions of RCW 28A.150.220;

6 (d) The child is fifteen years of age or older and:

7 (i) The school district superintendent determines that such child
8 has already attained a reasonable proficiency in the branches required
9 by law to be taught in the first nine grades of the public schools of
10 this state;

11 (ii) The child is regularly and lawfully engaged in a useful or
12 remunerative occupation;

13 (iii) The child has already met graduation requirements in
14 accordance with state board of education rules and regulations; or

15 (iv) The child has received a certificate of educational competence
16 under rules and regulations established by the state board of education
17 under RCW 28A.305.190.

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

20 (3) "Truant" for the purposes of this chapter means a student who
21 is absent from school, except as provided under subsection (1) of this
22 section.

23 (4) "Average daily truancy rate" for the purposes of this chapter
24 means the average daily number of trancies as a percentage of the
25 total number of students enrolled in the school district.

26 (5) "State average daily truancy rate" means the average daily
27 number of trancies reported in the state as a percentage of the total
28 number of students enrolled in the school districts that submit annual
29 reports under RCW 28A.225.070.

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

33 ~~((+4))~~ (7) For the purposes of this chapter and chapter 28A.200
34 RCW, instruction shall be home-based if it consists of planned and
35 supervised instructional and related educational activities, including
36 a curriculum and instruction in the basic skills of occupational
37 education, science, mathematics, language, social studies, history,
38 health, reading, writing, spelling, and the development of an
39 appreciation of art and music, provided for a number of hours

1 equivalent to the total annual program hours per grade level
2 established for approved private schools under RCW 28A.195.010 and
3 28A.195.040 and if such activities are:

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

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

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

23 ~~((+5))~~ (8) The legislature recognizes that home-based instruction
24 is less structured and more experiential than the instruction normally
25 provided in a classroom setting. Therefore, the provisions of
26 subsection ~~((+4))~~ (7) of this section relating to the nature and
27 quantity of instructional and related educational activities shall be
28 liberally construed.

29 **Sec. 51.** RCW 28A.225.020 and 1992 c 205 s 202 are each amended to
30 read as follows:

31 If a juvenile required to attend school under the laws of the state
32 of Washington fails to attend school without valid justification, the
33 juvenile's school shall:

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

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

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

18 **Sec. 52.** RCW 28A.225.030 and 1992 c 205 s 203 are each amended to
19 read as follows:

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

35 NEW SECTION. **Sec. 53.** A new section is added to chapter 28A.225
36 RCW to read as follows:

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

8 **Sec. 54.** RCW 28A.225.050 and 1990 c 33 s 222 are each amended to
9 read as follows:

10 To aid in the enforcement of RCW 28A.225.010 through
11 (~~(28A.225.140)~~) 28A.225.150, attendance officers shall be appointed and
12 employed as follows: In incorporated city districts the board of
13 directors shall annually appoint one or more attendance officers. In
14 all other districts the educational service district superintendent
15 shall appoint one or more attendance officers or may act as such
16 himself or herself.

17 The compensation of attendance officer in city districts shall be
18 fixed and paid by the board appointing him or her. The compensation of
19 attendance officers when appointed by the educational service district
20 superintendents shall be paid by the respective districts. An
21 educational service district superintendent shall receive no extra
22 compensation if acting as attendance officer.

23 Any sheriff, constable, city marshal or regularly appointed police
24 officer may be appointed attendance officer.

25 The attendance officer shall be vested with police powers, the
26 authority to make arrests and serve all legal processes contemplated by
27 RCW 28A.225.010 through (~~(28A.225.140)~~) 28A.225.150, and shall have
28 authority to enter all places in which children may be employed, for
29 the purpose of making such investigations as may be necessary for the
30 enforcement of RCW 28A.225.010 through (~~(28A.225.140)~~) 28A.225.150.
31 The attendance officer is authorized to take into custody (~~(the person~~
32 ~~of)~~) any child eight years of age and not over fourteen years of age,
33 who may be a truant from school (~~(, and to conduct such)~~). The officer
34 shall take the child to his or her parents, for investigation and
35 explanation, or to the school which he or she should properly attend.
36 The attendance officer shall institute proceedings against any officer,
37 parent, guardian, person, company or corporation violating any
38 provisions of RCW 28A.225.010 through (~~(28A.225.140)~~) 28A.225.150, and

1 shall otherwise discharge the duties prescribed in RCW 28A.225.010
2 through ~~((28A.225.140, and))~~ 28A.225.150. The officer shall perform
3 ~~((such))~~ other services as the educational service district
4 superintendent or the superintendent of any school or its board of
5 directors may deem necessary. ~~((However,))~~ The attendance officer
6 shall ~~((not))~~ institute proceedings against the child as provided under
7 RCW 28A.225.030 ~~((except as set forth under RCW 28A.225.030))~~.

