
SENATE BILL 5439

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

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 01/23/95. Referred to Committee on Human Services & Corrections.

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.060, 13.32A.130, 13.32A.150, 13.32A.160, 13.32A.170, 13.32A.177,
4 13.32A.180, 13.32A.190, 13.32A.192, 13.32A.194, 13.32A.196, 13.32A.250,
5 70.96A.095, 74.13.032, 71.34.030, 74.13.034, 82.14.300, 82.14.320,
6 28A.175.010, 28A.225.010, 28A.225.050, 28A.225.060, 28A.225.070,
7 28A.225.090, 28A.225.100, 28A.225.110, 28A.225.120, 28A.225.130, and
8 28A.225.140; adding new sections to chapter 13.32A RCW; adding a new
9 section to chapter 28A.175 RCW; adding a new section to chapter 28A.150
10 RCW; and making an appropriation.

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

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

14 The legislature finds that within any group of people there exists
15 a need for guidelines for acceptable behavior and that, presumptively,
16 the experience and maturity ((are)) of parents make them better
17 ((qualifications for establishing)) qualified to establish guidelines
18 beneficial to and protective of ((individual members and the group as
19 a whole than are youth and inexperience)) their children. The

1 legislature further finds that it is the right and responsibility of
2 adults to establish laws for the benefit and protection of the society;
3 and that, in the same manner, the right and responsibility for
4 establishing reasonable guidelines for the family unit belongs to the
5 adults within that unit. Further, absent abuse or neglect, parents
6 should have the right to exercise control over their children. The
7 legislature reaffirms its position stated in RCW 13.34.020 that the
8 family unit is the fundamental resource of American life which should
9 be nurtured and that it should remain intact in the absence of
10 compelling evidence to the contrary.

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

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

15 (1) "Alternative residential placement" means an out-of-home
16 placement;

17 (2) "Department" means the department of social and health
18 services;

19 ((+2)) (3) "Child," "juvenile," and "youth" mean any unemancipated
20 individual who is under the chronological age of eighteen years;

21 ((+3)) (4) "Optional at-risk youth placement" or "optional
22 placement" means an out-of-home placement requested by a parent during
23 the pendency of an at-risk youth petition;

24 (5) "Parent" means the legal custodian(s) or guardian(s) of a
25 child;

26 ((+4)) (6) "Secure facility" means a facility with doors, windows,
27 or secured perimeter that operates to prevent a child from leaving
28 without permission of the facility staff.

29 (7) "Semi-secure facility" means any ~~((facility, including but not~~
30 ~~limited to crisis residential centers or))~~ specialized foster family
31 homes, operated in a manner to reasonably assure that youth placed
32 there will not run away: PROVIDED, That such facility shall not be a
33 secure institution or facility as defined by the federal juvenile
34 justice and delinquency prevention act of 1974 (P.L. 93-415; 42 U.S.C.
35 Sec. 5634 et seq.) and regulations and clarifying instructions
36 promulgated thereunder(~~(. Pursuant to rules established by the~~
37 ~~department, the facility administrator shall establish reasonable hours~~
38 ~~for residents to come and go from the facility such that no residents~~

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

11 ((+5+)) (8) "Temporary alternative residential placement" means an
12 out-of-home placement of not more than fourteen days ordered by the
13 court at a fact-finding hearing on a petition for an alternative
14 residential placement;

15 (9) "At-risk youth" means an individual under the chronological age
16 of eighteen years who:

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

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

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

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

26 Pursuant to rules established by the department, a semi-secure
27 facility administrator shall establish reasonable hours for residents
28 to come and go from the facility such that no residents are free to
29 come and go at all hours of the day and night. To prevent residents
30 from taking unreasonable actions, the administrator may condition a
31 resident's leaving the facility upon the resident being accompanied by
32 the administrator or the administrator's designee. The resident shall
33 be required to notify the staff of any intent to leave, his or her
34 intended destination, and the time of his or her return. The
35 administrator of a secure or semi-secure facility shall notify a parent
36 and the appropriate law enforcement agency within four hours of all
37 unauthorized leaves.

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

3 Whenever an alternative residential placement petition is filed by
4 a youth pursuant to RCW 13.32A.130, or the department pursuant to RCW
5 13.32A.150, the youth or the department shall have a copy of the
6 petition served on the parents of the youth. Service shall be made in
7 person.

8 No hearing on the petition shall occur until service has been made,
9 unless the address of the parent or parents cannot be determined.

10 **Sec. 5.** RCW 13.32A.060 and 1994 sp.s. c 7 s 506 are each amended
11 to read as follows:

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

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

23 (b) Take the child to (~~the home of an adult extended family~~
24 ~~member,~~) a designated crisis residential center, (~~or the home of a~~
25 ~~responsible adult~~) after attempting to notify the parent or legal
26 guardian:

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

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

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

36 The officer releasing a child into the custody of an extended
37 family member or a responsible adult shall inform the child and the

1 extended family member or responsible adult of the nature and location
2 of appropriate services available in the community.

3 (2) An officer taking a child into custody under RCW 13.32A.050 (3)
4 or (4) shall inform the child of the reason for custody, and shall take
5 the child to a designated crisis residential center licensed by the
6 department and established pursuant to chapter 74.13 RCW. However, an
7 officer taking a child into custody under RCW 13.32A.050(4) may place
8 the child in a juvenile detention facility as provided in RCW
9 13.32A.065. The department shall ensure that all the enforcement
10 authorities are informed on a regular basis as to the location of the
11 designated crisis residential center or centers in their judicial
12 district, where children taken into custody under RCW 13.32A.050 may be
13 taken.

