

**2SSB 5290 - S AMD 185**

By Senator Braun

**ADOPTED 03/12/2019**

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

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that it is a  
4 goal of our state to divert juveniles who have committed status  
5 offenses, behaviors that are prohibited under law only because of an  
6 individual's status as a minor, away from the juvenile justice system  
7 because a stay in detention is a predictive factor for future  
8 criminal justice system involvement. The legislature finds that use  
9 of the valid court order exception to detain youth for acts like  
10 truancy, breaking curfew, or running away from home is  
11 counterproductive and may worsen outcomes for at-risk youth.

12 (2) The legislature further finds that these youth should not be  
13 confined with or treated with the same interventions as criminal  
14 offenders. The legislature also finds that studies show a  
15 disproportionality in race, gender, and socioeconomic status of youth  
16 referred to courts or detained, or both. Likewise, the legislature  
17 finds that community-based interventions are more effective at  
18 addressing underlying causes of status offenses than detention and  
19 can reduce court caseloads and lower system costs. As a result, it is  
20 the intent of the legislature to strengthen and fund community-based  
21 programs that are culturally relevant and focus on addressing  
22 disproportionality of youth of color, especially at-risk youth.

23 NEW SECTION. **Sec. 2.** A new section is added to chapter 7.21 RCW  
24 to read as follows:

25 (1) It is the policy of the state of Washington to reduce the use  
26 of juvenile detention as a remedy for contempt of a valid court order  
27 for youth under chapters 13.34 and 28A.225 RCW and child in need of  
28 services petition youth under chapter 13.32A RCW. As of July 1, 2019,  
29 such youth may not be committed to juvenile detention as a contempt  
30 sanction under chapter 13.32A, 13.34, or 28A.225 RCW, and a warrant  
31 may not be issued for such youth for failure to appear at a court

1 hearing that requires commitment of such youth to juvenile detention  
2 other than pursuant to RCW 13.32A.250(3)(b).

3 (2)(a) It is also the policy of the state of Washington to reduce  
4 the use of juvenile detention as a remedy for contempt of a valid  
5 court order for at-risk youth under chapter 13.32A RCW by July 1,  
6 2021. After this date, at-risk youth may not be committed to juvenile  
7 detention as a contempt sanction under chapter 13.32A RCW, and a  
8 warrant may not be issued for failure to appear at a court hearing  
9 that requires commitment of the at-risk youth to juvenile detention  
10 other than pursuant to RCW 13.32A.250(3)(b).

11 (b) Any at-risk youth committed to juvenile detention as a  
12 sanction for contempt under chapter 13.32A RCW, or for failure to  
13 appear at a court hearing under chapter 13.32A RCW, must be detained  
14 in such a manner so that no direct communication or physical contact  
15 may be made between the youth and any youth who is detained to  
16 juvenile detention pursuant to a violation of criminal law, unless  
17 these separation requirements would result in a youth being detained  
18 in solitary confinement.

19 **Sec. 3.** RCW 7.21.030 and 2001 c 260 s 6 are each amended to read  
20 as follows:

21 (1) The court may initiate a proceeding to impose a remedial  
22 sanction on its own motion or on the motion of a person aggrieved by  
23 a contempt of court in the proceeding to which the contempt is  
24 related. Except as provided in RCW 7.21.050, the court, after notice  
25 and hearing, may impose a remedial sanction authorized by this  
26 chapter.

27 (2) If the court finds that the person has failed or refused to  
28 perform an act that is yet within the person's power to perform, the  
29 court may find the person in contempt of court and impose one or more  
30 of the following remedial sanctions:

31 (a) Imprisonment if the contempt of court is of a type defined in  
32 RCW 7.21.010(1)(b) through (d). The imprisonment may extend only so  
33 long as it serves a coercive purpose.

34 (b) A forfeiture not to exceed two thousand dollars for each day  
35 the contempt of court continues.

36 (c) An order designed to ensure compliance with a prior order of  
37 the court.

