

2 **ESHB 2466** - S COMM AMD

3 By Committee on Law & Justice

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "PART I - JUVENILE JUSTICE"

8 "**Sec. 101.** RCW 13.40.010 and 1977 ex.s. c 291 s 55 are each
9 amended to read as follows:

10 (1) This chapter shall be known and cited as the Juvenile Justice
11 Act of 1977.

12 (2) It is the intent of the legislature that a system capable of
13 having primary responsibility for, being accountable for, and
14 responding to the needs of youthful offenders, as defined by this
15 chapter, be established. It is the further intent of the legislature
16 that youth, in turn, be held accountable for their offenses and that
17 both communities and the juvenile courts carry out their functions
18 consistent with this intent. To effectuate these policies, ~~((it shall
19 be the purpose))~~ the legislature declares the following to be equally
20 important purposes of this chapter ~~((to))~~:

21 (a) Protect the citizenry from criminal behavior;

22 (b) Provide for determining whether accused juveniles have
23 committed offenses as defined by this chapter;

24 (c) Make the juvenile offender accountable for his or her criminal
25 behavior;

26 (d) Provide for punishment commensurate with the age, crime, and
27 criminal history of the juvenile offender;

1 (e) Provide due process for juveniles alleged to have committed an
2 offense;

3 (f) Provide necessary treatment, supervision, and custody for
4 juvenile offenders;

5 (g) Provide for the handling of juvenile offenders by communities
6 whenever consistent with public safety;

7 (h) Provide for restitution to victims of crime;

8 (i) Develop effective standards and goals for the operation,
9 funding, and evaluation of all components of the juvenile justice
10 system and related services at the state and local levels; and

11 (j) Provide for a clear policy to determine what types of offenders
12 shall receive punishment, treatment, or both, and to determine the
13 jurisdictional limitations of the courts, institutions, and community
14 services."

15 **"Sec. 102.** RCW 13.40.020 and 1990 1st ex.s. c 12 s 1 are each
16 amended to read as follows:

17 For the purposes of this chapter:

18 (1) "Serious offender" means a person fifteen years of age or older
19 who has committed an offense which if committed by an adult would be:

20 (a) A class A felony, or an attempt to commit a class A felony;

21 (b) Manslaughter in the first degree; or

22 (c) Assault in the second degree, extortion in the first degree,
23 child molestation in the second degree, kidnapping in the second
24 degree, robbery in the second degree, residential burglary, or burglary
25 in the second degree, where such offenses include the infliction of
26 bodily harm upon another or where during the commission of or immediate
27 withdrawal from such an offense the perpetrator is armed with a deadly
28 weapon or firearm as defined in RCW 9A.04.110;

1 (2) "Community service" means compulsory service, without
2 compensation, performed for the benefit of the community by the
3 offender as punishment for committing an offense. Community service
4 may be performed through public or private organizations or through
5 work crews;

6 (3) "Community supervision" means an order of disposition by the
7 court of an adjudicated youth not committed to the department. A
8 community supervision order for a single offense may be for a period of
9 up to two years for a sex offense as defined by RCW 9.94A.030 and up to
10 one year for other offenses ~~((and))~~. Community supervision is an
11 individualized program comprised of one or more of the following:

12 (a) Community-based sanctions;

13 (b) Community-based rehabilitation;

14 (c) Monitoring and reporting requirements;

15 (4) Community-based sanctions may include one or more of the
16 following:

17 (a) A fine, not to exceed one hundred dollars;

18 (b) Community service not to exceed one hundred fifty hours of
19 service;

20 ~~((e))~~ (5) "Community-based rehabilitation" means one or more of
21 the following: Attendance of information classes;

22 ~~((d) Counseling; or~~

23 ~~(e) Such other services to the extent funds are available for such~~
24 services,)) counseling, outpatient substance abuse treatment programs,
25 outpatient mental health programs, anger management classes, or other
26 services; attendance at school or other educational programs
27 appropriate for the juvenile as determined by the school district; or
28 placement in foster care that is not used as a pretrial,
29 postadjudication, or postdisposition detention facility. Placement in
30 community-based rehabilitation programs is subject to available funds;

1 (6) "Monitoring and reporting requirements" means one or more of
2 the following: Curfews; requirements to remain at home, school, work,
3 or court-ordered treatment programs during specified hours;
4 restrictions from leaving or entering specified geographical areas;
5 requirements to report to the probation officer as directed and to
6 remain under the probation officer's supervision; and other
7 conditions((7)) or limitations as the court may require which may not
8 include confinement;