8 The attendance officer shall keep a record of his or her
9 transactions for the inspection and information of any school district
10 board of directors, the educational service district superintendent or
11 the city superintendent, and shall make a detailed report to the city
12 superintendent or the educational service district superintendent as
13 often as the same may be required.

14 **Sec. 55.** RCW 28A.225.060 and 1990 c 33 s 223 are each amended to
15 read as follows:

16 Any attendance officer, sheriff, deputy sheriff, marshal, police
17 officer, or any other officer authorized to make arrests, shall take
18 into custody without a warrant a child who is required under the
19 provisions of RCW 28A.225.010 through ~~((28A.225.140))~~ 28A.225.150 to
20 attend school, such child then being a truant from ~~((instruction at~~
21 ~~the))~~ school which he or she is lawfully required to attend, and shall
22 forthwith deliver a child so detained either (1) to the custody of a
23 person in parental relation to the child or (2) to the school from
24 which the child is ~~((then a))~~ truant.

25 **Sec. 56.** RCW 28A.225.070 and 1990 c 33 s 224 are each amended to
26 read as follows:

27 The educational service district superintendent, on or before the
28 fifteenth day of ~~((August))~~ June of each year, ~~((by printed circular or~~
29 ~~otherwise, shall call the attention of))~~ shall notify all school
30 district officials ~~((to))~~ of the provisions of RCW 28A.225.010 through
31 ~~((28A.225.140))~~ 28A.225.150, and ~~((to))~~ the penalties ~~((prescribed))~~
32 for ~~((the))~~ violation ~~((of its provisions))~~, and ~~((he or she))~~ shall
33 require those officials ~~((of the school district which he or she shall~~
34 ~~designate))~~ to make a report annually ~~((hereafter))~~, verified by
35 affidavit, stating whether ~~((or not))~~ the provisions of RCW 28A.225.010
36 through ~~((28A.225.140))~~ 28A.225.150 have been ~~((faithfully))~~ complied
37 with ~~((in his or her district))~~. ~~((Such))~~ The reports shall be made

1 July 31 upon forms to be furnished by the superintendent of public
2 instruction and (~~shall be~~) immediately transmitted to the educational
3 service district superintendent (~~at such time as the educational~~
4 ~~service district superintendent shall determine, after notice~~
5 ~~thereof~~). The report shall include the average daily truancy rate of
6 the school district for the school year. Any school district official
7 who shall knowingly (~~or willfully~~) make a false report relating to
8 the enforcement of the provisions of RCW 28A.225.010 through
9 (~~28A.225.140~~) 28A.225.150 or fail to report as herein provided
10 (~~shall be deemed~~) is guilty of a misdemeanor, and upon conviction in
11 a court of competent jurisdiction shall be fined (~~not less than~~
12 ~~twenty-five dollars nor more than one hundred dollars; and~~). Any
13 school district official who shall refuse or neglect to make the report
14 required in this section or who shall knowingly or willfully make a
15 false report, shall be personally liable to his or her district for any
16 loss which it may sustain because of such false report or neglect or
17 refusal to report.

18 The educational service district superintendent shall submit an
19 annual report to the superintendent of public instruction, including
20 the average daily truancy rate for each school district reporting to
21 the superintendent. From the reports submitted, the superintendent of
22 public instruction shall compile the state average daily truancy rate.
23 The superintendent of public instruction shall report annually to the
24 legislature the information collected under this section.

25 **Sec. 57.** RCW 28A.225.090 and 1992 c 205 s 204 are each amended to
26 read as follows:

27 Any person violating (~~any of the provisions of either~~) RCW
28 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five
29 dollars for each day of unexcused absence from school. However, a
30 child found to be in violation of RCW 28A.225.010 shall be required to
31 attend school and shall not be fined. If the child fails to comply
32 with the court order to attend school, the court may order the child be
33 punished by detention or may impose alternatives to detention such as
34 community service hours or participation in dropout prevention programs
35 or referral to a community truancy board, if available. Failure by a
36 child to comply with an order issued under this section shall not be
37 punishable by detention for a period greater than that permitted
38 pursuant to a contempt proceeding against a child under chapter 13.32A

1 RCW. It shall be a defense for a parent charged with violating RCW
2 28A.225.010 to show that he or she exercised reasonable diligence in
3 attempting to cause a child in his or her custody to attend school or
4 that the juvenile's school did not perform its duties as required in
5 RCW 28A.225.020. Any fine imposed pursuant to this section may be
6 suspended upon the condition that a parent charged with violating RCW
7 28A.225.010 (~~((shall))~~) participate with the school and the juvenile in
8 a supervised plan for the juvenile's attendance at school or upon
9 condition that the parent attend a conference or conferences scheduled
10 by a school for the purpose of analyzing the causes of a child's
11 absence.

