

2 **2SSB 6445** - S AMD - 727

3 By Senators Long, Zarelli and Hargrove

4 ADOPTED 2/17/98

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. Sec. 1. It is the intent of the legislature to:

8 (1) Enhance public safety and maximize the rehabilitative potential
9 of juvenile offenders through modifications to licensed community
10 residential placements for juveniles;

11 (2) Ensure community support for community facilities by enabling
12 community participation in decisions involving these facilities and
13 assuring the safety of communities in which community facilities for
14 juvenile offenders are located; and

15 (3) Improve public safety by strengthening the safeguards in
16 placement, oversight, and monitoring of the juvenile offenders placed
17 in the community, and by establishing minimum standards for operation
18 of licensed residential community facilities. The legislature finds
19 that community support and participation is vital to the success of
20 community programming.

21 **Sec. 2.** RCW 72.05.020 and 1979 c 141 s 178 are each amended to
22 read as follows:

23 As used in this chapter, unless the context requires otherwise:

24 (1) "Community facility" means a group care facility operated for
25 the care of juveniles committed to the department under RCW 13.40.185.

26 (2) "Department" means the department of social and health
27 services.

28 (3) "Juvenile" means a person under the age of twenty-one who has
29 been sentenced to a term of confinement under the supervision of the
30 department under RCW 13.40.185.

31 (4) "Service provider" means the entity that operates a community
32 facility.

33 **Sec. 3.** RCW 74.15.020 and 1997 c 245 s 7 are each amended to read
34 as follows:

1 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless
2 otherwise clearly indicated by the context thereof, the following terms
3 shall mean:

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

6 (2) "Secretary" means the secretary of social and health services;

7 (3) "Agency" means any person, firm, partnership, association,
8 corporation, or facility which receives children, expectant mothers, or
9 persons with developmental disabilities for control, care, or
10 maintenance outside their own homes, or which places, arranges the
11 placement of, or assists in the placement of children, expectant
12 mothers, or persons with developmental disabilities for foster care or
13 placement of children for adoption, and shall include the following
14 irrespective of whether there is compensation to the agency or to the
15 children, expectant mothers or persons with developmental disabilities
16 for services rendered:

17 (a) "Group-care facility" means an agency, other than a foster-
18 family home, which is maintained and operated for the care of a group
19 of children on a twenty-four hour basis;

20 (b) "Child-placing agency" means an agency which places a child or
21 children for temporary care, continued care, or for adoption;

22 (c) "Maternity service" means an agency which provides or arranges
23 for care or services to expectant mothers, before or during
24 confinement, or which provides care as needed to mothers and their
25 infants after confinement;

26 (d) "Child day-care center" means an agency which regularly
27 provides care for a group of children for periods of less than twenty-
28 four hours;

29 (e) "Family day-care provider" means a child day-care provider who
30 regularly provides child day care for not more than twelve children in
31 the provider's home in the family living quarters;

32 (f) "Foster-family home" means an agency which regularly provides
33 care on a twenty-four hour basis to one or more children, expectant
34 mothers, or persons with developmental disabilities in the family abode
35 of the person or persons under whose direct care and supervision the
36 child, expectant mother, or person with a developmental disability is
37 placed;

38 (g) "Crisis residential center" means an agency which is a
39 temporary protective residential facility operated to perform the

1 duties specified in chapter 13.32A RCW, in the manner provided in RCW
2 74.13.032 through 74.13.036;

3 (h) "Community facility" means a group care facility operated for
4 the care of juveniles committed to the department under RCW 13.40.185;

5 (i) "Service provider" means the entity that operates a community
6 facility.

7 (4) "Agency" shall not include the following:

8 (a) Persons related to the child, expectant mother, or person with
9 developmental disability in the following ways:

10 (i) Any blood relative, including those of half-blood, and
11 including first cousins, nephews or nieces, and persons of preceding
12 generations as denoted by prefixes of grand, great, or great-great;

13 (ii) Stepfather, stepmother, stepbrother, and stepsister;

14 (iii) A person who legally adopts a child or the child's parent as
15 well as the natural and other legally adopted children of such persons,
16 and other relatives of the adoptive parents in accordance with state
17 law;

18 (iv) Spouses of any persons named in (i), (ii), or (iii) of this
19 subsection (4)(a), even after the marriage is terminated; or