9 ~~((4))~~ (7) "Confinement" means ((physical custody by the
10 department of social and health services in a facility operated by or
11 pursuant to a contract with the state, or physical custody in a
12 facility operated by or pursuant to a contract with any county))
13 incarceration in a detention facility following: Arrest pending a
14 detention hearing under RCW 13.40.050; entry of an order of detention
15 entered pursuant to RCW 13.40.050; commitment to a county detention
16 facility, the department, or an inpatient drug and alcohol treatment
17 facility following imposition of option D of RCW 13.40.0357;
18 modification of a disposition for violation of the disposition; or
19 modification of parole for violation of parole. The county may operate
20 or contract with vendors to operate county detention facilities. The
21 department may operate or contract to operate detention facilities for
22 juveniles committed to the department. Confinement of less than
23 thirty-one days imposed as part of a disposition or modification order
24 may be served consecutively or intermittently, in the discretion of the
25 court;

26 ~~((5))~~ (8) "Court", when used without further qualification, means
27 the juvenile court judge(s) or commissioner(s);

28 ~~((6))~~ (9) "Criminal history" includes all criminal complaints
29 against the respondent for which, prior to the commission of a current
30 offense:

1 (a) The allegations were found correct by a court. If a respondent
2 is convicted of two or more charges arising out of the same course of
3 conduct, only the highest charge from among these shall count as an
4 offense for the purposes of this chapter; or

5 (b) The criminal complaint was diverted by a prosecutor pursuant to
6 the provisions of this chapter on agreement of the respondent and after
7 an advisement to the respondent that the criminal complaint would be
8 considered as part of the respondent's criminal history;

9 ~~((7))~~ (10) "Department" means the department of social and health
10 services;

11 ~~((8))~~ (11) "Detention facility" means a facility for the physical
12 confinement of a juvenile alleged to have committed an offense or an
13 adjudicated offender subject to a disposition or modification order.
14 Detention facilities may be secure, semisecure, or nonsecure, and may
15 include group homes, foster homes, and home detention with electronic
16 or staff monitoring. Detention foster homes and group homes may not be
17 used for placement of juveniles who are ordered into rehabilitation
18 placements pursuant to a community supervision disposition. "Secure
19 detention" means lockup or staff-secure facilities. "Nonsecure
20 detention" means residential placement in the community in a physically
21 nonrestrictive environment under the supervision of the department of
22 youth services or department of social and health services. "Home
23 detention" means placement of the juvenile in the custody of the
24 juvenile's parent, guardian, or custodian in a physically
25 nonrestrictive environment under the supervision of the department of
26 youth services or the department of social and health services with
27 electronic monitoring or department staff monitoring;

28 (12) "Diversion unit" means any probation counselor who enters into
29 a diversion agreement with an alleged youthful offender, or any other
30 person or entity except a law enforcement official or entity, with whom

1 the juvenile court administrator has contracted to arrange and
2 supervise such agreements pursuant to RCW (~~(13.04.040, as now or~~
3 ~~hereafter amended,)~~) 13.40.080, or any person or entity specially
4 funded by the legislature to arrange and supervise diversion agreements
5 in accordance with the requirements of this chapter;

6 ((~~9~~)) (13) "Institution" means a juvenile facility established
7 pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

8 ((~~10~~)) (14) "Juvenile," "youth," and "child" mean any individual
9 who is under the chronological age of eighteen years and who has not
10 been previously transferred to adult court;

11 ((~~11~~)) (15) "Juvenile offender" means any juvenile who has been
12 found by the juvenile court to have committed an offense, including a
13 person eighteen years of age or older over whom jurisdiction has been
14 extended under RCW 13.40.300;

15 ((~~12~~)) (16) "Manifest injustice" means a disposition that would
16 either impose an excessive penalty on the juvenile or would impose a
17 serious, and clear danger to society in light of the purposes of this
18 chapter;

19 ((~~13~~)) (17) "Middle offender" means a person who has committed an
20 offense and who is neither a minor or first offender nor a serious
21 offender;

22 ((~~14~~)) (18) "Minor or first offender" means a person sixteen
23 years of age or younger whose current offense(s) and criminal history
24 fall entirely within one of the following categories:

25 (a) Four misdemeanors;

26 (b) Two misdemeanors and one gross misdemeanor;

27 (c) One misdemeanor and two gross misdemeanors;

28 (d) Three gross misdemeanors;

29 (e) One class C felony except manslaughter in the second degree and
30 one misdemeanor or gross misdemeanor;

1 (f) One class B felony except: Any felony which constitutes an
2 attempt to commit a class A felony; manslaughter in the first degree;
3 assault in the second degree; extortion in the first degree; indecent
4 liberties; kidnapping in the second degree; robbery in the second
5 degree; burglary in the second degree; residential burglary; vehicular
6 homicide; or arson in the second degree.