38 (d) Any other remedial sanction other than the sanctions  
39 specified in (a) through (c) of this subsection if the court

1 expressly finds that those sanctions would be ineffectual to  
2 terminate a continuing contempt of court.

3 (e) (~~In cases~~) Under chapters 13.32A, 13.34, and 28A.225 RCW  
4 and subject to the requirements under RCW 13.32A.250(3)(b),  
5 commitment to juvenile detention for a period of time not to exceed  
6 (~~seven days~~) seventy-two hours, excluding Saturdays, Sundays, and  
7 holidays. The seventy-two hour period shall commence upon the next  
8 nonholiday weekday following the court order and shall run to the end  
9 of the last nonholiday weekday within the seventy-two hour period.  
10 This sanction may be imposed in addition to, or as an alternative to,  
11 any other remedial sanction authorized by this chapter. This remedy  
12 is specifically determined to be a remedial sanction. All such  
13 remedial sanctions may not be imposed more than four times during a  
14 thirty-day period.

15 (3) The court may, in addition to the remedial sanctions set  
16 forth in subsection (2) of this section, order a person found in  
17 contempt of court to pay a party for any losses suffered by the party  
18 as a result of the contempt and any costs incurred in connection with  
19 the contempt proceeding, including reasonable attorney's fees.

20 (4) If the court finds that a person under the age of eighteen  
21 years has willfully disobeyed the terms of an order issued under  
22 chapter 10.14 RCW, the court may find the person in contempt of court  
23 and may, as a sole sanction for such contempt, commit the person to  
24 juvenile detention for a period of time not to exceed seven days.

25 **Sec. 4.** RCW 13.32A.250 and 2000 c 162 s 14 are each amended to  
26 read as follows:

27 (1) In all child in need of services proceedings and at-risk  
28 youth proceedings, the court shall verbally notify the parents and  
29 the child of the possibility of a finding of contempt for failure to  
30 comply with the terms of a court order entered pursuant to this  
31 chapter. Except as otherwise provided in this section, the court  
32 shall treat the parents and the child equally for the purposes of  
33 applying contempt of court processes and penalties under this  
34 section.

35 (2) Failure by a party in an at-risk youth proceeding to comply  
36 with an order entered under this chapter is a civil contempt of court  
37 as provided in RCW 7.21.030(2)(e), subject to the limitations of  
38 subsection (3) of this section.

39 (3) For at-risk youth proceedings only:

1 (a) If the child fails to comply with the court order, the court  
2 may impose:

3 (i) Community restitution;

4 (ii) Nonresidential programs with intensive wraparound services;

5 (iii) A requirement that the child meet with a mentor for a  
6 specified number of times; or

7 (iv) Other services and interventions that the court deems  
8 appropriate.

9 (b) The court may impose remedial sanctions including a fine of  
10 up to one hundred dollars and confinement for up to ((seven—days))  
11 seventy-two hours, or both for contempt of court under this section  
12 upon issuing formal written findings that it: (i) Considered, on the  
13 record, the mitigating and aggravating factors used to determine the  
14 appropriateness of detention for enforcement of its order; (ii)  
15 affirmed that it considered all less restrictive options, that  
16 detention is the only appropriate alternative, including its  
17 rationale and the clear, cogent, and convincing evidence used to  
18 enforce the order; (iii) afforded the same due process considerations  
19 that it affords all youth in a criminal contempt proceeding; and (iv)  
20 sought input from all relevant parties, including the youth. The  
21 seventy-two hour period excludes Saturdays, Sundays, and holidays and  
22 shall commence upon the next nonholiday weekday following the court  
23 order and shall run to the end of the last nonholiday weekday within  
24 the seventy-two hour period. The court may impose no more than four  
25 such seventy-two hour periods in a thirty-day period.

26 ((+4)) (c) A child placed in confinement for contempt under this  
27 section shall be placed in confinement only in a secure juvenile  
28 detention facility operated by or pursuant to a contract with a  
29 county.