20 (v) Extended family members, as defined by the law or custom of the
21 Indian child's tribe or, in the absence of such law or custom, a person
22 who has reached the age of eighteen and who is the Indian child's
23 grandparent, aunt or uncle, brother or sister, brother-in-law or
24 sister-in-law, niece or nephew, first or second cousin, or stepparent
25 who provides care in the family abode on a twenty-four-hour basis to an
26 Indian child as defined in 25 U.S.C. Sec. 1903(4);

27 (b) Persons who are legal guardians of the child, expectant mother,
28 or persons with developmental disabilities;

29 (c) Persons who care for a neighbor's or friend's child or
30 children, with or without compensation, where: (i) The person
31 providing care for periods of less than twenty-four hours does not
32 conduct such activity on an ongoing, regularly scheduled basis for the
33 purpose of engaging in business, which includes, but is not limited to,
34 advertising such care; or (ii) the parent and person providing care on
35 a twenty-four-hour basis have agreed to the placement in writing and
36 the state is not providing any payment for the care;

37 (d) Parents on a mutually cooperative basis exchange care of one
38 another's children;

1 (e) A person, partnership, corporation, or other entity that
2 provides placement or similar services to exchange students or
3 international student exchange visitors or persons who have the care of
4 an exchange student in their home;

5 (f) Nursery schools or kindergartens which are engaged primarily in
6 educational work with preschool children and in which no child is
7 enrolled on a regular basis for more than four hours per day;

8 (g) Schools, including boarding schools, which are engaged
9 primarily in education, operate on a definite school year schedule,
10 follow a stated academic curriculum, accept only school-age children
11 and do not accept custody of children;

12 (h) Seasonal camps of three months' or less duration engaged
13 primarily in recreational or educational activities;

14 (i) Hospitals licensed pursuant to chapter 70.41 RCW when
15 performing functions defined in chapter 70.41 RCW, nursing homes
16 licensed under chapter 18.51 RCW and boarding homes licensed under
17 chapter 18.20 RCW;

18 (j) Licensed physicians or lawyers;

19 (k) Facilities providing care to children for periods of less than
20 twenty-four hours whose parents remain on the premises to participate
21 in activities other than employment;

22 (l) Facilities approved and certified under chapter 71A.22 RCW;

23 (m) Any agency having been in operation in this state ten years
24 prior to June 8, 1967, and not seeking or accepting moneys or
25 assistance from any state or federal agency, and is supported in part
26 by an endowment or trust fund;

27 (n) Persons who have a child in their home for purposes of
28 adoption, if the child was placed in such home by a licensed child-
29 placing agency, an authorized public or tribal agency or court or if a
30 replacement report has been filed under chapter 26.33 RCW and the
31 placement has been approved by the court;

32 (o) An agency operated by any unit of local, state, or federal
33 government or an agency, located within the boundaries of a federally
34 recognized Indian reservation, licensed by the Indian tribe;

35 (p) An agency located on a federal military reservation, except
36 where the military authorities request that such agency be subject to
37 the licensing requirements of this chapter.

38 (5) "Requirement" means any rule, regulation, or standard of care
39 to be maintained by an agency.

1 (6) "Probationary license" means a license issued as a disciplinary
2 measure to an agency that has previously been issued a full license but
3 is out of compliance with licensing standards.

4 (7) "Juvenile" means a person under the age of twenty-one who has
5 been sentenced to a term of confinement under the supervision of the
6 department under RCW 13.40.185.

7 **Sec. 4.** RCW 13.50.010 and 1997 c 386 s 21 and 1997 c 338 s 39 are
8 each reenacted and amended to read as follows:

9 (1) For purposes of this chapter:

10 (a) "Juvenile justice or care agency" means any of the following:
11 Police, diversion units, court, prosecuting attorney, defense attorney,
12 detention center, attorney general, the legislative children's
13 oversight committee, the office of family and children's ombudsman, the
14 department of social and health services and its contracting agencies,
15 schools; ~~((and, in addition,))~~ persons or public or private agencies
16 having children committed to their custody; and any placement oversight
17 committee created under section 9 of this act;

18 (b) "Official juvenile court file" means the legal file of the
19 juvenile court containing the petition or information, motions,
20 memorandums, briefs, findings of the court, and court orders;

21 (c) "Social file" means the juvenile court file containing the
22 records and reports of the probation counselor;

23 (d) "Records" means the official juvenile court file, the social
24 file, and records of any other juvenile justice or care agency in the
25 case.