12 Attendance officers shall make complaint for violation of the
13 provisions of RCW 28A.225.010 through (~~((28A.225.140))~~) 28A.225.150 to a
14 judge of the superior or district court.

15 **Sec. 58.** RCW 28A.225.100 and 1990 c 33 s 227 are each amended to
16 read as follows:

17 Any school district superintendent, educational service district
18 superintendent, teacher, or attendance officer who (~~((shall))~~) fails or
19 refuses to perform the duties prescribed by RCW 28A.225.010 through
20 (~~((28A.225.140 shall be deemed))~~) 28A.225.150 is guilty of a misdemeanor
21 and, upon conviction (~~((thereof, be fined not less than twenty nor more~~
22 ~~than one hundred dollars:— PROVIDED, That))~~) in a court of competent
23 jurisdiction shall be fined. In case of a school district employee,
24 (~~((such))~~) the fine shall be paid to the ((appropriate)) county treasurer
25 (~~((and by the county treasurer placed))~~) who shall deposit the fine to
26 the credit of the school district in which ((said)) the employee is
27 employed((,—and)). In case of all other officers (~~((such))~~) the fine
28 shall be paid to the county treasurer of the county in which the
29 educational service district headquarters is located ((and by the
30 county)). The treasurer ((placed)) shall deposit the fine to the
31 credit of the general school fund of the educational service
32 district((:— PROVIDED, That)). All fees, fines, forfeitures and
33 penalties collected or assessed by a district court because of the
34 violation of ((a state law)) this title shall be remitted as provided
35 in chapter 3.62 RCW ((as now exists or is later amended)).

36 **Sec. 59.** RCW 28A.225.110 and 1990 c 33 s 228 are each amended to
37 read as follows:

1 Notwithstanding the provisions of RCW 10.82.070, all fines except
2 as otherwise provided in RCW 28A.225.010 through ~~((28A.225.140))~~
3 28A.225.150 shall inure and be applied to the support of the public
4 schools in the school district where such offense was committed(~~(+~~
5 ~~PROVIDED, That all fees, fines, forfeitures and penalties collected or~~
6 ~~assessed by a district court because of the violation of a state law~~
7 ~~shall be remitted as provided in chapter 3.62 RCW as now exists or is~~
8 ~~later amended))~~).

9 **Sec. 60.** RCW 28A.225.120 and 1990 c 33 s 229 are each amended to
10 read as follows:

11 The county prosecuting attorney or the attorney for the school
12 district shall act as attorney for the complainant in all court
13 proceedings relating to the compulsory attendance of children as
14 required by RCW 28A.225.010 through ~~((28A.225.140))~~ 28A.225.150 except
15 for ~~((these))~~ petitions filed against a child by the parent without the
16 assistance of the school district.

17 **Sec. 61.** RCW 28A.225.130 and 1990 c 33 s 230 are each amended to
18 read as follows:

19 In cases arising under RCW 28A.225.010 through ~~((28A.225.140))~~
20 28A.225.150, all district courts, municipal courts or departments, and
21 superior courts in the state of Washington shall have concurrent
22 jurisdiction.

23 **Sec. 62.** RCW 28A.225.140 and 1990 c 33 s 231 are each amended to
24 read as follows:

25 No attendance officer performing any duty under ~~((any of the~~
26 ~~provisions of))~~ RCW 28A.225.010 through ~~((28A.225.140))~~ 28A.225.150, or
27 ~~((under the provisions of any))~~ rules ~~((that may be passed in pursuance~~
28 ~~hereof, shall in any wise become))~~ adopted thereunder may be liable for
29 any costs that may accrue in the performance of ~~((any))~~ the duty
30 ~~((prescribed by RCW 28A.225.010 through 28A.225.140))~~.