30 ((+5)) (4) A motion for contempt may be made by a parent, a  
31 child, juvenile court personnel, or by any public agency,  
32 organization, or person having custody of the child under a court  
33 order adopted pursuant to this chapter.

34 ((+6)) (5) For at-risk youth proceedings only, whenever the  
35 court finds probable cause to believe, based upon consideration of a  
36 motion for contempt and the information set forth in a supporting  
37 declaration, that a child has violated a placement order entered  
38 under this chapter, the court must direct the court clerk to command  
39 the presence of the child by the issuance of a summons or other  
40 method approved by local court rule instead of a warrant, unless the

1 court finds probable cause to believe that the child would not appear  
2 in response to the command or finds probable cause to believe that  
3 the arrest is necessary to prevent serious bodily harm to the  
4 juvenile or another, in which case the court may issue a warrant. A  
5 warrant of arrest must be supported by an affidavit or sworn  
6 testimony, which must be recorded electronically or by stenographer,  
7 establishing the grounds for issuing the warrant. The warrant of  
8 arrest for a child under this subsection may not be served on a child  
9 inside of school during school hours in a location where other  
10 students are present if the child named in the warrant is a pupil at  
11 the school. The court must communicate the summons to the child  
12 through mail, telephone, text message, or other method of  
13 communication needed in order to ensure the child has received the  
14 information. If the child fails to appear via the summons or other  
15 method, the court may issue an order directing law enforcement to  
16 pick up and take the child to detention. ((The order may be entered  
17 ex parte without prior notice to the child or other parties.  
18 Following the child's admission to detention, a detention review  
19 hearing must be held in accordance with RCW 13.32A.065.))

20 **Sec. 5.** RCW 13.32A.040 and 2000 c 123 s 3 are each amended to  
21 read as follows:

22 (1) If requested by the family, the department must provide  
23 families who are in conflict or who are experiencing problems with  
24 at-risk youth or a child who may be in need of services ((may  
25 request)) with family reconciliation services, or its successor  
26 program, from the department before or once a petition is filed. The  
27 department should provide these services in a timely manner once  
28 requested by the family. The department may involve a local  
29 multidisciplinary team in its response in determining the services to  
30 be provided and in providing those services. Such services shall be  
31 provided to alleviate personal or family situations which present a  
32 serious and imminent threat to the health or stability of the child  
33 or family and to maintain families intact wherever possible. Family  
34 reconciliation services shall be designed to develop skills and  
35 supports within families to resolve problems related to at-risk  
36 youth, children in need of services, or family conflicts. These  
37 services may include, but are not limited to, referral to services  
38 for suicide prevention, psychiatric or other medical care, or  
39 psychological, mental health, drug or alcohol treatment, welfare,

1 legal, educational, or other social services, as appropriate to the  
2 needs of the child and the family, and training in parenting,  
3 conflict management, and dispute resolution skills.

4 (2) The department must report to the appropriate committees of  
5 the legislature annually, beginning by December 31, 2019, on the use  
6 of family reconciliation services or its successor program, any  
7 significant reductions or outcomes within the program, and any  
8 recommendations for improvement.

9 **Sec. 6.** RCW 13.32A.150 and 2000 c 123 s 17 are each amended to  
10 read as follows:

11 (1) Except as otherwise provided in this chapter, the juvenile  
12 court shall not accept the filing of a child in need of services  
13 petition by the child or the parents or the filing of an at-risk  
14 youth petition by the parent, unless verification is provided that  
15 the department has completed a family assessment. The family  
16 assessment shall involve the multidisciplinary team if one exists.  
17 The family assessment or plan of services developed by the  
18 multidisciplinary team shall be aimed at family reconciliation,  
19 reunification, and avoidance of the out-of-home placement of the  
20 child. ~~((If the department is unable to complete an assessment within~~  
21 ~~two working days following a request for assessment the child or the~~  
22 ~~parents may proceed under subsection (2) of this section or the~~  
23 ~~parent may proceed under RCW 13.32A.191.))~~