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

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

20 A child admitted to a crisis residential center under this chapter
21 who is not returned to the home of his or her parent or who is not
22 placed in an alternative residential placement under an agreement
23 between the parent and child, shall, except as provided for by RCW
24 13.32A.140 and 13.32A.160(2), reside in the placement under the rules
25 established for the center for a period not less than three and not to
26 exceed five consecutive days from the time of intake, except as
27 otherwise provided by this chapter. The parents may remove the child
28 at any time during the five-day period if no allegations of abuse or
29 neglect have been made against the parents. Crisis residential center
30 staff shall make a concerted effort to achieve a reconciliation of the
31 family. If a reconciliation and voluntary return of the child has not
32 been achieved within forty-eight hours from the time of intake, and if
33 the person in charge of the center does not consider it likely that
34 reconciliation will be achieved within the five-day period, then the
35 person in charge shall inform the parent and child of (1) the
36 availability of counseling services; (2) the right to file a petition
37 for an alternative residential placement, the right of a parent to file
38 an at-risk youth petition, and the right of the parent and child to

1 obtain assistance in filing the petition; and (3) the right to request
2 a review of any alternative residential placement.

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

12 **Sec. 7.** RCW 13.32A.150 and 1992 c 205 s 208 are each amended to
13 read as follows:

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

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

35 (3) A child's parent may file with the juvenile court a petition in
36 the interest of a child alleged to be an at-risk youth. The department
37 shall, when requested, assist the parent in filing the petition. The
38 petition shall be filed in the county where the petitioning parent

1 resides. The petition shall set forth the name, age, and residence of
2 the child and the names and residence of the child's parents and shall
3 allege that:

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

5 (b) The petitioning parent has the right to legal custody of the
6 child;

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

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

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

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

30 (1) When a proper petition to approve an alternative residential
31 placement is filed under RCW 13.32A.120, 13.32A.140, or 13.32A.150 the
32 juvenile court shall: (a) Schedule a date for a fact-finding hearing
33 within three judicial days; notify the parent, child, and the
34 department of such date; (b) notify the parent of the right to be
35 represented by counsel and, if indigent, to have counsel appointed for
36 him or her by the court; (c) appoint legal counsel for the child; (d)
37 inform the child and his or her parent of the legal consequences of the
38 court approving or disapproving an alternative residential placement

1 petition; (e) notify the parents of their rights under this chapter and
2 chapters 11.88, 13.34, 70.96A, and 71.34 RCW, including the right to
3 file an at-risk youth petition, the right to submit on application for
4 admission of their child to a treatment facility for alcohol, chemical
5 dependency, or mental health treatment, and the right to file a
6 guardianship petition; and ~~((e))~~ (f) notify all parties, including
7 the department, of their right to present evidence at the fact-finding
8 hearing.

9 (2) Upon filing of an alternative residential placement petition,
10 the child may be placed, if not already placed, by the department in a
11 crisis residential center, foster family home, group home facility
12 licensed under chapter 74.15 RCW, or any other suitable residence to be
13 determined by the department.

14 (3) If the child has been placed in a foster family home or group
15 care facility under chapter 74.15 RCW, the child shall remain there, or
16 in any other suitable residence as determined by the department,
17 pending resolution of the alternative residential placement petition by
18 the court. Any placement may be reviewed by the court within three
19 ~~((court))~~ judicial days upon the request of the juvenile or the
20 juvenile's parent.

21 **Sec. 9.** RCW 13.32A.170 and 1989 c 269 s 3 are each amended to read
22 as follows:

23 (1) The court shall hold a fact-finding hearing to consider a
24 proper petition and may approve or deny alternative residential
25 placement giving due weight to the intent of the legislature that
26 families have the right to place reasonable restrictions and rules upon
27 their children, appropriate to the individual child's developmental
28 level. The court may appoint legal counsel and/or a guardian ad litem
29 to represent the child and advise parents of their right to be
30 represented by legal counsel. The court may approve an order stating
31 that the child shall be placed in a residence other than the home of
32 his or her parent only if it is established by a preponderance of the
33 evidence, including a departmental recommendation for approval or
34 dismissal of the petition, that:

35 (a) The petition is not capricious;

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

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

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

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

8 The court may not grant a petition filed by the child or the
9 department if it is established that the petition is based only upon a
10 dislike of reasonable rules or reasonable discipline established by the
11 parent.

12 ~~((The order approving out of home placement shall direct the
13 department to submit a disposition plan for a three-month placement of
14 the child that is designed to reunite the family and resolve the family
15 conflict. Such plan shall delineate any conditions or limitations on
16 parental involvement. In making the order, the court shall further
17 direct the department to make recommendations, as to which agency or
18 person should have physical custody of the child, as to which parental
19 powers should be awarded to such agency or person, and as to parental
20 visitation rights. The court may direct the department to consider the
21 cultural heritage of the child in making its recommendations.))~~

22 Following the fact-finding hearing the court shall: (a) Enter a
23 temporary alternative residential placement for a period not to exceed
24 fourteen days pending approval of a disposition decision to be made
25 under subsection (4) of this section; (b) approve an at-risk youth
26 petition filed by the parents; (c) dismiss the petition; or (d) order
27 the department to file a dependency petition under chapter 13.34 RCW.