7 For purposes of this definition, current violations shall be
8 counted as misdemeanors;

9 (~~(15)~~) (19) "Offense" means an act designated a violation or a
10 crime if committed by an adult under the law of this state, under any
11 ordinance of any city or county of this state, under any federal law,
12 or under the law of another state if the act occurred in that state;

13 (~~(16)~~) (20) "Respondent" means a juvenile who is alleged or
14 proven to have committed an offense;

15 (~~(17)~~) (21) "Restitution" means financial reimbursement by the
16 offender to the victim, and shall be limited to easily ascertainable
17 damages for injury to or loss of property, actual expenses incurred for
18 medical treatment for physical injury to persons, lost wages resulting
19 from physical injury, and costs of the victim's counseling reasonably
20 related to the offense if the offense is a sex offense. Restitution
21 shall not include reimbursement for damages for mental anguish, pain
22 and suffering, or other intangible losses. Nothing in this chapter
23 shall limit or replace civil remedies or defenses available to the
24 victim or offender;

25 (~~(18)~~) (22) "Secretary" means the secretary of the department of
26 social and health services;

27 (~~(19)~~) (23) "Services" mean services which provide alternatives
28 to incarceration for those juveniles who have pleaded or been
29 adjudicated guilty of an offense or have signed a diversion agreement
30 pursuant to this chapter;

1 (~~(20)~~) (24) "Sex offense" means an offense defined as a sex
2 offense in RCW 9.94A.030;

3 (~~(21)~~) (25) "Sexual motivation" means that one of the purposes
4 for which the respondent committed the offense was for the purpose of
5 his or her sexual gratification;

6 (~~(22)~~) (26) "Foster care" means temporary physical care in a
7 foster family home or group care facility as defined in RCW 74.15.020
8 and licensed by the department, or other legally authorized care;

9 (~~(23)~~) (27) "Violation" means an act or omission, which if
10 committed by an adult, must be proven beyond a reasonable doubt, and is
11 punishable by sanctions which do not include incarceration."

12 **"Sec. 103.** RCW 13.40.027 and 1989 c 407 s 2 are each amended to
13 read as follows:

14 (1) It is the responsibility of the commission to: (a) (i)
15 Evaluate the effectiveness of existing disposition standards and
16 related statutes in implementing policies set forth in RCW 13.40.010
17 generally and (ii) specifically review the guidelines relating to the
18 confinement of minor and first offenders as well as the use of
19 diversion; (b) solicit the comments and suggestions of the juvenile
20 justice community concerning disposition standards; and (c) make
21 recommendations to the legislature regarding revisions or modifications
22 of the disposition standards in accordance with RCW 13.40.030. The
23 evaluations shall be submitted to the legislature by December 1, 1992,
24 and on December 1 of each even-numbered year thereafter.

25 (2) It is the responsibility of the department to: (a) Provide the
26 commission with available data concerning the implementation of the
27 disposition standards and related statutes and their effect on the
28 performance of the department's responsibilities relating to juvenile
29 offenders; (b) at the request of the commission, provide technical and

1 **Assault and Other Crimes**

2 **Involving Physical Harm**

3	A	Assault 1 (9A.36.011)	B+
4	B+	Assault 2 (9A.36.021)	C+
5	C+	Assault 3 (9A.36.031)	D+
6	D+	Assault 4 (9A.36.041)	E
7	D+	Reckless Endangerment	
8		(9A.36.050)	E
9	C+	Promoting Suicide Attempt	
10		(9A.36.060)	D+
11	D+	Coercion (9A.36.070)	E
12	C+	Custodial Assault (9A.36.100)	D+

13 **Burglary and Trespass**

14	B+	Burglary 1 (9A.52.020)	C+
15	B	Burglary 2 (9A.52.030)	C
16	D	Burglary Tools (Possession of)	
17		(9A.52.060)	E
18	D	Criminal Trespass 1 (9A.52.070)	E
19	E	Criminal Trespass 2 (9A.52.080)	E
20	D	Vehicle Prowling (9A.52.100)	E