26 (2) Each petition or information filed with the court may include
27 only one juvenile and each petition or information shall be filed under
28 a separate docket number. The social file shall be filed separately
29 from the official juvenile court file.

30 (3) It is the duty of any juvenile justice or care agency to
31 maintain accurate records. To this end:

32 (a) The agency may never knowingly record inaccurate information.
33 Any information in records maintained by the department of social and
34 health services relating to a petition filed pursuant to chapter 13.34
35 RCW that is found by the court ~~((, upon proof presented,))~~ to be false
36 or inaccurate shall be corrected or expunged from such records by the
37 agency;

1 (b) An agency shall take reasonable steps to assure the security of
2 its records and prevent tampering with them; and

3 (c) An agency shall make reasonable efforts to insure the
4 completeness of its records, including action taken by other agencies
5 with respect to matters in its files.

6 (4) Each juvenile justice or care agency shall implement procedures
7 consistent with the provisions of this chapter to facilitate inquiries
8 concerning records.

9 (5) Any person who has reasonable cause to believe information
10 concerning that person is included in the records of a juvenile justice
11 or care agency and who has been denied access to those records by the
12 agency may make a motion to the court for an order authorizing that
13 person to inspect the juvenile justice or care agency record concerning
14 that person. The court shall grant the motion to examine records
15 unless it finds that in the interests of justice or in the best
16 interests of the juvenile the records or parts of them should remain
17 confidential.

18 (6) A juvenile, or his or her parents, or any person who has
19 reasonable cause to believe information concerning that person is
20 included in the records of a juvenile justice or care agency may make
21 a motion to the court challenging the accuracy of any information
22 concerning the moving party in the record or challenging the continued
23 possession of the record by the agency. If the court grants the
24 motion, it shall order the record or information to be corrected or
25 destroyed.

26 (7) The person making a motion under subsection (5) or (6) of this
27 section shall give reasonable notice of the motion to all parties to
28 the original action and to any agency whose records will be affected by
29 the motion.

30 (8) The court may permit inspection of records by, or release of
31 information to, any clinic, hospital, or agency which has the subject
32 person under care or treatment. The court may also permit inspection
33 by or release to individuals or agencies, including juvenile justice
34 advisory committees of county law and justice councils, engaged in
35 legitimate research for educational, scientific, or public purposes.
36 The court may also permit inspection of, or release of information
37 from, records which have been sealed pursuant to RCW 13.50.050(11).
38 The court shall release to the sentencing guidelines commission records
39 needed for its research and data-gathering functions under RCW

1 9.94A.040 and other statutes. Access to records or information for
2 research purposes shall be permitted only if the anonymity of all
3 persons mentioned in the records or information will be preserved.
4 Each person granted permission to inspect juvenile justice or care
5 agency records for research purposes shall present a notarized
6 statement to the court stating that the names of juveniles and parents
7 will remain confidential.

8 (9) Juvenile detention facilities shall release records to the
9 sentencing guidelines commission under RCW 9.94A.040 upon request. The
10 commission shall not disclose the names of any juveniles or parents
11 mentioned in the records without the named individual's written
12 permission.

13 (10) Requirements in this chapter relating to the court's authority
14 to compel disclosure shall not apply to the legislative children's
15 oversight committee or the office of the family and children's
16 ombudsman.

17 NEW SECTION. **Sec. 5.** A new section is added to chapter 72.05 RCW
18 to read as follows:

19 (1) Whenever the department operates, or the secretary enters a
20 contract to operate, a community facility, the community facility may
21 be operated only after the public notification and opportunities for
22 review and comment as required by this section.

23 (2) The secretary shall establish a process for early and
24 continuous public participation in establishing or relocating community
25 facilities. The process shall include, at a minimum, public meetings
26 in the local communities affected, as well as opportunities for written
27 and oral comments, in the following manner:

28 (a) If there are more than three sites initially selected as
29 potential locations and the selection process by the secretary or a
30 service provider reduces the number of possible sites for a community
31 facility to no fewer than three, the secretary or the chief operating
32 officer of the service provider shall notify the public of the possible
33 siting and hold at least two public hearings in each community where a
34 community facility may be sited.