28 (3) ~~((The))~~ A hearing ~~((to consider the recommendations of the
29 department for a three-month disposition plan))~~ shall be set no later
30 than fourteen days after the approval of the ~~((court of a petition to
31 approve))~~ temporary alternative residential placement. ~~((Each party))~~
32 The parents, child, and department shall be notified of the time and
33 place of ((such disposition)) the hearing.

34 (4) At the commencement of the hearing the court shall advise the
35 parents of their rights as set forth in RCW 13.32A.160(1)(e). If the
36 court approves or denies a petition for an alternative residential
37 placement, a written statement of the reasons shall be filed. ~~((If the
38 court denies a petition requesting that a child be placed in a
39 residence other than the home of his or her parent, the court shall~~

1 ~~enter an order requiring the child to remain at or return to the home~~
2 ~~of his or her parent.~~

3 ~~(5) If the court denies the petition, the court shall impress upon~~
4 ~~the party filing the petition of the legislative intent to restrict the~~
5 ~~proceedings to situations where a family conflict is so great that it~~
6 ~~cannot be resolved by the provision of in-home services.))~~ At the
7 conclusion of the hearing the court may: (a) Reunite the family and
8 dismiss the petition; (b) approve an at-risk youth petition filed by
9 the parents; (c) approve a voluntary out-of-home placement requested by
10 the parents; or (d) order the department to file a petition for
11 dependency under chapter 13.34 RCW.

12 (5) At the conclusion of the hearing, if the court has not taken
13 action under subsection (4) of this section it may, at the request of
14 the child, enter an order for out-of-home placement for not more than
15 ninety days. The court may only enter an order under this subsection
16 if it finds by clear, cogent, and convincing evidence that: (a) The
17 order is in the best interest of the family; (b) the parents have not
18 requested an out-of-home placement; (c) the parents have not exercised
19 any other right listed in RCW 13.32A.160(1)(e); (d) the child has made
20 reasonable efforts to resolve the conflict; (e) the conflict that
21 exists cannot be resolved by delivery of services to the family during
22 continued placement of the child in the parental home; (f) reasonable
23 efforts have been made to prevent or eliminate the need for removal of
24 the child from the child's home and to make it possible for the child
25 to return home; and (g) a suitable out-of-home placement resource is
26 available.

27 ~~(6) A child who fails to comply with a court order ((directing that~~
28 ~~the child remain at or return to the home of his or her parent))~~ issued
29 under this section shall be subject to contempt proceedings, as
30 provided in this chapter, but only if the noncompliance occurs within
31 ((ninety calendar days)) one year after the ((day)) entry of the order.

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

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

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

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

6 (8) The court shall dismiss a placement made under subsection
7 (4)(c) of this section upon the request of the parents.

8 **Sec. 10.** RCW 13.32A.177 and 1988 c 275 s 14 are each amended to
9 read as follows:

10 A determination of child support shall be based upon (~~the child~~
11 ~~support schedule and standards adopted under~~) chapter 26.19 RCW
12 ((26.19.040)).

13 **Sec. 11.** RCW 13.32A.180 and 1979 c 155 s 32 are each amended to
14 read as follows:

15 (1) (~~At a dispositional hearing held to consider the three month~~
16 ~~dispositional plan presented by the department the court shall consider~~
17 ~~all such recommendations included therein. The court, consistent with~~
18 ~~the stated goal of resolving the family conflict and reuniting the~~
19 ~~family, may modify such plan and shall make its dispositional order~~
20 ~~for~~) If the court orders a three-month out-of-home placement for the
21 child(~~(-)~~), the court (~~dispositional order~~) shall specify the person
22 or agency with whom the child shall be placed, those parental powers
23 which will be temporarily awarded to such agency or person including
24 but not limited to the right to authorize medical, dental, and optical
25 treatment, and parental visitation rights. Any agency or residence at
26 which the child is placed must, at a minimum, comply with minimum
27 standards for licensed family foster homes.

28 (2) No placement made pursuant to this section may be in a secure
29 residence as defined by the federal Juvenile Justice and Delinquency
30 Prevention Act of 1974 and clarifying interpretations and regulations
31 promulgated thereunder.

32 **Sec. 12.** RCW 13.32A.190 and 1989 c 269 s 5 are each amended to
33 read as follows:

34 (1) Upon making a dispositional order under RCW (~~13.32A.180~~)
35 13.32A.170(4), the court shall schedule the matter on the calendar for
36 review within three months, advise the parties of the date thereof,

1 appoint legal counsel and/or a guardian ad litem to represent the child
2 at the review hearing, advise parents of their right to be represented
3 by legal counsel at the review hearing, and notify the parties of their
4 rights to present evidence at the hearing. Where resources are
5 available, the court shall encourage the parent and child to
6 participate in mediation programs for reconciliation of their conflict.

