

2SSB 5290 - S AMD 252
By Senator Salomon

OUT OF ORDER 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
9 Washington has been using the valid court order exception of the
10 juvenile justice and delinquency prevention act, a loophole in
11 federal law allowing judges to detain status offenders for disobeying
12 court orders, more than any other state in the country. The
13 legislature finds that use of the valid court order exception to
14 detain youth for acts like truancy, breaking curfew, or running away
15 from home is counterproductive and may worsen outcomes for at-risk
16 youth.

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

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

30 (1) It is the policy of the state of Washington to eliminate the
31 use of juvenile detention as a remedy for contempt of a valid court

1 order for youth under chapters 13.34 and 28A.225 RCW and child in
2 need of services petition youth under chapter 13.32A RCW. As of July
3 1, 2019, such youth may not be committed to juvenile detention as a
4 contempt sanction under chapter 13.32A, 13.34, or 28A.225 RCW, and a
5 warrant may not be issued for such youth for failure to appear at a
6 court hearing that requires commitment of such youth to juvenile
7 detention.

8 (2)(a) It is also the policy of the state of Washington to
9 entirely phase out the use of juvenile detention as a remedy for
10 contempt of a valid court order for at-risk youth under chapter
11 13.32A RCW by July 1, 2022. After this date, at-risk youth may not be
12 committed to juvenile detention as a contempt sanction under chapter
13 13.32A RCW, and a warrant may not be issued for failure to appear at
14 a court hearing that requires commitment of the at-risk youth to
15 juvenile detention.

16 (b) Until July 1, 2022, any at-risk youth committed to juvenile
17 detention as a sanction for contempt under chapter 13.32A RCW, or for
18 failure to appear at a court hearing under chapter 13.32A RCW, must
19 be detained in such a manner so that no direct communication or
20 physical contact may be made between the youth and any youth who is
21 detained to juvenile detention pursuant to a violation of criminal
22 law, unless these separation requirements would result in a youth
23 being detained in solitary confinement.

24 (c) After July 1, 2022, at-risk youth may be committed to a
25 secure residential program with intensive wraparound services,
26 subject to the requirements under RCW 13.32A.250, as a remedial
27 sanction for contempt under chapter 13.32A RCW or for failure to
28 appear at a court hearing under chapter 13.32A RCW.

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

31 (1) The court may initiate a proceeding to impose a remedial
32 sanction on its own motion or on the motion of a person aggrieved by
33 a contempt of court in the proceeding to which the contempt is
34 related. Except as provided in RCW 7.21.050, the court, after notice
35 and hearing, may impose a remedial sanction authorized by this
36 chapter.

37 (2) If the court finds that the person has failed or refused to
38 perform an act that is yet within the person's power to perform, the

1 court may find the person in contempt of court and impose one or more
2 of the following remedial sanctions:

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

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

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

10 (d) Any other remedial sanction other than the sanctions
11 specified in (a) through (c) of this subsection if the court
12 expressly finds that those sanctions would be ineffectual to
13 terminate a continuing contempt of court.

14 (e)(i) In at-risk youth petition cases only under chapter(~~(s)~~)
15 13.32A(~~(, 13.34, and 28A.225)~~) RCW and subject to the requirements
16 under RCW 13.32A.250, commitment to juvenile detention for a period
17 of time not to exceed (~~(seven days)~~) seventy-two hours, excluding
18 Saturdays, Sundays, and holidays. The seventy-two hour period shall
19 commence upon the next nonholiday weekday following the court order
20 and shall run to the end of the last nonholiday weekday within the
21 seventy-two hour period. This sanction may be imposed in addition to,
22 or as an alternative to, any other remedial sanction authorized by
23 this chapter. This remedy is specifically determined to be a remedial
24 sanction.