24 (2) A child or a child's parent may file with the juvenile court  
25 a child in need of services petition to approve an out-of-home  
26 placement for the child before completion of a family assessment. The  
27 department shall, when requested, assist either a parent or child in  
28 the filing of the petition. The petition must be filed in the county  
29 where the parent resides. The petition shall allege that the child is  
30 a child in need of services and shall ask only that the placement of  
31 a child outside the home of his or her parent be approved. The filing  
32 of a petition to approve the placement is not dependent upon the  
33 court's having obtained any prior jurisdiction over the child or his  
34 or her parent, and confers upon the court a special jurisdiction to  
35 approve or disapprove an out-of-home placement under this chapter.

36 (3) A petition may not be filed if the child is the subject of a  
37 proceeding under chapter 13.34 RCW.

1       **Sec. 7.** RCW 13.34.165 and 2000 c 122 s 21 are each amended to  
2 read as follows:

3       (1) Failure by a party to comply with an order entered under this  
4 chapter is civil contempt of court as provided in RCW 7.21.030(2)  
5 (~~(e)~~).

6       (2) ~~((The maximum term of confinement that may be imposed as a  
7 remedial sanction for contempt of court under this section is  
8 confinement for up to seven days.~~

9       ~~(3) A child held for contempt under this section shall be  
10 confined only in a secure juvenile detention facility operated by or  
11 pursuant to a contract with a county.~~

12       ~~(4))~~ A motion for contempt may be made by a parent, juvenile  
13 court personnel, or by any public agency, organization, or person  
14 having custody of the child under a court order entered pursuant to  
15 this chapter.

16       ~~((5))~~ (3)(a) Subject to (b) of this subsection, whenever the  
17 court finds probable cause to believe, based upon consideration of a  
18 motion (~~for contempt~~) and the information set forth in a supporting  
19 declaration, that a child (~~has violated a placement order entered~~  
20 under this chapter) is missing from care, the court may issue an  
21 order directing law enforcement to pick up and (~~take~~) return the  
22 child to (~~detention~~) department custody. (~~The order may be entered~~  
23 ex parte without prior notice to the child or other parties.  
24 Following the child's admission to detention, a detention review  
25 hearing must be held in accordance with RCW 13.32A.065.)

26       (b) If the department is notified of the child's whereabouts and  
27 authorizes the child's location, the court must withdraw the order  
28 directing law enforcement to pick up and return the child to  
29 department custody.

30       **Sec. 8.** RCW 28A.225.090 and 2017 c 291 s 5 are each amended to  
31 read as follows:

32       (1) A court may order a child subject to a petition under RCW  
33 28A.225.035 to do one or more of the following:

34       (a) Attend the child's current school, and set forth minimum  
35 attendance requirements, which shall not consider a suspension day as  
36 an unexcused absence;

37       (b) If there is space available and the program can provide  
38 educational services appropriate for the child, order the child to  
39 attend another public school, an alternative education program,

1 center, a skill center, dropout prevention program, or another public  
2 educational program;

3 (c) Attend a private nonsectarian school or program including an  
4 education center. Before ordering a child to attend an approved or  
5 certified private nonsectarian school or program, the court shall:

6 (i) Consider the public and private programs available; (ii) find  
7 that placement is in the best interest of the child; and (iii) find  
8 that the private school or program is willing to accept the child and  
9 will not charge any fees in addition to those established by contract  
10 with the student's school district. If the court orders the child to  
11 enroll in a private school or program, the child's school district  
12 shall contract with the school or program to provide educational  
13 services for the child. The school district shall not be required to  
14 contract for a weekly rate that exceeds the state general  
15 apportionment dollars calculated on a weekly basis generated by the  
16 child and received by the district. A school district shall not be  
17 required to enter into a contract that is longer than the remainder  
18 of the school year. A school district shall not be required to enter  
19 into or continue a contract if the child is no longer enrolled in the  
20 district;