35 (b) When the secretary or service provider has determined the
36 community facility's location, the secretary or the chief operating
37 officer of the service provider shall hold at least one additional

1 public hearing in the community where the community facility will be
2 sited.

3 (c) When the secretary has entered negotiations with a service
4 provider and only one site is under consideration, then at least two
5 public hearings shall be held.

6 (d) To provide adequate notice of, and opportunity for interested
7 persons to comment on, a proposed location, the secretary or the chief
8 operating officer of the service provider shall provide at least
9 fourteen days advance notice of the meeting to all newspapers of
10 general circulation in the community, all radio and television stations
11 generally available to persons in the community, any school district in
12 which the community facility would be sited or whose boundary is within
13 two miles of a proposed community facility, any library district in
14 which the community facility would be sited, local business or
15 fraternal organizations that request notification from the secretary or
16 agency, and any person or property owner within a one-half mile radius
17 of the proposed community facility. Before initiating this process,
18 the department shall contact local government planning agencies in the
19 communities containing the proposed community facility. The department
20 shall coordinate with local government agencies to ensure that
21 opportunities are provided for effective citizen input and to reduce
22 the duplication of notice and meetings.

23 (3) The secretary shall not issue a license to any service provider
24 until the service provider submits proof that the requirements of this
25 section have been met.

26 (4) This section shall apply only to community facilities sited
27 after the effective date of this act.

28 NEW SECTION. **Sec. 6.** A new section is added to chapter 72.05 RCW
29 to read as follows:

30 The department shall adopt an infraction policy for juveniles
31 placed in community facilities. The policy shall require written
32 documentation by the department and service providers of all
33 infractions and violations by juveniles of conditions set by the
34 department. Any juvenile who commits a serious infraction or a serious
35 violation of conditions set by the department shall be returned to an
36 institution. The secretary shall not return a juvenile to a community
37 facility until a new risk assessment has been completed and the
38 secretary reasonably believes that the juvenile can adhere to the

1 conditions set by the department. The department shall define the
2 terms "serious infraction" and "serious violation" in rule and shall
3 include but not necessarily limited to the commission of any criminal
4 offense, any unlawful use or possession of a controlled substance, and
5 any use or possession of an alcoholic beverage.

6 NEW SECTION. **Sec. 7.** A new section is added to chapter 74.15 RCW
7 to read as follows:

8 Whenever the secretary contracts with a service provider to operate
9 a community facility, the contract shall include a requirement that
10 each service provider must report to the department any known
11 infraction or violation of conditions committed by any juvenile under
12 its supervision. The report must be made immediately upon learning of
13 serious infractions or violations and within twenty-four hours for
14 other infractions or violations.

15 The secretary shall adopt rules to implement and enforce the
16 provisions of this section. The rules shall contain a schedule of
17 monetary penalties not to exceed the total compensation set forth in
18 the contract, and include provisions that allow the secretary to
19 terminate all contracts with a service provider that has violations of
20 this section and the rules adopted under this section.

21 The secretary shall document in writing all violations of this
22 section and the rules adopted under this section, penalties, actions by
23 the department to remove juveniles from a community facility, and
24 contract terminations. The department shall give great weight to a
25 service provider's record of violations, penalties, actions by the
26 department to remove juveniles from a community facility, and contract
27 terminations in determining to execute, renew, or renegotiate a
28 contract with a service provider.

29 NEW SECTION. **Sec. 8.** A new section is added to chapter 72.05 RCW
30 to read as follows:

31 (1) The department shall publish and operate a staffed, toll-free
32 twenty-four-hour hotline for the purpose of receiving reports of
33 violation of conditions set for juveniles who are placed in community
34 facilities.

35 (2) The department shall include the phone number on all documents
36 distributed to the juvenile and the juvenile's employer, school,
37 parents, and treatment providers.

1 (3) The department shall include the phone number in every contract
2 it executes with any service provider after the effective date of this
3 act.

4 NEW SECTION. **Sec. 9.** A new section is added to chapter 72.05 RCW
5 to read as follows:

6 (1) Whenever the department operates, or the secretary enters a
7 contract to operate, a community facility, the community facility must
8 be operated in accordance with the requirements of this section.

9 (2) The secretary, or the chief operating officer of a service
10 provider, shall hold a public hearing to inform each community of the
11 opportunity to establish a community placement oversight committee.
12 The secretary shall attend the hearing and shall assist any community
13 that decides to establish such a committee.