25 (ii) Until July 1, 2022, prior to committing any at-risk youth to
26 juvenile detention as a sanction for contempt under chapter 13.32A
27 RCW, or for failure to appear at a court hearing under chapter 13.32A
28 RCW, the court must:

29 (A) Consider, on-the-record, the mitigating and aggravating
30 factors used to determine the appropriateness of detention for
31 enforcement of its order;

32 (B) Enter written findings affirming that it considered all less
33 restrictive options, that detention is the only appropriate
34 alternative, including its rationale and the clear, cogent, and
35 convincing evidence used to enforce the order;

36 (C) Afford the same due process considerations that it affords
37 all youth in criminal contempt proceedings; and

38 (D) Seek input from all relevant parties, including the youth;

39 (iii) Until July 1, 2022, detention periods for at-risk youth
40 sanctioned to juvenile detention for contempt under chapter 13.32A

1 RCW, or for failure to appear at a court hearing under chapter 13.32A
2 RCW, shall be:

3 (A) No more than seventy-two hours, regardless of the number of
4 violations being considered at the hearing; and

5 (B) Limited to no more than two sanctions, up to seventy-two
6 hours each, in any thirty-day period.

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

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

17 **Sec. 4.** RCW 7.21.030 and 2019 c ... s 3 (section 3 of this act)
18 are each amended to read as follows:

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

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

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

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

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

36 (d) Any other remedial sanction other than the sanctions
37 specified in (a) through (c) of this subsection if the court
38 expressly finds that those sanctions would be ineffectual to
39 terminate a continuing contempt of court.

1 (e) (i) In at-risk youth petition cases only under chapter 13.32A
2 RCW, and subject to the requirements under RCW 13.32A.250, commitment
3 to ~~((juvenile detention for a period of time not to exceed seventy-~~
4 ~~two hours, excluding Saturdays, Sundays, and holidays. The seventy-~~
5 ~~two hour period shall commence upon the next nonholiday weekday~~
6 ~~following the court order and shall run to the end of the last~~
7 ~~nonholiday weekday within the seventy-two hour period. This sanction~~
8 ~~may be imposed in addition to, or as an alternative to, any other~~
9 ~~remedial sanction authorized by this chapter. This remedy is~~
10 ~~specifically determined to be a remedial sanction)) a secure
11 residential program with intensive wraparound services.~~

12 (ii) ~~((Until))~~ Beginning July 1, 2022, prior to committing any
13 at-risk youth to ~~((juvenile detention))~~ a secure residential program
14 with intensive wraparound services as a sanction for contempt under
15 chapter 13.32A RCW, or for failure to appear at a court hearing under
16 chapter 13.32A RCW, the court must:

17 (A) Consider, on-the-record, the mitigating and aggravating
18 factors used to determine the appropriateness of detention for
19 enforcement of its order;

20 (B) Enter written findings affirming that it considered all less
21 restrictive options, that detention is the only appropriate
22 alternative, including its rationale and the clear, cogent, and
23 convincing evidence used to enforce the order;

24 (C) Afford the same due process considerations that it affords
25 all youth in criminal contempt proceedings; and

26 (D) Seek input from all relevant parties, including the youth(~~(~~

27 ~~(iii) Until July 1, 2022, detention periods for at-risk youth~~
28 ~~sanctioned to juvenile detention for contempt under chapter 13.32A~~
29 ~~RCW, or for failure to appear at a court hearing under chapter 13.32A~~
30 ~~RCW, shall be:~~

31 ~~(A) No more than seventy-two hours, regardless of the number of~~
32 ~~violations being considered at the hearing; and~~

33 ~~(B) Limited to no more than two sanctions, up to seventy-two~~
34 ~~hours each, in any thirty-day period)).~~

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

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

6 **Sec. 5.** RCW 13.32A.250 and 2000 c 162 s 14 are each amended to
7 read as follows:

8 (1) In all child in need of services proceedings and at-risk
9 youth proceedings, the court shall verbally notify the parents and
10 the child of the possibility of a finding of contempt for failure to
11 comply with the terms of a court order entered pursuant to this
12 chapter and the possible consequences thereof, including confinement
13 when applicable. Except as otherwise provided in this section, the
14 court shall treat the parents and the child equally for the purposes
15 of applying contempt of court processes and penalties under this
16 section.