7 (2) At the review hearing, the court shall approve or disapprove
8 the continuation of the dispositional plan in accordance with (~~the~~
9 ~~goal of resolving the conflict and reuniting the family which governed~~
10 ~~the initial approval~~) this chapter. The court shall determine whether
11 reasonable efforts have been made to reunify the family and make it
12 possible for the child to return home. The court (~~is authorized to~~)
13 shall discontinue the placement and order that the child return home if
14 the court has reasonable grounds to believe that the parents have
15 (~~displayed concerted~~) made reasonable efforts to (~~utilize services~~
16 ~~and~~) resolve the conflict and the court has reason to believe that the
17 child's refusal to return home is capricious. If out-of-home placement
18 is continued, the court may modify the dispositional plan.

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

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

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

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

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

36 (5) The court shall terminate a placement made under this section
37 upon the request of a parent.

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

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

6 (a) Schedule a fact-finding hearing within three judicial days and
7 notify the parent and the child of such date;

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

10 (c) Appoint legal counsel for the child;

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

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

15 (2) Unless out-of-home placement of the child is otherwise
16 authorized or required by law, the child shall reside in the home of
17 his or her parent or in an ~~((alternative residential))~~ optional at-risk
18 youth placement requested and approved by the parent. ~~((Upon request~~
19 ~~by the parent, the court may enter a court order requiring the child to~~
20 ~~reside in the home of his or her parent or an alternative residential~~
21 ~~placement approved by the parent.))~~

22 (3) If upon sworn written or oral declaration of the petitioning
23 parent, the court has reason to believe that a child has willfully and
24 knowingly violated a court order issued pursuant to subsection (2) of
25 this section, the court may issue an order directing law enforcement to
26 take the child into custody and place the child in a juvenile detention
27 facility or in a crisis residential center licensed by the department
28 and established pursuant to chapter 74.13 RCW. If the child is placed
29 in detention, a review shall be held as provided in RCW 13.32A.065.

30 (4) If both an alternative residential placement petition and an
31 at-risk youth petition have been filed with regard to the same child,
32 the petitions and proceedings shall be consolidated ~~((for purposes of~~
33 ~~fact-finding))~~ as an at-risk youth petition. Pending a fact-finding
34 hearing regarding the petition, the child may be placed in an optional
35 placement, if not already placed~~((7))~~ in an alternative residential
36 placement ~~((as provided in RCW 13.32A.160))~~, unless the court has
37 previously entered an order requiring the child to reside in the home
38 of his or her parent. The child or the parent may request a review of
39 the child's placement including a review of any court order requiring

1 the child to reside in the parent's home. (~~At the review the court,~~
2 ~~in its discretion, may order the child placed in the parent's home or~~
3 ~~in an alternative residential placement pending the hearing.~~)

4 **Sec. 14.** RCW 13.32A.194 and 1990 c 276 s 13 are each amended to
5 read as follows:

6 (1) The court shall hold a fact-finding hearing to consider a
7 proper at-risk youth petition. The court (~~may~~) shall grant the
8 petition and enter an order finding the child to be an at-risk youth if
9 the allegations in the petition are established by a preponderance of
10 the evidence(~~(. The court shall not enter such an order if the court~~
11 ~~has approved an alternative residential placement petition regarding~~
12 ~~the child or if)~~), unless the child is the subject of a proceeding
13 under chapter 13.34 RCW. If the petition is granted, the court shall
14 enter an order requiring the child to reside in the home of his or her
15 parent or (~~in an alternative residential placement approved by the~~
16 ~~parent~~) at the request of a parent, in an optional placement.

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

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

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

33 **Sec. 15.** RCW 13.32A.196 and 1991 c 364 s 14 are each amended to
34 read as follows:

35 (1) At the dispositional hearing regarding an adjudicated at-risk
36 youth, the court shall consider the recommendations of the parties and
37 the recommendations of any dispositional plan submitted by the

1 department. The court may enter a dispositional order that will assist
2 the parent in maintaining the care, custody, and control of the child
3 and assist the family to resolve family conflicts or problems.

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

6 (a) Regular school attendance;

7 (b) Counseling;

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

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

11 (e) Any other condition the court deems an appropriate condition of
12 supervision.

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

16 (4) The court may order the parent to participate in counseling
17 services or any other services for the child requiring parental
18 participation. The parent shall cooperate with the court-ordered case
19 plan and shall take necessary steps to help implement the case plan.
20 The parent shall be financially responsible for costs related to the
21 court-ordered plan; however, this requirement shall not affect the
22 eligibility of the parent or child for public assistance or other
23 benefits to which the parent or child may otherwise be entitled.

24 (5) The parent may request dismissal of an at-risk youth proceeding
25 or optional placement at any time and upon such a request, the court
26 shall dismiss the matter and cease court supervision of the child
27 unless a contempt action is pending in the case. The court may retain
28 jurisdiction over the matter for the purpose of concluding any pending
29 contempt proceedings, including the full satisfaction of any penalties
30 imposed as a result of a contempt finding.

31 ~~((+5))~~ (6) The court may order the department to monitor
32 compliance with the dispositional order, assist in coordinating the
33 provision of court-ordered services, and submit reports at subsequent
34 review hearings regarding the status of the case.

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

37 (1) In all alternative residential placement proceedings and at-
38 risk youth proceedings, the court shall verbally notify the parents and

1 the child of the possibility of a finding of contempt for failure to
2 comply with the terms of a court order entered pursuant to this
3 chapter. The court shall treat the parents and the child equally for
4 the purposes of applying contempt of court processes and penalties
5 under this section.