14 (3) If created, the committee shall include, at a minimum, four
15 persons residing within a one-mile radius of the community facility,
16 representatives of local law enforcement, and representatives of the
17 school district in which the offenders residing at the community
18 facility are likely to be enrolled.

19 (4) The committee may review and make recommendations regarding the
20 placement of any juvenile who the secretary proposes to place in the
21 community facility. If the secretary places any juvenile against the
22 recommendation of a community placement oversight committee, the
23 secretary must annually report such placements and the reasons for not
24 following the committee's recommendation to the appropriate legislative
25 committees.

26 (5) The secretary shall provide the committee with the name and all
27 relevant records of any juvenile offender who the secretary proposes
28 for placement in the community facility. The records shall include
29 previous placements in a community facility and all infractions and
30 violations of the conditions set by the department. The information
31 shall be in writing and provided at least ten days in advance of the
32 date of the intended placement.

33 (6) Members of the committee shall sign and adhere to a
34 confidentiality agreement that protects the juveniles from disclosure
35 of information deemed confidential by law.

36 (7) The committee, if one exists, shall review and act on the
37 proposed placement no later than five business days after receiving the
38 information required by subsection (5) of this section. If the

1 committee recommends against a proposed placement it shall notify the
2 secretary immediately, in the most expedient manner possible, and shall
3 provide the secretary written notice of its decision within two
4 business days of its decision.

5 (8) The committee shall consider whether a juvenile who is proposed
6 for residence in a community facility is likely to adhere to conditions
7 of placement, commit offenses while in placement, continue in
8 appropriate treatment, or present a serious threat to other community
9 facility residents or staff, and may consider other relevant conditions
10 which bear on the likelihood the juvenile will succeed in making a
11 transition to nonoffender status.

12 (9) The committee, its members, and any agency represented by a
13 member, shall not be liable in any cause of action as a result of its
14 decision in regard to a proposed placement of a juvenile unless the
15 committee acts with gross negligence or bad faith in making a placement
16 decision.

17 (10) Members of the committee shall be reimbursed for travel
18 expenses as provided in RCW 43.03.050 and 43.03.060.

19 (11) Except as provided in RCW 13.40.215, at least seventy-two
20 hours prior to placing a juvenile in a community facility the secretary
21 shall provide to the chief law enforcement officer of the jurisdiction
22 in which the community facility is sited: (a) The name of the
23 juvenile; (b) the juvenile's criminal history; and (c) such other
24 relevant and disclosable information the law enforcement officer may
25 request.

26 NEW SECTION. Sec. 10. A new section is added to chapter 72.05 RCW
27 to read as follows:

28 (1) The department shall not initially place an offender in a
29 community facility unless:

30 (a) The department has conducted a risk assessment, including a
31 determination of drug and alcohol abuse, and the results indicate the
32 juvenile will pose not more than a minimum risk to public safety; and

33 (b) The offender has spent at least ten percent of his or her
34 sentence, but in no event less than thirty days, in a secure
35 institution operated by, or under contract with, the department.

36 The risk assessment must include consideration of all prior
37 convictions and all available nonconviction data released upon request

1 under RCW 10.97.050, and any serious infractions or serious violations
2 while under the jurisdiction of the secretary or the courts.

3 (2) No juvenile offender may be placed in a community facility
4 until the juvenile's student records and information have been received
5 and the department has reviewed them in conjunction with all other
6 information used for risk assessment, security classification, and
7 placement of the juvenile.

8 (3) A juvenile offender shall not be placed in a community facility
9 until the department's risk assessment and security classification is
10 complete, local law enforcement has been properly notified, and the
11 community placement oversight committee, if one exists, has reviewed
12 and acted on the placement.

13 **Sec. 11.** RCW 28A.600.475 and 1992 c 205 s 120 are each amended to
14 read as follows:

15 School districts may participate in the exchange of information
16 with law enforcement and juvenile court officials to the extent
17 permitted by the family educational and privacy rights act of 1974, 20
18 U.S.C. Sec. 1232g. When directed by court order or pursuant to any
19 lawfully issued subpoena, a school district shall make student records
20 and information available to law enforcement officials, probation
21 officers, court personnel, and others legally entitled to the
22 information. Except as provided in section 12 of this act, parents and
23 students shall be notified by the school district of all such orders or
24 subpoenas in advance of compliance with them.