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

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

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

24 (i) Community restitution;

25 (ii) Residential and nonresidential programs with intensive
26 wraparound services;

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

29 (iv) Other services and interventions that the court deems
30 appropriate.

31 (b)(i) The court may impose remedial sanctions including a fine
32 of up to one hundred dollars and confinement for up to ((seven days))
33 seventy-two hours, or both for contempt of court under this section
34 if (A) one of the less restrictive alternatives under (a) of this
35 subsection has been attempted and another violation of the order has
36 occurred, or (B) the court issues a formal finding that none of the
37 less restrictive alternatives is available. The seventy-two hour
38 period excludes Saturdays, Sundays, and holidays and shall commence
39 upon the next nonholiday weekday following the court order and shall

1 run to the end of the last nonholiday weekday within the seventy-two
2 hour period.

3 ~~((4))~~ (ii) A child placed in confinement for contempt under
4 this section shall be placed in confinement only in a secure juvenile
5 detention facility operated by or pursuant to a contract with a
6 county.

7 ~~((5))~~ (c) A child involved in a child in need of services
8 proceeding may not be placed in confinement under this section.

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

13 ~~((6))~~ (5) For at-risk youth proceedings only, whenever the
14 court finds probable cause to believe, based upon consideration of a
15 motion for contempt and the information set forth in a supporting
16 declaration, that a child has violated a placement order entered
17 under this chapter, the court must direct the court clerk to command
18 the presence of the child by the issuance of a summons or other
19 method approved by local court rule instead of a warrant, unless the
20 court finds probable cause to believe that the child would not appear
21 in response to the command or finds probable cause to believe that
22 the arrest is necessary to prevent serious bodily harm to the
23 juvenile or another, in which case the court may issue a warrant. A
24 warrant of arrest must be supported by an affidavit or sworn
25 testimony, which must be recorded electronically or by stenographer,
26 establishing the grounds for issuing the warrant. The warrant of
27 arrest for a child under this subsection may not be served on a child
28 inside of school during school hours in a location where other
29 students are present if the child named in the warrant is a pupil at
30 the school. The court must communicate the summons to the child
31 through mail, telephone, text message, or other method of
32 communication needed in order to ensure the child has received the
33 information. If the child fails to appear via the summons or other
34 method, the court may issue an order directing law enforcement to
35 pick up and take the child to detention. ((The order may be entered
36 ex parte without prior notice to the child or other parties.
37 Following the child's admission to detention, a detention review
38 hearing must be held in accordance with RCW 13.32A.065.))

1 **Sec. 6.** RCW 13.32A.250 and 2019 c ... s 5 (section 5 of this
2 act) are each amended to read as follows:

3 (1) In all child in need of services proceedings and at-risk
4 youth proceedings, the court shall verbally notify the parents and
5 the child of the possibility of a finding of contempt for failure to
6 comply with the terms of a court order entered pursuant to this
7 chapter and the possible consequences thereof, including confinement
8 when applicable. Except as otherwise provided in this section, the
9 court shall treat the parents and the child equally for the purposes
10 of applying contempt of court processes and penalties under this
11 section.

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

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

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

19 (i) Community restitution;

20 (ii) Residential and nonresidential programs with intensive
21 wraparound services;

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

24 (iv) Other services and interventions that the court deems
25 appropriate.

26 (b) (i) The court may impose remedial sanctions including a fine
27 of up to one hundred dollars and confinement (~~for up to seventy-two~~
28 ~~hours~~) to a secure residential program with intensive wraparound
29 services, or both, for contempt of court under this section if (A)
30 one of the less restrictive alternatives under (a) of this subsection
31 has been attempted and another violation of the order has occurred,
32 or (B) the court issues a formal finding that none of the less
33 restrictive alternatives is available. (~~The seventy-two hour period~~
34 ~~excludes Saturdays, Sundays, and holidays and shall commence upon the~~
35 ~~next nonholiday weekday following the court order and shall run to~~
36 ~~the end of the last nonholiday weekday within the seventy-two hour~~
37 ~~period.~~)

38 (ii) A child placed in confinement for contempt under this
39 section (~~shall~~) may be placed in (~~confinement only in a secure~~
40 ~~juvenile detention facility operated by or pursuant to a contract~~

1 ~~with a county))~~ a secure crisis residential center as defined in RCW
2 13.32A.030, or any program approved by the department offering secure
3 confinement and intensive wraparound services appropriate to the
4 needs of the child. The child may not be placed in a detention
5 facility as defined in RCW 13.40.020. Secure residential programs
6 with intensive wraparound services as used in this section may be
7 defined as secure juvenile correctional facilities for the purposes
8 of federal law only.