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

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

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

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

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

21 No superior court may refuse to accept a properly completed and
22 presented alternative residential placement petition or an at-risk
23 youth petition. In the event of an improper refusal that is appealed
24 and reversed by a court of competent jurisdiction, the petitioner shall
25 be awarded actual damages, costs, and attorneys' fees.

26 **Sec. 18.** RCW 70.96A.095 and 1991 c 364 s 9 are each amended to
27 read as follows:

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

1 persons pursuant to this chapter, unless they have joined in the
2 consent to the counseling, care, treatment, or rehabilitation.

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

12 **Sec. 19.** RCW 74.13.032 and 1979 c 155 s 78 are each amended to
13 read as follows:

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

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

33 (3) Crisis residential facilities shall be operated as ~~((semi-~~
34 ~~secure))~~ secure facilities as defined in RCW 13.32A.030. The
35 facilities shall have an average of no more than three adult staff
36 members to every eight children. The staffing ratio shall continue to
37 ensure the safety of the children.

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

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

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

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

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

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

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

34 (i) Notice of the minor's admission shall be in the form most
35 likely to reach the parent within twenty-four hours of the minor's
36 voluntary admission and shall advise the parent that the minor has been
37 admitted to inpatient treatment; the location and telephone number of
38 the facility providing such treatment; and the name of a professional

1 person on the staff of the facility providing treatment who is
2 designated to discuss the minor's need for inpatient treatment with the
3 parent.

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

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

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

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

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

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

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

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

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

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

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

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

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

12 **Sec. 21.** RCW 74.13.034 and 1992 c 205 s 214 are each amended to
13 read as follows:

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

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

35 (3) Any child placed in secure detention pursuant to this section
36 shall, during the period of confinement, be provided with appropriate
37 treatment by the department or the department's designee, which shall
38 include the services defined in RCW 74.13.033(2). If the child placed

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

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

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

21 NEW SECTION. **Sec. 22.** The sum of one hundred fifty thousand
22 dollars, or as much thereof as may be necessary, is appropriated for
23 the biennium ending June 30, 1997, from the violence reduction and drug
24 enforcement account to the department of community, trade, and economic
25 development for the purposes of implementing chapter 7, Laws of 1994
26 sp. sess. by reimbursing counties one hundred dollars per at-risk youth
27 petition filed within the county to be applied towards expenses
28 incurred by the county. Each county shall submit requests for
29 reimbursement to the department pursuant to guidelines and standards
30 adopted by the department.

31 **Sec. 23.** RCW 82.14.300 and 1990 2nd ex.s. c 1 s 1 are each amended
32 to read as follows:

33 The legislature finds and declares that local government criminal
34 justice systems are in need of assistance. Many counties and cities
35 are unable to provide sufficient funding for additional police
36 protection, mitigation of congested court systems, public safety
37 education, and relief of overcrowded jails.

1 In order to ensure public safety, it is necessary to provide fiscal
2 assistance to help local governments to respond immediately to these
3 criminal justice problems, while initiating a review of the criminal
4 justice needs of cities and counties and the resources available to
5 address those needs.

6 To provide for a more efficient and effective response to these
7 problems, the legislature encourages cities and counties to coordinate
8 strategies against crime and use multijurisdictional and innovative
9 approaches in addressing criminal justice problems.

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

14 **Sec. 24.** RCW 82.14.320 and 1993 sp.s. c 21 s 2 are each amended to
15 read as follows:

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

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

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

24 (b) The city has levied the tax authorized in RCW 82.14.030(2) at
25 the maximum rate or the tax authorized in RCW 82.46.010(3) at the
26 maximum rate; and

27 (c) The city has a per capita yield from the tax imposed under RCW
28 82.14.030(1) at the maximum rate of less than one hundred fifty percent
29 of the state-wide average per capita yield for all cities from such
30 local sales and use tax.

31 (3) The moneys deposited in the municipal criminal justice
32 assistance account for distribution under this section shall be
33 distributed at such times as distributions are made under RCW
34 82.44.150. The distributions shall be made as follows:

35 (a) Unless reduced by this subsection, thirty percent of the moneys
36 shall be distributed ratably based on population as last determined by
37 the office of financial management to those cities eligible under
38 subsection (2) of this section that have a crime rate determined under

1 subsection (2)(a) of this section which is greater than one hundred
2 seventy-five percent of the state-wide average crime rate. No city may
3 receive more than fifty percent of any moneys distributed under this
4 subsection (a) but, if a city distribution is reduced as a result of
5 exceeding the fifty percent limitation, the amount not distributed
6 shall be distributed under (b) of this subsection.

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

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

14 (5) Notwithstanding other provisions of this section, the
15 distributions to any city that substantially decriminalizes or repeals
16 its criminal code after July 1, 1990, and that does not reimburse the
17 county for costs associated with criminal cases under RCW 3.50.800 or
18 3.50.805(2), shall be made to the county in which the city is located.

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

37 NEW SECTION. **Sec. 25.** A new section is added to chapter 28A.175
38 RCW to read as follows:

1 Unless the context clearly requires otherwise, the definitions in
2 this section apply throughout this chapter.

3 (1) "Dropout" means a student enrolled in a school district who
4 leaves school, during a regular school term or between school terms,
5 for any reason other than death or a lawfully imposed expulsion prior
6 to graduation or completion of a program of studies, without
7 transferring to another school.