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

27 Pursuant to RCW 28A.600.475, and to the extent permitted by the
28 family educational and privacy rights act of 1974, 20 U.S.C. Sec.
29 1232g(b), and in order to serve the juvenile while in detention and to
30 prepare any postconviction services, schools shall make all student
31 records and information necessary for risk assessment, security
32 classification, and placement available to court personnel and the
33 department within three working days of a request under this section.

34 When a juvenile has one or more prior convictions, a request for
35 records shall be made by the county prosecuting attorney, or probation
36 department if available, to the school not more than ten days following

1 the juvenile's arrest or detention, whichever occurs later, and prior
2 to trial. The request may be made by subpoena.

3 Where a juvenile has no prior conviction, a request to release
4 records shall be made by subpoena upon the juvenile's conviction. When
5 the request for a juvenile's student records and information is made by
6 subpoena following conviction, the court or other issuing agency shall
7 order the school on which the subpoena is served not to disclose to any
8 person the existence or contents of the subpoena or any information
9 furnished in response to the subpoena. When the court or issuing
10 agency so orders, the school shall not provide notice to the juvenile
11 or his or her parents.

12 NEW SECTION. **Sec. 13.** A new section is added to chapter 72.05 RCW
13 to read as follows:

14 (1) The department shall establish by rule, in consultation with
15 the office of the superintendent of public instruction, those student
16 records and information necessary to conduct a risk assessment, make a
17 security classification, and ensure proper placement. Those records
18 shall include at least:

- 19 (a) Any history of placement in special education programs;
- 20 (b) Any past, current, or pending disciplinary action;
- 21 (c) Any history of violent, aggressive, or disruptive behavior, or
22 gang membership, or behavior listed in RCW 13.04.155;
- 23 (d) Any use of weapons that is illegal or in violation of school
24 policy;
- 25 (e) Any history of truancy;
- 26 (f) Any drug or alcohol abuse;
- 27 (g) Any health conditions affecting the juvenile's placement needs;
- 28 and
- 29 (h) Any other relevant information.

30 (2) For purposes of this section "gang" has the meaning defined in
31 RCW 28A.225.225.

32 NEW SECTION. **Sec. 14.** A new section is added to chapter 72.05 RCW
33 to read as follows:

34 (1) Whenever the department operates, or the secretary enters a
35 contract to operate, a community facility, the placement and
36 supervision of juveniles must be accomplished in accordance with this
37 section.

1 (2) The secretary shall require that any juvenile placed in a
2 community facility and who is employed or assigned as a volunteer be
3 subject to monitoring for compliance with requirements for attendance
4 at his or her job or assignment. The monitoring requirements shall be
5 included in a written agreement between the employer or supervisor, the
6 secretary or chief operating officer of the contracting agency, and the
7 juvenile. The requirements shall include, at a minimum, the following:

- 8 (a) Acknowledgment of the juvenile's offender status;
- 9 (b) The name, address, and telephone number of the community
10 facility at which the juvenile resides;
- 11 (c) The twenty-four-hour telephone number required under section 8
12 of this act;
- 13 (d) The name and work telephone number of all persons responsible
14 for the supervision of the juvenile;
- 15 (e) A prohibition on the juvenile's departure from the work or
16 volunteer site without prior approval of the person in charge of the
17 community facility;
- 18 (f) A prohibition on personal telephone calls except to the
19 community facility;
- 20 (g) A prohibition on receiving compensation in any form other than
21 a negotiable instrument;
- 22 (h) A requirement that rest breaks during work hours be taken only
23 in those areas at the location which are designated for such breaks;
- 24 (i) A prohibition on visits from persons not approved in advance by
25 the person in charge of the community facility;
- 26 (j) A requirement that any unexcused absence, tardiness, or
27 departure by the juvenile be reported immediately upon discovery to the
28 person in charge of the community facility;
- 29 (k) A requirement that any notice from the juvenile that he or she
30 will not report to the work or volunteer site be verified as legitimate
31 by contacting the person in charge of the community facility; and
- 32 (l) An agreement that the community facility will conduct and
33 document random visits to determine compliance by the juvenile with the
34 terms of this section.