9 (c) A child involved in a child in need of services proceeding
10 may not be placed in confinement under this section.

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

15 (5) For at-risk youth proceedings only, whenever the court finds
16 probable cause to believe, based upon consideration of a motion for
17 contempt and the information set forth in a supporting declaration,
18 that a child has violated a placement order entered under this
19 chapter, the court must direct the court clerk to command the
20 presence of the child by the issuance of a summons or other method
21 approved by local court rule instead of a warrant, unless the court
22 finds probable cause to believe that the child would not appear in
23 response to the command or finds probable cause to believe that the
24 arrest is necessary to prevent serious bodily harm to the juvenile or
25 another, in which case the court may issue a warrant. A warrant of
26 arrest must be supported by an affidavit or sworn testimony, which
27 must be recorded electronically or by stenographer, establishing the
28 grounds for issuing the warrant. The warrant of arrest for a child
29 under this subsection may not be served on a child inside of school
30 during school hours in a location where other students are present if
31 the child named in the warrant is a pupil at the school. The court
32 must communicate the summons to the child through mail, telephone,
33 text message, or other method of communication needed in order to
34 ensure the child has received the information. If the child fails to
35 appear via the summons or other method, the court may issue an order
36 directing law enforcement to pick up and take the child to detention.

37 **Sec. 7.** RCW 13.32A.150 and 2000 c 123 s 17 are each amended to
38 read as follows:

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

14 (2) A child or a child's parent may file with the juvenile court
15 a child in need of services petition to approve an out-of-home
16 placement for the child before completion of a family assessment. The
17 department shall, when requested, assist either a parent or child in
18 the filing of the petition. The petition must be filed in the county
19 where the parent resides. The petition shall allege that the child is
20 a child in need of services and shall ask only that the placement of
21 a child outside the home of his or her parent be approved. The filing
22 of a petition to approve the placement is not dependent upon the
23 court's having obtained any prior jurisdiction over the child or his
24 or her parent, and confers upon the court a special jurisdiction to
25 approve or disapprove an out-of-home placement under this chapter.

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

28 **Sec. 8.** RCW 13.34.165 and 2000 c 122 s 21 are each amended to
29 read as follows:

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

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

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

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

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

15 (b) If the department is notified of the child's whereabouts and
16 authorizes the child's location, the court must withdraw the order
17 directing law enforcement to pick up and return the child to
18 department custody.

19 **Sec. 9.** RCW 28A.225.090 and 2017 c 291 s 5 are each amended to
20 read as follows:

21 (1) A court may order a child subject to a petition under RCW
22 28A.225.035 to do one or more of the following:

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

26 (b) If there is space available and the program can provide
27 educational services appropriate for the child, order the child to
28 attend another public school, an alternative education program,
29 center, a skill center, dropout prevention program, or another public
30 educational program;

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

34 (i) Consider the public and private programs available; (ii) find
35 that placement is in the best interest of the child; and (iii) find
36 that the private school or program is willing to accept the child and
37 will not charge any fees in addition to those established by contract
38 with the student's school district. If the court orders the child to
39 enroll in a private school or program, the child's school district

1 shall contract with the school or program to provide educational
2 services for the child. The school district shall not be required to
3 contract for a weekly rate that exceeds the state general
4 apportionment dollars calculated on a weekly basis generated by the
5 child and received by the district. A school district shall not be
6 required to enter into a contract that is longer than the remainder
7 of the school year. A school district shall not be required to enter
8 into or continue a contract if the child is no longer enrolled in the
9 district;