8 (2) "Dropout rate" means the total number of dropouts as a
9 percentage of the total number of students enrolled in the school
10 district.

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

15 **Sec. 26.** RCW 28A.175.010 and 1991 c 235 s 4 are each amended to
16 read as follows:

17 Each school district shall account for the educational progress of
18 each of its students. To achieve this, school districts by July 31
19 shall be required to report annually to the superintendent of public
20 instruction:

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

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

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

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

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

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

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

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

34 (2) Dropout rates of students in each of the grades nine through
35 twelve and the dropout rate for all students in grades nine through
36 twelve.

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

- 1 (a) Ethnicity;
2 (b) Gender;
3 (c) Socioeconomic status; and
4 (d) Disability status.

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

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

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

20 (7) Any school district that fails to report under this section
21 shall be presumed to have a dropout rate ten percent greater than the
22 state average dropout rate.

23 (8) The superintendent of public instruction shall report annually
24 to the legislature the information collected under subsections (1)
25 through (4) of this section, including the state average dropout rate.

26 **Sec. 27.** RCW 28A.225.010 and 1990 c 33 s 219 are each amended to
27 read as follows:

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

33 (a) The child is attending an approved private school for the same
34 time or is enrolled in an extension program as provided in RCW
35 28A.195.010(4);

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

1 (c) The school district superintendent of the district in which the
2 child resides shall have excused such child from attendance because the
3 child is physically or mentally unable to attend school, is attending
4 a residential school operated by the department of social and health
5 services, or has been temporarily excused upon the request of his or
6 her parents for purposes agreed upon by the school authorities and the
7 parent: PROVIDED, That such excused absences shall not be permitted if
8 deemed to cause a serious adverse effect upon the student's educational
9 progress: PROVIDED FURTHER, That students excused for such temporary
10 absences may be claimed as full time equivalent students to the extent
11 they would otherwise have been so claimed for the purposes of RCW
12 28A.150.250 and 28A.150.260 and shall not affect school district
13 compliance with the provisions of RCW 28A.150.220;

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

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

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

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

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

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

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

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

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

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

4 (~~(4)~~) (7) For the purposes of this chapter and chapter 28A.200
5 RCW, instruction shall be home-based if it consists of planned and
6 supervised instructional and related educational activities, including
7 a curriculum and instruction in the basic skills of occupational
8 education, science, mathematics, language, social studies, history,
9 health, reading, writing, spelling, and the development of an
10 appreciation of art and music, provided for a number of hours
11 equivalent to the total annual program hours per grade level
12 established for approved private schools under RCW 28A.195.010 and
13 28A.195.040 and if such activities are:

14 (a) Provided by a parent who is instructing his or her child only
15 and are supervised by a certificated person. A certificated person for
16 purposes of this chapter and chapter 28A.200 RCW shall be a person
17 certified under chapter 28A.410 RCW. For purposes of this section,
18 "supervised by a certificated person" means: The planning by the
19 certificated person and the parent of objectives consistent with this
20 subsection; a minimum each month of an average of one contact hour per
21 week with the child being supervised by the certificated person; and
22 evaluation of such child's progress by the certificated person. The
23 number of children supervised by the certificated person shall not
24 exceed thirty for purposes of this subsection; or

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

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

33 (~~(5)~~) (8) The legislature recognizes that home-based instruction
34 is less structured and more experiential than the instruction normally
35 provided in a classroom setting. Therefore, the provisions of
36 subsection (~~(4)~~) (7) of this section relating to the nature and
37 quantity of instructional and related educational activities shall be
38 liberally construed.

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

3 To aid in the enforcement of RCW 28A.225.010 through
4 (~~28A.225.140~~) 28A.225.150, attendance officers shall be appointed and
5 employed as follows: In incorporated city districts the board of
6 directors shall annually appoint one or more attendance officers. In
7 all other districts the educational service district superintendent
8 shall appoint one or more attendance officers or may act as such
9 himself or herself.

10 The compensation of attendance officer in city districts shall be
11 fixed and paid by the board appointing him or her. The compensation of
12 attendance officers when appointed by the educational service district
13 superintendents shall be paid by the respective districts. An
14 educational service district superintendent shall receive no extra
15 compensation if acting as attendance officer.

16 Any sheriff, constable, city marshal or regularly appointed police
17 officer may be appointed attendance officer.

18 The attendance officer shall be vested with police powers, the
19 authority to make arrests and serve all legal processes contemplated by
20 RCW 28A.225.010 through (~~28A.225.140~~) 28A.225.150, and shall have
21 authority to enter all places in which children may be employed, for
22 the purpose of making such investigations as may be necessary for the
23 enforcement of RCW 28A.225.010 through (~~28A.225.140~~) 28A.225.150.
24 The attendance officer is authorized to take into custody the person of
25 any child eight years of age and not over fourteen years of age, who
26 may be a truant from school, and to conduct such child to his or her
27 parents, for investigation and explanation, or to the school which he
28 or she should properly attend. The attendance officer shall institute
29 proceedings against any officer, parent, guardian, person, company or
30 corporation violating any provisions of RCW 28A.225.010 through
31 (~~28A.225.140~~) 28A.225.150, and shall otherwise discharge the duties
32 prescribed in RCW 28A.225.010 through (~~28A.225.140~~) 28A.225.150, and
33 shall perform such other services as the educational service district
34 superintendent or the superintendent of any school or its board of
35 directors may deem necessary. However, the attendance officer shall
36 not institute proceedings against the child under RCW 28A.225.030
37 except as set forth under RCW 28A.225.030.