35 (3) The secretary shall require that any juvenile placed in a
36 community facility and who is enrolled in a public or private school be
37 subject to monitoring for compliance with requirements for attendance
38 at his or her school. The monitoring requirements shall be included in
39 a written agreement between the school district or appropriate

1 administrative officer, the secretary or chief operating officer of the
2 contracting agency, and the juvenile. The requirements shall include,
3 at a minimum, the following:

4 (a) Acknowledgment of the juvenile's offender status;

5 (b) The name, address, and telephone number of the community
6 facility at which the juvenile resides;

7 (c) The twenty-four-hour telephone number required under section 8
8 of this act;

9 (d) The name and work telephone number of at least two persons at
10 the school to contact if issues arise concerning the juvenile's
11 compliance with the terms of his or her attendance at school;

12 (e) A prohibition on the juvenile's departure from the school
13 without prior approval of the appropriate person at the school;

14 (f) A prohibition on personal telephone calls except to the
15 community facility;

16 (g) A requirement that the juvenile remain on school grounds except
17 for authorized and supervised school activities;

18 (h) A prohibition on visits from persons not approved in advance by
19 the person in charge of the community facility;

20 (i) A requirement that any unexcused absence or departure by the
21 juvenile be reported immediately upon discovery to the person in charge
22 of the community facility;

23 (j) A requirement that any notice from the juvenile that he or she
24 will not attend school be verified as legitimate by contacting the
25 person in charge of the community facility; and

26 (k) An agreement that the community facility will conduct and
27 document random visits to determine compliance by the juvenile with the
28 terms of this section.

29 (4) The secretary shall require that when any juvenile placed in a
30 community facility is employed, assigned as a volunteer, or enrolled in
31 a public or private school:

32 (a) Program staff members shall make and document periodic and
33 random accountability checks while the juvenile is at the school or
34 work facility;

35 (b) A program counselor assigned to the juvenile shall contact the
36 juvenile's employer, teacher, or school counselor regularly to discuss
37 school or job performance-related issues.

38 (5) The department shall maintain a copy of all agreements executed
39 under this section. The department shall also provide each affected

1 juvenile with a copy of every agreement to which he or she is a party.
2 The service provider shall maintain a copy of every agreement it
3 executes under this section.

4 NEW SECTION. Sec. 15. A new section is added to chapter 72.05 RCW
5 to read as follows:

6 (1) The department shall establish by rule a policy for the common
7 use of residential group homes for juvenile offenders under the
8 jurisdiction of the juvenile rehabilitation administration and the
9 children's administration.

10 (2) A juvenile under the jurisdiction of the juvenile
11 rehabilitation administration who is convicted of a class A felony is
12 not eligible for placement in a community facility operated by
13 children's administration that houses juveniles who are not under the
14 jurisdiction of juvenile rehabilitation administration.

15 NEW SECTION. Sec. 16. A new section is added to chapter 72.05 RCW
16 to read as follows:

17 (1) A person shall not be eligible for an employed or volunteer
18 position within the juvenile rehabilitation administration or any
19 agency with which it contracts in which the person may have regular
20 access to juveniles under the jurisdiction of the department of social
21 and health services or the department of corrections if the person has
22 been convicted of one or more of the following:

23 (a) Any felony sex offense;

24 (b) Any violent offense, as defined in RCW 9.94A.030.

25 (2) Subsection (1) of this section applies only to persons hired by
26 the department or any of its contracting agencies after the effective
27 date of this act.

28 (3) Any person employed by the juvenile rehabilitation
29 administration, or by any contracting agency, who may have regular
30 access to juveniles under the jurisdiction of the department or the
31 department of corrections and who is convicted of an offense set forth
32 in this section after the effective date of this act, shall report the
33 conviction to his or her supervisor. The report must be made within
34 seven days of conviction. Failure to report within seven days of
35 conviction constitutes misconduct under Title 50 RCW.

36 (4) For purposes of this section "may have regular access to
37 juveniles" means access for more than a nominal amount of time.

1 (5) The department shall adopt rules to implement this section.

2 NEW SECTION. **Sec. 17.** (1) The Washington state institute for
3 public policy shall conduct a special study of the contracts,
4 operations, and monitoring of community residential facilities that
5 house juvenile offenders who are under the jurisdiction of the
6 department's juvenile rehabilitation administration.