10 (d) Submit to a substance abuse assessment if the court finds on
11 the record that such assessment is appropriate to the circumstances
12 and behavior of the child and will facilitate the child's compliance
13 with the mandatory attendance law and, if any assessment, including a
14 urinalysis test ordered under this subsection indicates the use of
15 controlled substances or alcohol, order the minor to abstain from the
16 unlawful consumption of controlled substances or alcohol and adhere
17 to the recommendations of the substance abuse assessment at no
18 expense to the school; or

19 (e) Submit to a mental health evaluation or other diagnostic
20 evaluation and adhere to the recommendations of the drug assessment,
21 at no expense to the school, if the court finds on the court records
22 that such evaluation is appropriate to the circumstances and behavior
23 of the child, and will facilitate the child's compliance with the
24 mandatory attendance law.

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

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

28 ~~((ii))~~ (b) Nonresidential programs with intensive wraparound
29 services;

30 ~~((iii))~~ (c) A requirement that the child meet with a mentor for
31 a specified number of times; or

32 ~~((iv))~~ (d) Other services and interventions that the court
33 deems appropriate.

34 ~~((b) If the child continues to fail to comply with the court
35 order and the court makes a finding that other measures to secure
36 compliance have been tried but have been unsuccessful and no less
37 restrictive alternative is available, the court may order the child
38 to be subject to detention, as provided in RCW 7.21.030(2)(e).
39 Failure by a child to comply with an order issued under this
40 subsection shall not be subject to detention for a period greater~~

1 ~~than that permitted pursuant to a civil contempt proceeding against a~~
2 ~~child under chapter 13.32A RCW. Detention ordered under this~~
3 ~~subsection may be for no longer than seven days. Detention ordered~~
4 ~~under this subsection shall preferably be served at a secure crisis~~
5 ~~residential center close to the child's home rather than in a~~
6 ~~juvenile detention facility. A warrant of arrest for a child under~~
7 ~~this subsection may not be served on a child inside of school during~~
8 ~~school hours in a location where other students are present.))~~

9 (3) Any parent violating any of the provisions of either RCW
10 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than
11 twenty-five dollars for each day of unexcused absence from school.
12 The court shall remit fifty percent of the fine collected under this
13 section to the child's school district. It shall be a defense for a
14 parent charged with violating RCW 28A.225.010 to show that he or she
15 exercised reasonable diligence in attempting to cause a child in his
16 or her custody to attend school or that the child's school did not
17 perform its duties as required in RCW 28A.225.020. The court may
18 order the parent to provide community restitution instead of imposing
19 a fine. Any fine imposed pursuant to this section may be suspended
20 upon the condition that a parent charged with violating RCW
21 28A.225.010 shall participate with the school and the child in a
22 supervised plan for the child's attendance at school or upon
23 condition that the parent attend a conference or conferences
24 scheduled by a school for the purpose of analyzing the causes of a
25 child's absence.

26 (4) If a child continues to be truant after entering into a
27 court-approved order with the truancy board under RCW 28A.225.035,
28 the juvenile court shall find the child in contempt, and the court
29 may (~~order the child to be subject to detention, as provided in RCW~~
30 ~~7.21.030(2)(e), or may~~) impose alternatives to detention (~~such as~~
31 ~~meaningful community restitution. Failure by a child to comply with~~
32 ~~an order issued under this subsection may not subject a child to~~
33 ~~detention for a period greater than that permitted under a civil~~
34 ~~contempt proceeding against a child under chapter 13.32A RCW))
35 consistent with best practice models for reengagement with school.~~

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

1 **Sec. 10.** RCW 43.185C.260 and 2018 c 58 s 61 are each amended to
2 read as follows:

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

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

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

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

14 ~~(d) If a law enforcement agency has been notified by the juvenile~~
15 ~~court that the court finds probable cause exists to believe that the~~
16 ~~child has violated a court placement order issued under this chapter~~
17 ~~or chapter 13.34 RCW or that the court has issued an order for law~~
18 ~~enforcement pick-up of the child under this chapter or chapter 13.34~~
19 ~~RCW)).~~

20 (2) Law enforcement custody shall not extend beyond the amount of
21 time reasonably necessary to transport the child to a destination
22 authorized by law and to place the child at that destination. Law
23 enforcement custody continues until the law enforcement officer
24 transfers custody to a person, agency, or other authorized entity
25 under this chapter, or releases the child because no placement is
26 available. Transfer of custody is not complete unless the person,
27 agency, or entity to whom the child is released agrees to accept
28 custody.

