
SENATE BILL 5147

State of Washington

63rd Legislature

2013 Regular Session

By Senators Hargrove, Carrell, Hewitt, Darneille, and Shin

Read first time 01/21/13. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to juveniles and runaway children; and amending RCW
2 13.32A.030, 13.32A.082, 13.32A.085, and 43.43.510.

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

4 **Sec. 1.** RCW 13.32A.030 and 2010 c 289 s 1 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~~) that indicate (~~that~~) the child's
11 health, welfare, and safety is harmed, excluding conduct permitted
12 under RCW 9A.16.100. An abused child is a child who has been subjected
13 to child 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 problem for which there are no
5 pending criminal charges related to the substance abuse.

6 (4) "Child," "juvenile," (~~and~~) "youth," and "minor" mean any
7 unemancipated individual who is under the chronological age of eighteen
8 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 any 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;

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~~) use, 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; or

28 (d) Who is a "sexually exploited child."(~~or~~)

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

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

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

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

1 (10) "Extended family member" means an adult who is a grandparent,
2 brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin
3 with whom the child has a relationship and is comfortable, and who is
4 willing and available to care for the child.

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

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

25 (13) "Out-of-home placement" means a placement in a foster family
26 home or group care facility licensed pursuant to chapter 74.15 RCW or
27 placement in a home, other than that of the child's parent, guardian,
28 or legal custodian, not required to be licensed pursuant to chapter
29 74.15 RCW.

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

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

36 (16) "Semi-secure facility" means any facility, including but not
37 limited to crisis residential centers or specialized foster family
38 homes, operated in a manner to reasonably assure that youth placed

1 there will not run away. Pursuant to rules established by the
2 department, the facility administrator shall establish reasonable hours
3 for residents to come and go from the facility such that no residents
4 are free to come and go at all hours of the day and night. To prevent
5 residents from taking unreasonable actions, the facility administrator,
6 where appropriate, may condition a resident's leaving the facility upon
7 the resident being accompanied by the administrator or the
8 administrator's designee and the resident may be required to notify the
9 administrator or the administrator's designee of any intent to leave,
10 his or her intended destination, and the probable time of his or her
11 return to the center.

12 (17) "Sexually exploited child" means any person under the age of
13 eighteen who is a victim of the crime of commercial sex abuse of a
14 minor under RCW 9.68A.100, promoting commercial sexual abuse of a minor
15 under RCW 9.68A.101, or promoting travel for commercial sexual abuse of
16 a minor under RCW 9.68A.102.

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

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

23 **Sec. 2.** RCW 13.32A.082 and 2011 c 151 s 1 are each amended to read
24 as follows:

25 (1)(a) Except as provided in (b) of this subsection, any person
26 ((who)), unlicensed youth shelter, or runaway and homeless youth
27 program that, without legal authorization, provides shelter to a minor
28 and ((who)) that knows at the time of providing the shelter that the
29 minor is away from ((the parent's home without the permission of the
30 parent, or other)) a lawfully prescribed residence or home without
31 parental permission, shall promptly report the location of the child to
32 the parent, the law enforcement agency of the jurisdiction in which the
33 person lives, or the department.

34 ((The report)) (b)(i) If a licensed overnight youth shelter, or
35 another licensed organization with a stated mission to provide services
36 to homeless or runaway youth and their families, shelters a child and
37 knows at the time of providing the shelter that the child is away from

1 a lawfully prescribed residence or home without parental permission, it
2 must contact the youth's parent within seventy-two hours, but
3 preferably within twenty-four hours, following the time that the youth
4 is admitted to the shelter or other licensed organization's program.
5 The notification must include the whereabouts of the youth, a
6 description of the youth's physical and emotional condition, and the
7 circumstances surrounding the youth's contact with the shelter or
8 organization. If there are compelling reasons not to notify the
9 parent, the shelter or organization must instead notify the department.

10 (ii) At least once every eight hours after learning that a youth
11 receiving services or shelter under this section is away from home
12 without permission, the shelter or organization staff must consult the
13 information that the Washington state patrol makes publicly available
14 under RCW 43.43.510(2). If the youth is publicly listed as missing,
15 the shelter or organization must immediately notify the department of
16 its contact with the youth listed as missing. The notification must
17 include a description of the minor's physical and emotional condition
18 and the circumstances surrounding the youth's contact with the shelter
19 or organization.

20 (c) Reports required under this section may be made by telephone or
21 any other reasonable means.

22 (2) Unless the context clearly requires otherwise, the definitions
23 in this subsection apply throughout this section.

24 (a) "Shelter" means the person's home or any structure over which
25 the person has any control.

26 (b) "Promptly report" means to report within eight hours after the
27 person has knowledge that the minor is away from a lawfully prescribed
28 residence or home without parental permission.

29 (c) "Compelling reasons" include, but are not limited to,
30 circumstances that indicate that notifying the parent or legal guardian
31 will subject the minor to abuse or neglect as defined in RCW 26.44.020.

32 (3) When the department receives a report under subsection (1) of
33 this section, it shall make a good faith attempt to notify the parent
34 that a report has been received and offer services designed to resolve
35 the conflict and accomplish a reunification of the family.

36 (4) Nothing in this section prohibits any person, unlicensed youth
37 shelter, or runaway and homeless youth program from immediately

1 reporting the identity and location of any minor who is away from a
2 lawfully prescribed residence or home without parental permission more
3 promptly than required under this section.

4 **Sec. 3.** RCW 13.32A.085 and 2010 c 229 s 3 are each amended to read
5 as follows:

6 A private right of action or claim on the part of a parent is
7 created against an unlicensed youth shelter or unlicensed runaway and
8 homeless youth program ((~~who~~)) that fails to meet the ((~~notification~~))
9 reporting requirements in RCW 13.32A.082(1) (a), (b), and (c).

10 **Sec. 4.** RCW 43.43.510 and 2010 c 229 s 4 are each amended to read
11 as follows:

12 (1) As soon as is practical and feasible there shall be
13 established, by means of data processing, files listing stolen and
14 wanted vehicles, outstanding warrants, identifying children whose
15 parents, custodians, or legal guardians have reported as having run
16 away from home or the custodial residence, identifiable stolen
17 property, files maintaining the central registry of sex offenders
18 required to register under chapter 9A.44 RCW, and such other files as
19 may be of general assistance to law enforcement agencies.

20 (2)(a) At the request of a parent, legal custodian, or guardian who
21 has reported a child as having run away from home or the custodial
22 residence, the Washington state patrol shall make the information about
23 the runaway child as is filed in subsection (1) of this section
24 publicly available.

25 (b) The information that can be made publicly available under (a)
26 of this subsection is limited to ((~~the~~)) information that will
27 facilitate the safe return of the child to his or her home or custodial
28 residence and so long as making the information publicly available
29 incurs no additional costs.

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