21 (d) Submit to a substance abuse assessment if the court finds on  
22 the record that such assessment is appropriate to the circumstances  
23 and behavior of the child and will facilitate the child's compliance  
24 with the mandatory attendance law and, if any assessment, including a  
25 urinalysis test ordered under this subsection indicates the use of  
26 controlled substances or alcohol, order the minor to abstain from the  
27 unlawful consumption of controlled substances or alcohol and adhere  
28 to the recommendations of the substance abuse assessment at no  
29 expense to the school; or

30 (e) Submit to a mental health evaluation or other diagnostic  
31 evaluation and adhere to the recommendations of the drug assessment,  
32 at no expense to the school, if the court finds on the court records  
33 that such evaluation is appropriate to the circumstances and behavior  
34 of the child, and will facilitate the child's compliance with the  
35 mandatory attendance law.

36 (2) ~~((a))~~ If the child fails to comply with the court order, the  
37 court may impose:

38 ~~((i))~~ (a) Community restitution;

39 ~~((ii))~~ (b) Nonresidential programs with intensive wraparound  
40 services;



1       ~~((iii))~~ (c) A requirement that the child meet with a mentor for  
2 a specified number of times; ~~((e~~  
3 ~~(iv))~~ (d) Other services and interventions that the court deems  
4 appropriate; or  
5 (e) The remedial sanctions pursuant to RCW 13.32A.250(3)(d).

6       ~~((b) If the child continues to fail to comply with the court  
7 order and the court makes a finding that other measures to secure  
8 compliance have been tried but have been unsuccessful and no less  
9 restrictive alternative is available, the court may order the child  
10 to be subject to detention, as provided in RCW 7.21.030(2)(e).  
11 Failure by a child to comply with an order issued under this  
12 subsection shall not be subject to detention for a period greater  
13 than that permitted pursuant to a civil contempt proceeding against a  
14 child under chapter 13.32A RCW. Detention ordered under this  
15 subsection may be for no longer than seven days. Detention ordered  
16 under this subsection shall preferably be served at a secure crisis  
17 residential center close to the child's home rather than in a  
18 juvenile detention facility. A warrant of arrest for a child under  
19 this subsection may not be served on a child inside of school during  
20 school hours in a location where other students are present.))~~

21       (3) Any parent violating any of the provisions of either RCW  
22 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than  
23 twenty-five dollars for each day of unexcused absence from school.  
24 The court shall remit fifty percent of the fine collected under this  
25 section to the child's school district. It shall be a defense for a  
26 parent charged with violating RCW 28A.225.010 to show that he or she  
27 exercised reasonable diligence in attempting to cause a child in his  
28 or her custody to attend school or that the child's school did not  
29 perform its duties as required in RCW 28A.225.020. The court may  
30 order the parent to provide community restitution instead of imposing  
31 a fine. Any fine imposed pursuant to this section may be suspended  
32 upon the condition that a parent charged with violating RCW  
33 28A.225.010 shall participate with the school and the child in a  
34 supervised plan for the child's attendance at school or upon  
35 condition that the parent attend a conference or conferences  
36 scheduled by a school for the purpose of analyzing the causes of a  
37 child's absence.

38       (4) If a child continues to be truant after entering into a  
39 court-approved order with the truancy board under RCW 28A.225.035,  
40 the juvenile court shall find the child in contempt, and the court

1 may (~~order the child to be subject to detention, as provided in RCW~~  
2 ~~7.21.030(2)(e), or may~~) impose alternatives to detention (~~(such as~~  
3 ~~meaningful community restitution. Failure by a child to comply with~~  
4 ~~an order issued under this subsection may not subject a child to~~  
5 ~~detention for a period greater than that permitted under a civil~~  
6 ~~contempt proceeding against a child under chapter 13.32A RCW)~~)  
7 consistent with best practice models for reengagement with school.

8 (5) Subsections (1), (2), and (4) of this section shall not apply  
9 to a six or seven year old child required to attend public school  
10 under RCW 28A.225.015.