29 (3) If a law enforcement officer takes a child into custody
30 pursuant to either subsection (1)(a) or (b) of this section and
31 transports the child to a crisis residential center, the officer
32 shall, within twenty-four hours of delivering the child to the
33 center, provide to the center a written report detailing the reasons
34 the officer took the child into custody. The center shall provide the
35 department of children, youth, and families with a copy of the
36 officer's report if the youth is in the care of or receiving services
37 from the department of children, youth, and families.

38 (4) If the law enforcement officer who initially takes the
39 juvenile into custody or the staff of the crisis residential center
40 have reasonable cause to believe that the child is absent from home

1 because he or she is abused or neglected, a report shall be made
2 immediately to the department of children, youth, and families.

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

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

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

13 **Sec. 11.** RCW 43.185C.265 and 2015 c 69 s 14 are each amended to
14 read as follows:

15 (1) An officer taking a child into custody under RCW
16 43.185C.260(1) (a) or (b) shall inform the child of the reason for
17 such custody and shall:

18 (a) Transport the child to his or her home or to a parent at his
19 or her place of employment, if no parent is at home. The parent may
20 request that the officer take the child to the home of an adult
21 extended family member, responsible adult, crisis residential center,
22 the department of (~~social and health services~~) children, youth, and
23 families, or a licensed youth shelter. In responding to the request
24 of the parent, the officer shall take the child to a requested place
25 which, in the officer's belief, is within a reasonable distance of
26 the parent's home. The officer releasing a child into the custody of
27 a parent, an adult extended family member, responsible adult, or a
28 licensed youth shelter shall inform the person receiving the child of
29 the reason for taking the child into custody and inform all parties
30 of the nature and location of appropriate services available in the
31 community; or

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

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

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

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

5 (c) After attempting to notify the parent, if a crisis
6 residential center is full, not available, or not located within a
7 reasonable distance, request the department of (~~social and health~~
8 ~~services~~) children, youth, and families to accept custody of the
9 child. If the department of (~~social and health services~~) children,
10 youth, and families determines that an appropriate placement is
11 currently available, the department of (~~social and health services~~)
12 children, youth, and families shall accept custody and place the
13 child in an out-of-home placement. Upon accepting custody of a child
14 from the officer, the department of (~~social and health services~~)
15 children, youth, and families may place the child in an out-of-home
16 placement for up to seventy-two hours, excluding Saturdays, Sundays,
17 and holidays, without filing a child in need of services petition,
18 obtaining parental consent, or obtaining an order for placement under
19 chapter 13.34 RCW. Upon transferring a child to the department of
20 (~~social and health services'~~) children, youth, and families'
21 custody, the officer shall provide written documentation of the
22 reasons and the statutory basis for taking the child into custody. If
23 the department of (~~social and health services~~) children, youth, and
24 families declines to accept custody of the child, the officer may
25 release the child after attempting to take the child to the
26 following, in the order listed: The home of an adult extended family
27 member; a responsible adult; or a licensed youth shelter. The officer
28 shall immediately notify the department of (~~social and health~~
29 ~~services~~) children, youth, and families if no placement option is
30 available and the child is released.