31 **Sec. 63.** RCW 28A.225.150 and 1992 c 205 s 205 are each amended to
32 read as follows:

33 The school district attendance officer shall report ~~((biannually))~~
34 annually to the educational service district superintendent, in the

1 instance of petitions filed alleging a violation by a child under RCW
2 28A.225.030:

3 (1) The number of petitions filed by a school district or by a
4 parent;

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

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

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

12 The educational service district superintendent shall compile such
13 information and report annually to the superintendent of public
14 instruction. The superintendent of public instruction shall compile
15 such information and report to the ((committees of the house of
16 representatives and the senate)) legislature by September 1 of each
17 year.

18 NEW SECTION. Sec. 64. A new section is added to chapter 28A.600
19 RCW to read as follows:

20 School district boards of directors shall review school district
21 policies regarding access and egress by students from secondary school
22 grounds during school hours. Each school district board of directors
23 shall adopt a policy specifying any restrictions on students leaving
24 secondary school grounds during school hours.

25 NEW SECTION. Sec. 65. Section 64 of this act shall take effect
26 September 1, 1996.

27 NEW SECTION. Sec. 66. A new section is added to chapter 28A.150
28 RCW to read as follows:

29 (1) No later than October 15 of each school year, the
30 superintendent of public instruction shall provide to every school
31 district notice to take corrective action if the school district, in
32 the preceding school year, is determined to have a high dropout and
33 truancy rate as follows: (a) The state average dropout rate as defined
34 under section 48 of this act shall be added to the state average daily
35 truancy rate as defined under RCW 28A.225.010; (b) the school
36 district's dropout rate shall be added to the school district's average

1 daily truancy rate; and (c) if the figure in (b) of this subsection
2 exceeds the figure in (a) of this subsection, the school district shall
3 be required to take corrective action.

4 (2) Any school district that has not reported a dropout rate under
5 RCW 28A.175.010 shall be presumed to have a dropout rate ten percent
6 greater than the state average dropout rate. Any school district that
7 has not reported an average daily truancy rate under RCW 28A.225.070
8 shall be presumed to have an average daily truancy rate ten percent
9 greater than the state average daily truancy rate.

10 (3) A school district receiving notice to take corrective action
11 under subsection (1) of this section shall reduce the district's
12 dropout and truancy rates.

13 (4) By October 15 of each year, the superintendent of public
14 instruction shall complete an evaluation of each school district
15 required to take corrective action. If the school district has failed
16 to reduce its combined dropout and truancy rate, the superintendent of
17 public instruction shall withhold no less than one percent and no more
18 than five percent of the nonbasic education funds and operating expense
19 funds allocated to the school district for the current school year. In
20 determining the amount of funds to be withheld the superintendent shall
21 consider whether the school district has implemented and made effective
22 use of truancy boards, truancy petitions, and programs that promote
23 parental and community involvement in reducing dropouts and truancy.
24 A school district shall be determined to have failed to reduce its
25 combined dropout and truancy rate as follows: (a) The school
26 district's dropout rate and average daily truancy rate for the previous
27 school year shall be totaled; (b) the school district's dropout rate
28 and average daily truancy rate for the school year immediately
29 preceding the previous school year shall be totaled; and (c) if the
30 figure in (b) of this subsection exceeds the figure in (a) of this
31 subsection, the school district shall have failed to reduce its
32 combined dropout and truancy rate.

33 (5) In any school year in which a school district required to take
34 corrective action under this section fails to reduce its combined
35 dropout and truancy rate for three consecutive years, or after three
36 years has failed to reduce its combined dropout and truancy rate below
37 the rate for which it received initial notice to take corrective
38 action, the superintendent of public instruction shall withhold five

1 percent of the nonbasic education funds and operating expense funds
2 allocated to the school district for the current school year.

3 (6) If the superintendent of public instruction determines, during
4 an evaluation of a school district required to take corrective action,
5 that the school district had attained, in the previous school year, a
6 combined dropout and truancy rate below the combined state dropout and
7 truancy rate, he or she shall provide notice to the school district
8 that the district is no longer required to take corrective action.

9 (7) Any nonreimbursed funds withheld under this section shall be
10 distributed to community networks under chapter 70.190 RCW in which the
11 school district is located.

12 NEW SECTION. **Sec. 67.** Section 66 of this act shall take effect
13 January 1, 1996.

14 NEW SECTION. **Sec. 68.** If specific funding for the purposes of
15 this act, referencing this act by bill number, is not provided by June
16 30, 1995, in the omnibus appropriations act, this act is null and void.

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