11 **Sec. 9.** RCW 43.185C.260 and 2018 c 58 s 61 are each amended to  
12 read as follows:

13 (1) A law enforcement officer shall take a child into custody:

14 (a) If a law enforcement agency has been contacted by the parent  
15 of the child that the child is absent from parental custody without  
16 consent; or

17 (b) If a law enforcement officer reasonably believes, considering  
18 the child's age, the location, and the time of day, that a child is  
19 in circumstances which constitute a danger to the child's safety or  
20 that a child is violating a local curfew ordinance; or

21 (c) If an agency legally charged with the supervision of a child  
22 has notified a law enforcement agency that the child has run away  
23 from placement (~~;~~ ~~or~~

24 ~~(d) If a law enforcement agency has been notified by the juvenile~~  
25 ~~court that the court finds probable cause exists to believe that the~~  
26 ~~child has violated a court placement order issued under this chapter~~  
27 ~~or chapter 13.34 RCW or that the court has issued an order for law~~  
28 ~~enforcement pick-up of the child under this chapter or chapter 13.34~~  
29 ~~RCW).~~

30 (2) Law enforcement custody shall not extend beyond the amount of  
31 time reasonably necessary to transport the child to a destination  
32 authorized by law and to place the child at that destination. Law  
33 enforcement custody continues until the law enforcement officer  
34 transfers custody to a person, agency, or other authorized entity  
35 under this chapter, or releases the child because no placement is  
36 available. Transfer of custody is not complete unless the person,  
37 agency, or entity to whom the child is released agrees to accept  
38 custody.

1 (3) If a law enforcement officer takes a child into custody  
2 pursuant to either subsection (1)(a) or (b) of this section and  
3 transports the child to a crisis residential center, the officer  
4 shall, within twenty-four hours of delivering the child to the  
5 center, provide to the center a written report detailing the reasons  
6 the officer took the child into custody. The center shall provide the  
7 department of children, youth, and families with a copy of the  
8 officer's report if the youth is in the care of or receiving services  
9 from the department of children, youth, and families.

10 (4) If the law enforcement officer who initially takes the  
11 juvenile into custody or the staff of the crisis residential center  
12 have reasonable cause to believe that the child is absent from home  
13 because he or she is abused or neglected, a report shall be made  
14 immediately to the department of children, youth, and families.

15 (5) Nothing in this section affects the authority of any  
16 political subdivision to make regulations concerning the conduct of  
17 minors in public places by ordinance or other local law.

18 (6) If a law enforcement officer has a reasonable suspicion that  
19 a child is being unlawfully harbored in violation of RCW 13.32A.080,  
20 the officer shall remove the child from the custody of the person  
21 harboring the child and shall transport the child to one of the  
22 locations specified in RCW 43.185C.265.

23 (7) No child may be placed in a secure facility except as  
24 provided in this chapter.

25 **Sec. 10.** RCW 43.185C.265 and 2015 c 69 s 14 are each amended to  
26 read as follows:

27 (1) An officer taking a child into custody under RCW  
28 43.185C.260(1) (a) or (b) shall inform the child of the reason for  
29 such custody and shall:

30 (a) Transport the child to his or her home or to a parent at his  
31 or her place of employment, if no parent is at home. The parent may  
32 request that the officer take the child to the home of an adult  
33 extended family member, responsible adult, crisis residential center,  
34 the department of (~~social and health services~~) children, youth, and  
35 families, or a licensed youth shelter. In responding to the request  
36 of the parent, the officer shall take the child to a requested place  
37 which, in the officer's belief, is within a reasonable distance of  
38 the parent's home. The officer releasing a child into the custody of  
39 a parent, an adult extended family member, responsible adult, or a

1 licensed youth shelter shall inform the person receiving the child of  
2 the reason for taking the child into custody and inform all parties  
3 of the nature and location of appropriate services available in the  
4 community; or

