

SHB 2346 - S AMD 517

By Senators Hargrove, Stevens

ADOPTED 04/25/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 13.32A.130 and 2000 c 162 s 13 and 2000 c 123 s 15
4 are each reenacted and amended to read as follows:

5 (1) A child admitted to a secure facility located in a juvenile
6 detention center shall remain in the facility for at least twenty-four
7 hours after admission but for not more than five consecutive days.
8 (~~If the child admitted under this section is transferred between~~
9 ~~secure and semi-secure facilities, the aggregate length of time spent~~
10 ~~in all such centers or facilities may not exceed five consecutive days~~
11 ~~per admission.)) A child admitted to a secure facility not located in
12 a juvenile detention center or a semi-secure facility may remain for
13 not more than fifteen consecutive days. If a child is transferred
14 between a secure and semi-secure facility, the aggregate length of time
15 a child may remain in both facilities shall not exceed fifteen
16 consecutive days per admission, and in no event may a child's stay in
17 a secure facility located in a juvenile detention center exceed five
18 days per admission.~~

19 (2)(a)(i) The facility administrator shall determine within twenty-
20 four hours after a child's admission to a secure facility whether the
21 child is likely to remain in a semi-secure facility and may transfer
22 the child to a semi-secure facility or release the child to the
23 department. The determination shall be based on: (A) The need for
24 continued assessment, protection, and treatment of the child in a
25 secure facility; and (B) the likelihood the child would remain at a
26 semi-secure facility until his or her parents can take the child home
27 or a petition can be filed under this title.

28 (ii) In making the determination the administrator shall consider
29 the following information if known: (A) The child's age and maturity;
30 (B) the child's condition upon arrival at the center; (C) the

1 circumstances that led to the child's being taken to the center; (D)
2 whether the child's behavior endangers the health, safety, or welfare
3 of the child or any other person; (E) the child's history of running
4 away; and (F) the child's willingness to cooperate in the assessment.

5 (b) If the administrator of a secure facility determines the child
6 is unlikely to remain in a semi-secure facility, the administrator
7 shall keep the child in the secure facility pursuant to this chapter
8 and in order to provide for space for the child may transfer another
9 child who has been in the facility for at least seventy-two hours to a
10 semi-secure facility. The administrator shall only make a transfer of
11 a child after determining that the child who may be transferred is
12 likely to remain at the semi-secure facility.

13 (c) A crisis residential center administrator is authorized to
14 transfer a child to a crisis residential center in the area where the
15 child's parents reside or where the child's lawfully prescribed
16 residence is located.

17 (d) An administrator may transfer a child from a semi-secure
18 facility to a secure facility whenever he or she reasonably believes
19 that the child is likely to leave the semi-secure facility and not
20 return and after full consideration of all factors in (a)(i) and (ii)
21 of this subsection.

22 (3) If no parent is available or willing to remove the child during
23 the first seventy-two hours following admission, the department shall
24 consider the filing of a petition under RCW 13.32A.140.

25 (4) Notwithstanding the provisions of subsection (1) of this
26 section, the parents may remove the child at any time (~~during the~~
27 ~~five-day period~~) unless the staff of the crisis residential center has
28 reasonable cause to believe that the child is absent from the home
29 because he or she is abused or neglected or if allegations of abuse or
30 neglect have been made against the parents. The department or any
31 agency legally charged with the supervision of a child may remove a
32 child from a crisis residential center at any time after the first
33 twenty-four-hour period after admission has elapsed and only after full
34 consideration by all parties of the factors in subsection (2)(a) of
35 this section.

36 (5) Crisis residential center staff shall make reasonable efforts
37 to protect the child and achieve a reconciliation of the family. If a
38 reconciliation and voluntary return of the child has not been achieved

1 within forty-eight hours from the time of admission, and if the
2 administrator of the center does not consider it likely that
3 reconciliation will be achieved within (~~the five-day period~~) five
4 days of the child's admission to the center, then the administrator
5 shall inform the parent and child of: (a) The availability of
6 counseling services; (b) the right to file a child in need of services
7 petition for an out-of-home placement, the right of a parent to file an
8 at-risk youth petition, and the right of the parent and child to obtain
9 assistance in filing the petition; (c) the right to request the
10 facility administrator or his or her designee to form a
11 multidisciplinary team; (d) the right to request a review of any out-
12 of-home placement; (e) the right to request a mental health or chemical
13 dependency evaluation by a county-designated professional or a private
14 treatment facility; and (f) the right to request treatment in a program
15 to address the child's at-risk behavior under RCW 13.32A.197.

16 (6) At no time shall information regarding a parent's or child's
17 rights be withheld. The department shall develop and distribute to all
18 law enforcement agencies and to each crisis residential center
19 administrator a written statement delineating the services and rights.
20 The administrator of the facility or his or her designee shall provide
21 every resident and parent with a copy of the statement.