21 **Drugs**

22	E	Possession/Consumption of Alcohol	
23		(66.44.270)	E
24	C	Illegally Obtaining Legend Drug	
25		(69.41.020)	D
26	C+	Sale, Delivery, Possession of Legend	
27		Drug with Intent to Sell	

1		(69.41.030)	D+
2	E	Possession of Legend Drug	
3		(69.41.030)	E
4	B+	Violation of Uniform Controlled	
5		Substances Act - Narcotic Sale	
6		(69.50.401(a)(1)(i))	B+
7	C	Violation of Uniform Controlled	
8		Substances Act - Nonnarcotic Sale	
9		(69.50.401(a)(1)(ii))	C
10	E	Possession of Marihuana <40 grams	
11		(69.50.401(e))	E
12	C	Fraudulently Obtaining Controlled	
13		Substance (69.50.403)	C
14	C+	Sale of Controlled Substance	
15		for Profit (69.50.410)	C+
16	E	((Glue Sniffing (9.47A.050))	E
17		<u>Unlawful Inhalation (9.47A.020)</u>	
18	B	Violation of Uniform Controlled	
19		Substances Act - Narcotic	
20		Counterfeit Substances	
21		(69.50.401(b)(1)(i))	B
22	C	Violation of Uniform Controlled	
23		Substances Act - Nonnarcotic	
24		Counterfeit Substances	
25		(69.50.401(b)(1) (ii), (iii), (iv))	C
26	C	Violation of Uniform Controlled	
27		Substances Act - Possession of a	
28		Controlled Substance	
29		(69.50.401(d))	C
30	C	Violation of Uniform Controlled	

1		Substances Act - Possession of a	
2		Controlled Substance	
3		(69.50.401(c))	C
4		Firearms and Weapons	
5	((C+	Committing Crime when Armed	
6		(9.41.025)	D+))
7	E	Carrying Loaded Pistol Without	
8		Permit (9.41.050)	E
9	E	Use of Firearms by Minor (<14)	
10		(9.41.240)	E
11	D+	Possession of Dangerous Weapon	
12		(9.41.250)	E
13	D	Intimidating Another Person by use	
14		of Weapon (9.41.270)	E
15		Homicide	
16	A+	Murder 1 (9A.32.030)	A
17	A+	Murder 2 (9A.32.050)	B+
18	B+	Manslaughter 1 (9A.32.060)	C+
19	C+	Manslaughter 2 (9A.32.070)	D+
20	B+	Vehicular Homicide (46.61.520)	C+
21		Kidnapping	
22	A	Kidnap 1 (9A.40.020)	B+
23	B+	Kidnap 2 (9A.40.030)	C+
24	C+	Unlawful Imprisonment	
25		(9A.40.040)	D+
26	((D	Custodial Interference	
27		(9A.40.050)	E))

1		Obstructing Governmental Operation	
2	E	Obstructing a Public Servant	
3		(9A.76.020)	E
4	E	Resisting Arrest (9A.76.040)	E
5	B	Introducing Contraband 1	
6		(9A.76.140)	C
7	C	Introducing Contraband 2	
8		(9A.76.150)	D
9	E	Introducing Contraband 3	
10		(9A.76.160)	E
11	B+	Intimidating a Public Servant	
12		(9A.76.180)	C+
13	B+	Intimidating a Witness	
14		(9A.72.110)	C+
15	((E	Criminal Contempt	
16		(9.23.010)	E))
17		Public Disturbance	
18	C+	Riot with Weapon (9A.84.010)	D+
19	D+	Riot Without Weapon	
20		(9A.84.010)	E
21	E	Failure to Disperse (9A.84.020)	E
22	E	Disorderly Conduct (9A.84.030)	E
23		Sex Crimes	
24	A	Rape 1 (9A.44.040)	B+
25	A-	Rape 2 (9A.44.050)	B+
26	C+	Rape 3 (9A.44.060)	D+
27	A-	Rape of a Child 1 (9A.44.073)	B+
28	B	Rape of a Child 2 (9A.44.076)	C+