5 (b) After attempting to notify the parent, take the child to a  
6 designated crisis residential center's secure facility or a center's  
7 semi-secure facility if a secure facility is full, not available, or  
8 not located within a reasonable distance if:

9 (i) The child expresses fear or distress at the prospect of being  
10 returned to his or her home which leads the officer to believe there  
11 is a possibility that the child is experiencing some type of abuse or  
12 neglect;

13 (ii) It is not practical to transport the child to his or her  
14 home or place of the parent's employment; or

15 (iii) There is no parent available to accept custody of the  
16 child; or

17 (c) After attempting to notify the parent, if a crisis  
18 residential center is full, not available, or not located within a  
19 reasonable distance, request the department of (~~social and health~~  
20 ~~services~~) children, youth, and families to accept custody of the  
21 child. If the department of (~~social and health services~~) children,  
22 youth, and families determines that an appropriate placement is  
23 currently available, the department of (~~social and health services~~)  
24 children, youth, and families shall accept custody and place the  
25 child in an out-of-home placement. Upon accepting custody of a child  
26 from the officer, the department of (~~social and health services~~)  
27 children, youth, and families may place the child in an out-of-home  
28 placement for up to seventy-two hours, excluding Saturdays, Sundays,  
29 and holidays, without filing a child in need of services petition,  
30 obtaining parental consent, or obtaining an order for placement under  
31 chapter 13.34 RCW. Upon transferring a child to the department of  
32 (~~social and health services'~~) children, youth, and families'  
33 custody, the officer shall provide written documentation of the  
34 reasons and the statutory basis for taking the child into custody. If  
35 the department of (~~social and health services~~) children, youth, and  
36 families declines to accept custody of the child, the officer may  
37 release the child after attempting to take the child to the  
38 following, in the order listed: The home of an adult extended family  
39 member; a responsible adult; or a licensed youth shelter. The officer  
40 shall immediately notify the department of (~~social and health~~

1 ~~services))~~ children, youth, and families if no placement option is  
2 available and the child is released.

3 (2) An officer taking a child into custody under RCW  
4 43.185C.260(1)(c) (~~or (d)~~) shall inform the child of the reason for  
5 custody. An officer taking a child into custody under RCW  
6 43.185C.260(1)(c) may release the child to the supervising agency,  
7 may return the child to the placement authorized by the supervising  
8 agency, or shall take the child to a designated crisis residential  
9 (~~center's secure facility. If the secure facility is not available,~~  
10 ~~not located within a reasonable distance, or full,~~ the officer shall  
11 ~~take the child to a semi-secure crisis residential center. An officer~~  
12 ~~taking a child into custody under RCW 43.185C.260(1)(d) may place the~~  
13 ~~child in a juvenile detention facility as provided in RCW 43.185C.270~~  
14 ~~or a secure facility, except that the child shall be taken to~~  
15 ~~detention whenever the officer has been notified that a juvenile~~  
16 ~~court has entered a detention order under this chapter or chapter~~  
17 ~~13.34 RCW))~~ center.

18 (3) Every officer taking a child into custody shall provide the  
19 child and his or her parent or parents or responsible adult with a  
20 copy of the statement specified in RCW 43.185C.290(6).

21 (4) Whenever an officer transfers custody of a child to a crisis  
22 residential center or the department of (~~social and health~~  
23 ~~services))~~ children, youth, and families, the child may reside in the  
24 crisis residential center or may be placed by the department of  
25 (~~social and health services))~~ children, youth, and families in an  
26 out-of-home placement for an aggregate total period of time not to  
27 exceed seventy-two hours excluding Saturdays, Sundays, and holidays.  
28 Thereafter, the child may continue in out-of-home placement only if  
29 the parents have consented, a child in need of services petition has  
30 been filed, or an order for placement has been entered under chapter  
31 13.34 RCW.

32 (5) The department of (~~social and health services))~~ children,  
33 youth, and families shall ensure that all law enforcement authorities  
34 are informed on a regular basis as to the location of all designated  
35 secure and semi-secure facilities within centers in their  
36 jurisdiction, where children taken into custody under RCW 43.185C.260  
37 may be taken.

