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HOUSE BILL 1660

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State of Washington

59th Legislature

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By Representatives Moeller, Tom, Hasegawa, Ericks, Lantz, Flannigan, Appleton, Roberts, Curtis, Hunt, Green, Chase, Lovick, Orcutt, Morrell, Cody, McCune, Williams, Schual-Berke, Dickerson and Simpson

Read first time 02/01/2005. Referred to Committee on Juvenile Justice & Family Law.

1 AN ACT Relating to the definition of "at-risk youth"; and amending  
2 RCW 13.32A.030.

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

4 **Sec. 1.** RCW 13.32A.030 and 2000 c 123 s 2 are each amended to read  
5 as follows:

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

8 (1) "Abuse or neglect" means the injury, sexual abuse, sexual  
9 exploitation, negligent treatment, or maltreatment of a child by any  
10 person under circumstances which indicate that the child's health,  
11 welfare, and safety is harmed, excluding conduct permitted under RCW  
12 9A.16.100. An abused child is a child who has been subjected to child  
13 abuse or neglect as defined in this section.

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

17 (3) "At-risk youth" means a juvenile:

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

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

4 (c) Who has a substance abuse or mental health problem (~~for~~  
5 ~~which~~) and there are no pending criminal charges related to the  
6 substance abuse or mental health problem.

7 (4) "Child," "juvenile," and "youth" mean any unemancipated  
8 individual who is under the chronological age of eighteen years.

9 (5) "Child in need of services" means a juvenile:

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

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

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

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

20 (c)(i) Who is in need of: (A) Necessary services, including food,  
21 shelter, health care, clothing, or education; or (B) services designed  
22 to maintain or reunite the family;

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

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

28 (6) "Child in need of services petition" means a petition filed in  
29 juvenile court by a parent, child, or the department seeking  
30 adjudication of placement of the child.

31 (7) "Crisis residential center" means a secure or semi-secure  
32 facility established pursuant to chapter 74.13 RCW.

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

35 (9) "Department" means the department of social and health  
36 services.

37 (10) "Extended family member" means an adult who is a grandparent,

1 brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin  
2 with whom the child has a relationship and is comfortable, and who is  
3 willing and available to care for the child.

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

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

23 (13) "Out-of-home placement" means a placement in a foster family  
24 home or group care facility licensed pursuant to chapter 74.15 RCW or  
25 placement in a home, other than that of the child's parent, guardian,  
26 or legal custodian, not required to be licensed pursuant to chapter  
27 74.15 RCW.

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

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

34 (16) "Semi-secure facility" means any facility, including but not  
35 limited to crisis residential centers or specialized foster family  
36 homes, operated in a manner to reasonably assure that youth placed  
37 there will not run away. Pursuant to rules established by the  
38 department, the facility administrator shall establish reasonable hours

1 for residents to come and go from the facility such that no residents  
2 are free to come and go at all hours of the day and night. To prevent  
3 residents from taking unreasonable actions, the facility administrator,  
4 where appropriate, may condition a resident's leaving the facility upon  
5 the resident being accompanied by the administrator or the  
6 administrator's designee and the resident may be required to notify the  
7 administrator or the administrator's designee of any intent to leave,  
8 his or her intended destination, and the probable time of his or her  
9 return to the center.

10 (17) "Staff secure facility" means a structured group care facility  
11 licensed under rules adopted by the department with a ratio of at least  
12 one adult staff member to every two children.

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

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