38 The attendance officer shall keep a record of his or her
39 transactions for the inspection and information of any school district

1 board of directors, the educational service district superintendent or
2 the city superintendent, and shall make a detailed report to the city
3 superintendent or the educational service district superintendent as
4 often as the same may be required.

5 **Sec. 29.** RCW 28A.225.060 and 1990 c 33 s 223 are each amended to
6 read as follows:

7 Any attendance officer, sheriff, deputy sheriff, marshal, police
8 officer, or any other officer authorized to make arrests, shall take
9 into custody without a warrant a child who is required under the
10 provisions of RCW 28A.225.010 through (~~28A.225.140~~) 28A.225.150 to
11 attend school, such child then being a truant from instruction at the
12 school which he or she is lawfully required to attend, and shall
13 forthwith deliver a child so detained either (1) to the custody of a
14 person in parental relation to the child or (2) to the school from
15 which the child is then a truant.

16 **Sec. 30.** RCW 28A.225.070 and 1990 c 33 s 224 are each amended to
17 read as follows:

18 The educational service district superintendent, on or before the
19 fifteenth day of (~~August~~) June of each year, by printed circular or
20 otherwise, shall call the attention of all school district officials to
21 the provisions of RCW 28A.225.010 through (~~28A.225.140~~) 28A.225.150,
22 and to the penalties prescribed for the violation of its provisions,
23 and he or she shall require those officials of the school district
24 which he or she shall designate to make a report annually hereafter,
25 verified by affidavit, stating whether or not the provisions of RCW
26 28A.225.010 through (~~28A.225.140~~) 28A.225.150 have been faithfully
27 complied with in his or her district. Such reports shall be made July
28 31 upon forms to be furnished by the superintendent of public
29 instruction and shall be transmitted to the educational service
30 district superintendent at such time as the educational service
31 district superintendent shall determine, after notice thereof. The
32 report shall include the average daily truancy rate of the school
33 district for the school year. Any school district official who shall
34 knowingly or willfully make a false report relating to the enforcement
35 of the provisions of RCW 28A.225.010 through (~~28A.225.140~~)
36 28A.225.150 or fail to report as herein provided shall be deemed guilty
37 of a misdemeanor, and upon conviction in a court of competent

1 jurisdiction shall be fined (~~not less than twenty five dollars nor~~
2 ~~more than one hundred dollars~~)); and any school district official who
3 shall refuse or neglect to make the report required in this section or
4 who shall knowingly or willfully make a false report, shall be
5 personally liable to his or her district for any loss which it may
6 sustain because of such false report or neglect or refusal to report.

7 Any school district that fails to report under this section shall
8 be presumed to have an average daily truancy rate ten percent greater
9 than the state average daily truancy rate. The educational service
10 district superintendent shall submit an annual report to the
11 superintendent of public instruction, including the average daily
12 truancy rate for each school district reporting to the superintendent.
13 From the reports submitted, the superintendent of public instruction
14 shall compile the state average daily truancy rate.

15 **Sec. 31.** RCW 28A.225.090 and 1992 c 205 s 204 are each amended to
16 read as follows:

17 Any person violating any of the provisions of either RCW
18 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five
19 dollars for each day of unexcused absence from school. However, a
20 child found to be in violation of RCW 28A.225.010 shall be required to
21 attend school and shall not be fined. If the child fails to comply
22 with the court order to attend school, the court may order the child be
23 punished by detention or may impose alternatives to detention such as
24 community service hours or participation in dropout prevention programs
25 or referral to a community truancy board, if available. Failure by a
26 child to comply with an order issued under this section shall not be
27 punishable by detention for a period greater than that permitted
28 pursuant to a contempt proceeding against a child under chapter 13.32A
29 RCW. It shall be a defense for a parent charged with violating RCW
30 28A.225.010 to show that he or she exercised reasonable diligence in
31 attempting to cause a child in his or her custody to attend school or
32 that the juvenile's school did not perform its duties as required in
33 RCW 28A.225.020. Any fine imposed pursuant to this section may be
34 suspended upon the condition that a parent charged with violating RCW
35 28A.225.010 shall participate with the school and the juvenile in a
36 supervised plan for the juvenile's attendance at school or upon
37 condition that the parent attend a conference or conferences scheduled

1 by a school for the purpose of analyzing the causes of a child's
2 absence.

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

6 **Sec. 32.** RCW 28A.225.100 and 1990 c 33 s 227 are each amended to
7 read as follows:

8 Any school district superintendent, teacher or attendance officer
9 who shall fail or refuse to perform the duties prescribed by RCW
10 28A.225.010 through (~~(28A.225.140)~~) 28A.225.150 shall be deemed guilty
11 of a misdemeanor and, upon conviction (~~(thereof, be fined not less than~~
12 ~~twenty nor more than one hundred dollars)~~) in a court of competent
13 jurisdiction shall be fined: PROVIDED, That in case of a school
14 district employee, such fine shall be paid to the appropriate county
15 treasurer and by the county treasurer placed to the credit of the
16 school district in which (~~(said)~~) the employee is employed, and in case
17 of all other officers such fine shall be paid to the county treasurer
18 of the county in which the educational service district headquarters is
19 located and by the county treasurer placed to the credit of the general
20 school fund of the educational service district: PROVIDED, That all
21 fees, fines, forfeitures and penalties collected or assessed by a
22 district court because of the violation of a state law shall be
23 remitted as provided in chapter 3.62 RCW (~~(as now exists or is later~~
24 ~~amended)~~).