22 (7) A crisis residential center and any person employed at the
23 center acting in good faith in carrying out the provisions of this
24 section are immune from criminal or civil liability for such actions.

25 **Sec. 2.** RCW 74.13.0321 and 1995 c 312 s 61 are each amended to
26 read as follows:

27 No contract may provide reimbursement or compensation to:

28 (1) A (~~crisis residential center's~~) secure facility located in a
29 juvenile detention center for any service delivered or provided to a
30 resident child after five consecutive days of residence; or

31 (2) A secure facility not located in a juvenile detention center or
32 a semi-secure crisis residential center facility for any service
33 delivered or provided to a resident child after fifteen consecutive
34 days of residence.

35 **Sec. 3.** RCW 74.13.033 and 2000 c 162 s 16 are each amended to read
36 as follows:

1 (1) If a resident of a crisis residential center becomes by his or
2 her behavior disruptive to the facility's program, such resident may be
3 immediately removed to a separate area within the facility and
4 counseled on an individual basis until such time as the child regains
5 his or her composure. The department may set rules and regulations
6 establishing additional procedures for dealing with severely disruptive
7 children on the premises.

8 (2) When the juvenile resides in this facility, all services deemed
9 necessary to the juvenile's reentry to normal family life shall be made
10 available to the juvenile as required by chapter 13.32A RCW. In
11 assessing the child and providing these services, the facility staff
12 shall:

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

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

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

19 (d) Provide additional crisis counseling as needed, to the end that
20 placement of the child in the crisis residential center will be
21 required for the shortest time possible, but not to exceed ((five))
22 fifteen consecutive days; and

23 (e) Convene, when appropriate, a multidisciplinary team.

24 (3) Based on the assessments done under subsection (2) of this
25 section the ((facility)) center staff may refer any child who, as the
26 result of a mental or emotional disorder, or intoxication by alcohol or
27 other drugs, is suicidal, seriously assaultive, or seriously
28 destructive toward others, or otherwise similarly evidences an
29 immediate need for emergency medical evaluation and possible care, for
30 evaluation pursuant to chapter 71.34 RCW, to a mental health
31 professional pursuant to chapter 71.05 RCW, or to a chemical dependency
32 specialist pursuant to chapter 70.96A RCW whenever such action is
33 deemed appropriate and consistent with law.

34 (4) A juvenile taking unauthorized leave from a facility shall be
35 apprehended and returned to it by law enforcement officers or other
36 persons designated as having this authority as provided in RCW
37 13.32A.050. If returned to the facility after having taken
38 unauthorized leave for a period of more than twenty-four hours a

1 juvenile shall be supervised by such a facility for a period, pursuant
2 to this chapter, which, unless where otherwise provided, may not exceed
3 ((five)) fifteen consecutive days ((~~on the premises~~)). Costs of
4 housing juveniles admitted to crisis residential centers shall be
5 assumed by the department for a period not to exceed ((five)) fifteen
6 consecutive days.

7 **Sec. 4.** RCW 74.13.034 and 2000 c 162 s 17 are each amended to read
8 as follows:

9 (1) A child taken into custody and taken to a crisis residential
10 center established pursuant to RCW 74.13.032 may, if the center is
11 unable to provide appropriate treatment, supervision, and structure to
12 the child, be taken at department expense to another crisis residential
13 center, the nearest regional secure crisis residential center, or a
14 secure facility with which it is collocated under RCW 74.13.032.
15 Placement in both locations shall not exceed ((five)) fifteen
16 consecutive days from the point of intake as provided in RCW
17 13.32A.130.

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

30 (3) Any child placed in secure detention pursuant to this section
31 shall, during the period of confinement, be provided with appropriate
32 treatment by the department or the department's designee, which shall
33 include the services defined in RCW 74.13.033(2). If the child placed
34 in secure detention is not returned home or if an alternative living
35 arrangement agreeable to the parent and the child is not made within
36 twenty-four hours after the child's admission, the child shall be taken
37 at the department's expense to a crisis residential center. Placement

1 in the crisis residential center or centers plus placement in juvenile
2 detention shall not exceed five consecutive days from the point of
3 intake as provided in RCW 13.32A.130.

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

11 NEW SECTION. **Sec. 5.** A new section is added to chapter 13.32A RCW
12 to read as follows:

13 The department may take a runaway youth to a secure facility after
14 attempting to notify the parent of the child's whereabouts. The
15 department may not take a child to a secure facility if the department
16 has reasonable cause to believe that the reason for the child's runaway
17 status is the result of abuse or neglect."

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18 On page 1, line 1 of the title, after "centers;" strike the
19 remainder of the title and insert "amending RCW 74.13.0321, 74.13.033,
20 and 74.13.034; reenacting and amending RCW 13.32A.130; and adding a new
21 section to chapter 13.32A RCW."

EFFECT: Extends the length of stay for youth in secure facilities
not located in juvenile detention centers to 15 days while maintaining
the length of stay for a youth in a secure facility located in a
juvenile detention center at 5 days.

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