38 **Sec. 11.** RCW 2.56.032 and 2016 c 205 s 19 are each amended to  
39 read as follows:

1 (1) (a) To accurately track the extent to which courts order youth  
2 into a secure detention facility in Washington state for the  
3 violation of a court order related to a truancy, at-risk youth, or a  
4 child in need of services petition, all juvenile courts shall  
5 transmit youth-level secure detention data to the administrative  
6 office of the courts.

7 (b) Data may either be entered into the statewide management  
8 information system for juvenile courts or securely transmitted to the  
9 administrative office of the courts at least monthly. Juvenile courts  
10 shall provide, at a minimum, the name and date of birth for the  
11 youth, the court case number assigned to the petition, the reasons  
12 for admission to the juvenile detention facility, the date of  
13 admission, the date of exit, and the time the youth spent in secure  
14 confinement.

15 (c) Courts are also encouraged to report individual-level data  
16 reflecting whether a detention alternative, such as electronic  
17 monitoring, was used, and the time spent in detention alternatives.

18 (d) The administrative office of the courts and the juvenile  
19 court administrators must work to develop uniform data standards for  
20 detention.

21 (2) The administrative office of the courts shall deliver an  
22 annual statewide report to the legislature that details the number of  
23 Washington youth who are placed into detention facilities during the  
24 preceding calendar year. The first report shall be delivered by March  
25 1, 2017, and shall detail the most serious reason for detention and  
26 youth gender, race, and ethnicity. The report must have a specific  
27 emphasis on youth who are detained for reasons relating to a truancy,  
28 at-risk youth, or a child in need of services petition. The  
29 administrative office of the courts shall ensure that the annual  
30 statewide report delivered to the legislature in 2021 provides  
31 sufficient information to measure the impacts of RCW 13.32A.250(3)(b)  
32 on reducing the use of juvenile detention as a remedy for contempt of  
33 a valid court order for youth referenced in this subsection.

34 NEW SECTION. Sec. 12. The following acts or parts of acts are  
35 each repealed:

36 (1) RCW 43.185C.270 (Youth services—Officer taking child into  
37 custody—Placing in detention—Detention review hearing—Hearing on  
38 contempt) and 2015 c 69 s 15; and

39 (2) 1998 c 296 s 35 (uncodified)."

**ADOPTED 03/12/2019**

1        On page 1, line 2 of the title, after "behavior;" strike the  
2 remainder of the title and insert "amending RCW 7.21.030, 13.32A.250,  
3 13.32A.040, 13.32A.150, 13.34.165, 28A.225.090, 43.185C.260,  
4 43.185C.265, and 2.56.032; adding a new section to chapter 7.21 RCW;  
5 creating a new section; repealing RCW 43.185C.270; and repealing 1998  
6 c 296 s 35 (uncodified)."

EFFECT: (1) Removes Legislative findings regarding use of the valid court order (VCO) exceptions compared to other states.

(2) Clarifies that it is the policy of the state to reduce juvenile detention as a remedy for contempt of a VCO.

(3) Adds language allowing the Courts to impose remedial sanctions and confinement up to 72 hours if it:

(a) Considered, on the record, the mitigating and aggravating factors used to determine the appropriateness of detention for enforcement of its order;

(b) Affirmed that it considered all less restrictive options, that detention is the only appropriate alternative, including its rationale and the clear, cogent, and convincing evidence used to enforce the order;

(c) Afforded the same due process considerations that it affords all youth in criminal contempt proceedings; and

(d) Sought input from all relevant parties, including the youth.

(4) Limits the Court's imposition of confinement to no more than four 72 hour periods in a 30 day time frame.

(5) Requires the Courts to ensure that the annual statewide report delivered to the Legislature in 2021 provides sufficient information to measure the impacts of these changes on reducing the use of VCO exceptions.

**--- END ---**