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

27 Notwithstanding the provisions of RCW 10.82.070, all fines except
28 as otherwise provided in RCW 28A.225.010 through (~~(28A.225.140)~~)
29 28A.225.150 shall inure and be applied to the support of the public
30 schools in the school district where such offense was committed:
31 PROVIDED, That all fees, fines, forfeitures and penalties collected or
32 assessed by a district court because of the violation of a state law
33 shall be remitted as provided in chapter 3.62 RCW (~~(as now exists or is~~
34 ~~later amended)~~).

35 **Sec. 34.** RCW 28A.225.120 and 1990 c 33 s 229 are each amended to
36 read as follows:

1 The county prosecuting attorney or the attorney for the school
2 district shall act as attorney for the complainant in all court
3 proceedings relating to the compulsory attendance of children as
4 required by RCW 28A.225.010 through (~~28A.225.140~~) 28A.225.150 except
5 for those petitions filed against a child by the parent without the
6 assistance of the school district.

7 **Sec. 35.** RCW 28A.225.130 and 1990 c 33 s 230 are each amended to
8 read as follows:

9 In cases arising under RCW 28A.225.010 through (~~28A.225.140~~)
10 28A.225.150, all district courts, municipal courts or departments, and
11 superior courts in the state of Washington shall have concurrent
12 jurisdiction.

13 **Sec. 36.** RCW 28A.225.140 and 1990 c 33 s 231 are each amended to
14 read as follows:

15 No attendance officer performing any duty under any of the
16 provisions of RCW 28A.225.010 through (~~28A.225.140~~) 28A.225.150, or
17 under the provisions of any rules that may be passed in pursuance
18 hereof, shall in any wise become liable for any costs that may accrue
19 in the performance of any duty prescribed by RCW 28A.225.010 through
20 (~~28A.225.140~~) 28A.225.150.

21 NEW SECTION. **Sec. 37.** A new section is added to chapter 28A.150
22 RCW to read as follows:

23 (1) Beginning in 1996, no later than October 15 of each school
24 year, the superintendent of public instruction shall provide to every
25 school district notice to take corrective action if the school
26 district, in the preceding school year, is determined to have a high
27 dropout and truancy rate as follows: (a) The state average dropout
28 rate as defined under section 25 of this act shall be added to the
29 state average daily truancy rate as defined under RCW 28A.225.010; (b)
30 the school district's dropout rate shall be added to the school
31 district's average daily truancy rate; and (c) if the figure in (b) of
32 this subsection exceeds the figure in (a) of this subsection, the
33 school district shall be required to take corrective action.

34 (2) Any school district that has not reported a dropout rate under
35 RCW 28A.175.010 shall be presumed to have a dropout rate ten percent
36 greater than the state average dropout rate. Any school district that

1 has not reported an average daily truancy rate under RCW 28A.225.070
2 shall be presumed to have an average daily truancy rate ten percent
3 greater than the state average daily truancy rate.

4 (3) A school district receiving notice to take corrective action
5 under subsection (1) of this section shall be required to demonstrate
6 satisfactory progress in reducing the district's dropout and truancy
7 rates. Satisfactory progress shall include the creation and
8 utilization of truancy boards, the effective use of truancy petitions
9 under chapter 28A.225 RCW, and the utilization of programs to promote
10 parent and community involvement in reducing dropouts and truancy.

11 (4) By October 15 of each year, the superintendent of public
12 instruction shall complete an evaluation of each school district
13 required to take corrective action. If the school district has failed
14 to reduce its combined dropout and truancy rate, the superintendent of
15 public instruction shall withhold no less than one percent and no more
16 than five percent of the nonbasic education funds and operating expense
17 funds allocated to the school district for the current school year. A
18 school district shall be determined to have failed to reduce its
19 combined dropout and truancy rate as follows: (a) The school
20 district's dropout rate and average daily truancy rate for the previous
21 school year shall be totaled; (b) the school district's dropout rate
22 and average daily truancy rate for the school year immediately
23 preceding the previous school year shall be totaled; and (c) if the
24 figure in (b) of this subsection exceeds the figure in (a) of this
25 subsection, the school district shall have failed to reduce its
26 combined dropout and truancy rate.

27 (5) In any school year in which a school district required to take
28 corrective action under this section fails to reduce its combined
29 dropout and truancy rate for three consecutive years, or after three
30 years has failed to reduce its combined dropout and truancy rate below
31 the rate for which it received initial notice to take corrective
32 action, the superintendent of public instruction shall withhold five
33 percent of the nonbasic education funds and operating expense funds
34 allocated to the school district for the current school year.

35 (6) If the superintendent of public instruction determines, during
36 an evaluation of a school district required to take corrective action,
37 that the school district had attained, in the previous school year, a
38 combined dropout and truancy rate below the combined state dropout and

1 truancy rate, he or she shall provide notice to the school district
2 that the district is no longer required to take corrective action.

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

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