31 (2) An officer taking a child into custody under RCW
32 43.185C.260(1)(c) (~~or (d)~~) shall inform the child of the reason for
33 custody. An officer taking a child into custody under RCW
34 43.185C.260(1)(c) may release the child to the supervising agency,
35 may return the child to the placement authorized by the supervising
36 agency, or shall take the child to a designated crisis residential
37 (~~center's secure facility. If the secure facility is not available,~~
38 ~~not located within a reasonable distance, or full, the officer shall~~
39 ~~take the child to a semi-secure crisis residential center. An officer~~
40 ~~taking a child into custody under RCW 43.185C.260(1)(d) may place the~~

1 ~~child in a juvenile detention facility as provided in RCW 43.185C.270~~
2 ~~or a secure facility, except that the child shall be taken to~~
3 ~~detention whenever the officer has been notified that a juvenile~~
4 ~~court has entered a detention order under this chapter or chapter~~
5 ~~13.34 RCW)) center.~~

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

9 (4) Whenever an officer transfers custody of a child to a crisis
10 residential center or the department of ~~((social and health~~
11 ~~services)) children, youth, and families, the child may reside in the~~
12 crisis residential center or may be placed by the department of
13 ~~((social and health services)) children, youth, and families in an~~
14 out-of-home placement for an aggregate total period of time not to
15 exceed seventy-two hours excluding Saturdays, Sundays, and holidays.
16 Thereafter, the child may continue in out-of-home placement only if
17 the parents have consented, a child in need of services petition has
18 been filed, or an order for placement has been entered under chapter
19 13.34 RCW.

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

26 **Sec. 12.** RCW 2.56.032 and 2016 c 205 s 19 are each amended to
27 read as follows:

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

34 (b) Data may either be entered into the statewide management
35 information system for juvenile courts or securely transmitted to the
36 administrative office of the courts at least monthly. Juvenile courts
37 shall provide, at a minimum, the name and date of birth for the
38 youth, the court case number assigned to the petition, the reasons
39 for admission to the juvenile detention facility, the date of

1 admission, the date of exit, and the time the youth spent in secure
2 confinement.

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

6 (d) The administrative office of the courts and the juvenile
7 court administrators must work to develop uniform data standards for
8 detention.

9 (2) The administrative office of the courts shall deliver an
10 annual statewide report to the legislature that details the number of
11 Washington youth who are placed into detention facilities during the
12 preceding calendar year. The first report shall be delivered by March
13 1, 2017, and shall detail the most serious reason for detention and
14 youth gender, race, and ethnicity. The report must have a specific
15 emphasis on youth who are detained for reasons relating to a truancy,
16 at-risk youth, or a child in need of services petition. The report
17 must:

18 (a) Consider the written findings described in RCW
19 7.21.030(2)(e)(ii)(B), and provide an analysis of the rationale and
20 evidence used and the less restrictive options considered;

21 (b) Monitor the utilization of alternatives to detention;

22 (c) Track trends in the use of at-risk youth petitions;

23 (d) Beginning July 1, 2022, track trends in the use of secure
24 residential programs with intensive wraparound services; and

25 (e) Track the race and gender of youth with at-risk petitions.

26 NEW SECTION. Sec. 13. The following acts or parts of acts are
27 each repealed:

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

31 (2) 1998 c 296 s 35 (uncodified).

32 NEW SECTION. Sec. 14. Except for sections 4 and 6 of this act,
33 this act is necessary for the immediate preservation of the public
34 peace, health, or safety, or support of the state government and its
35 existing public institutions, and takes effect July 1, 2019.

36 NEW SECTION. Sec. 15. Sections 4 and 6 of this act take effect
37 July 1, 2022."

OUT OF ORDER 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, 7.21.030,
3 13.32A.250, 13.32A.250, 13.32A.150, 13.34.165, 28A.225.090,
4 43.185C.260, 43.185C.265, and 2.56.032; adding a new section to
5 chapter 7.21 RCW; creating a new section; repealing RCW 43.185C.270;
6 repealing 1998 c 296 s 35 (uncodified); providing effective dates;
7 and declaring an emergency."

EFFECT: (1) Adds language that eliminates the use of criminal detention of at-risk youth for contempt of a valid court order by July 1, 2022.

(2) Adds language beginning July 1, 2022, that a court may commit to a secure residential program with intensive wraparound services for this purpose.

(3) Updates language that until July 1, 2022, detention periods for at-risk youth sanctioned to juvenile detention for contempt or for failure to appear at a court hearing shall be limited to no more than two sanctions, up to seventy-two hours each, in any thirty-day period.

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