7 (2) The institute must consult with nearby residents, local
8 sheriffs and police chiefs, courts, probation departments, schools, and
9 employers in the community in which the community residential facility
10 is located.

11 (3) The institute shall investigate and report on at least the
12 following issues:

13 (a) Community residential security, staffing, and operation:

14 (i) Are the facilities physically secured with door locks, alarms,
15 video monitors, and other security features so that staff are
16 immediately aware of any unauthorized exits or unauthorized visitors?
17 Which homes are not?

18 (ii) What legal barriers exist, if any, that prevent equipping
19 community residential facilities with locks, alarms, video monitors,
20 and other equipment that would make the facilities more physically
21 secure?

22 (iii) How much would it cost to equip community residential
23 facilities with security equipment?

24 (iv) For each facility describe:

25 (A) The staffing level by shift;

26 (B) The times, if any, in which offenders are either locked inside
27 secure rooms or locked inside the facility;

28 (C) What constitutes an escape;

29 (D) How much time must elapse before an unauthorized absence
30 becomes an escape;

31 (E) The escape reporting procedure;

32 (F) Who may visit the offender and at what hours;

33 (G) What is the screening process used to authorize visitors;

34 (H) What controls exist to monitor and regulate persons who visit
35 the facilities; and

36 (I) Whether offenders share bedrooms.

37 (v) Describe the monitoring level by the juvenile rehabilitation
38 administration and specifically address the following:

1 (A) How often does the juvenile rehabilitation staff visit the
2 community residential facilities?

3 (B) How many of these visits are random, unannounced, or conducted
4 at night and on weekends and holidays?

5 (C) What does the juvenile rehabilitation staff person investigate
6 when conducting these visits?

7 (D) How often does the juvenile rehabilitation staff contact
8 neighbors, schools, employers, and law enforcement to determine whether
9 juvenile offenders in the community residential facilities are
10 disruptive or that staff is responsive to community concerns?

11 (b) Offender intake and assessment procedures:

12 (i) Identify procedural and financial barriers to sharing
13 information about juvenile offenders in community residential
14 facilities between the juvenile rehabilitation administration, schools,
15 courts, law enforcement, other department of social and health
16 services' programs including the division of children and family
17 services and the division of alcohol and substance abuse, and the
18 public.

19 (ii) What authority does the state have to remove the barriers?

20 (iii) Identify what entity is responsible for collecting risk
21 assessment data. Describe the process and if it varies in different
22 counties.

23 (iv) What types and sources of data are being collected
24 inconsistently?

25 (v) What types and sources of data are being used inconsistently in
26 performing risk assessments?

27 (vi) What safeguards exist to ensure that assessments are being
28 made with complete information?

29 (c) Violations or infractions committed by juvenile offenders in
30 community residential facilities:

31 (i) How many violations, by type and seriousness level, have
32 occurred or have been reported about juvenile offenders residing in
33 community residential facilities during fiscal year 1997?

34 (ii) What appeals process, if any, exists that governs an
35 offender's appeal from a finding that the offender committed an
36 infraction?

37 (4) The institute shall recommend changes to existing laws,
38 procedures, and practices governing community residential facilities to
39 increase public safety, community residential facility security,

1 protection of juvenile offenders housed in community residential
2 facilities, and community comment and participation in siting
3 facilities and placement of offenders. The institute shall also
4 identify costs associated with implementing recommended changes.

5 (5) An initial status report of the progress of the study shall be
6 presented to the senate human services and corrections committee and
7 the house criminal justice and corrections committee no later than
8 September 1, 1998. The institute shall present a final report to those
9 committees no later than December 1, 1998.

10 NEW SECTION. **Sec. 18.** The code reviser shall alphabetize the
11 definitions in RCW 13.50.010 and 74.15.020 and correct any references.

12 NEW SECTION. **Sec. 19.** This act takes effect September 1, 1998."

13 **2SSB 6445** - S AMD - 727

14 By Senators Long, Zarelli and Hargrove

15 ADOPTED 2/17/98

16 On page 1, line 2 of the title, after "services;" strike the
17 remainder of the title and insert "amending RCW 72.05.020, 74.15.020,
18 and 28A.600.475; reenacting and amending RCW 13.50.010; adding new
19 sections to chapter 72.05 RCW; adding a new section to chapter 74.15
20 RCW; adding a new section to chapter 13.40 RCW; creating new sections;
21 and providing an effective date."

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