1	B	Incest 1 (9A.64.020(1))	C
2	C	Incest 2 (9A.64.020(2))	D
3	D+	((Public Indecency)) <u>Indecent Exposure</u>	
4		(Victim <14) (9A.88.010)	E
5	E	((Public Indecency)) <u>Indecent Exposure</u>	
6		(Victim 14 or over) (9A.88.010)	E
7	B+	Promoting Prostitution 1	
8		(9A.88.070)	C+
9	C+	Promoting Prostitution 2	
10		(9A.88.080)	D+
11	E	O & A (Prostitution) (9A.88.030)	E
12	B+	Indecent Liberties (9A.44.100)	C+
13	B+	Child Molestation 1 (9A.44.083)	C+
14	C+	Child Molestation 2 (9A.44.086)	C
15		Theft, Robbery, Extortion, and Forgery	
16	B	Theft 1 (9A.56.030)	C
17	C	Theft 2 (9A.56.040)	D
18	D	Theft 3 (9A.56.050)	E
19	B	Theft of Livestock (9A.56.080)	C
20	C	Forgery ((9A.56.020)) <u>(9A.60.020)</u>	D
21	A	Robbery 1 (9A.56.200)	B+
22	B+	Robbery 2 (9A.56.210)	C+
23	B+	Extortion 1 (9A.56.120)	C+
24	C+	Extortion 2 (9A.56.130)	D+
25	B	Possession of Stolen Property 1	
26		(9A.56.150)	C
27	C	Possession of Stolen Property 2	
28		(9A.56.160)	D
29	D	Possession of Stolen Property 3	

1		(9A.56.170)	E
2	C	Taking Motor Vehicle Without	
3		Owner's Permission (9A.56.070)	D
4		Motor Vehicle Related Crimes	
5	E	Driving Without a License	
6		(46.20.021)	E
7	C	Hit and Run - Injury	
8		(46.52.020(4))	D
9	D	Hit and Run-Attended	
10		(46.52.020(5))	E
11	E	Hit and Run-Unattended	
12		(46.52.010)	E
13	C	Vehicular Assault (46.61.522)	D
14	C	Attempting to Elude Pursuing	
15		Police Vehicle (46.61.024)	D
16	E	Reckless Driving (46.61.500)	E
17	D	Driving While Under the Influence	
18		(46.61.515)	E
19	B+	Negligent Homicide by Motor	
20		Vehicle (46.61.520)	C+
21	D	Vehicle Prowling (9A.52.100)	E
22	C	Taking Motor Vehicle Without	
23		Owner's Permission (9A.56.070)	D
24		Other	
25	B	Bomb Threat (9.61.160)	C
26	C	Escape 1 (9A.76.110)	C
27	C	Escape 2 (9A.76.120)	C

1	D	Escape 3 (9A.76.130)	E
2	C	Failure to Appear in Court	
3		(10.19.130)	D
4	E	Tampering with Fire Alarm	
5		Apparatus (9.40.100)	E
6	E	Obscene, Harassing, Etc.,	
7		Phone Calls (9.61.230)	E
8	A	Other Offense Equivalent to an	
9		Adult Class A Felony	B+
10	B	Other Offense Equivalent to an	
11		Adult Class B Felony	C
12	C	Other Offense Equivalent to an	
13		Adult Class C Felony	D
14	D	Other Offense Equivalent to an	
15		Adult Gross Misdemeanor	E
16	E	Other Offense Equivalent to an	
17		Adult Misdemeanor	E
18	V	Violation of Order of Restitution,	
19		Community Supervision, or	
20		Confinement (13.40.200)	V

21 Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
22 and the standard range is established as follows:

23 1st escape or attempted escape during 12-month period - 4 weeks
24 confinement

25 2nd escape or attempted escape during 12-month period - 8 weeks
26 confinement

1 3rd and subsequent escape or attempted escape during 12-month
2 period - 12 weeks confinement

3 if the court finds that a respondent has violated terms of an order,
4 it may impose a penalty of up to 30 days of confinement.

5 **SCHEDULE B**

6 **PRIOR OFFENSE INCREASE FACTOR**

7 For use with all CURRENT OFFENSES occurring on or after July 1,
8 1989.

9 **TIME SPAN**

10	OFFENSE	0-12	13-24	25 Months
11	CATEGORY	Months	Months	or More
12			
13	A+	.9	.9	.9
14	A	.9	.8	.6
15	A-	.9	.8	.5
16	B+	.9	.7	.4
17	B	.9	.6	.3
18	C+	.6	.3	.2
19	C	.5	.2	.2
20	D+	.3	.2	.1
21	D	.2	.1	.1
22	E	.1	.1	.1

1 Prior history - Any offense in which a diversion agreement or counsel
 2 and release form was signed, or any offense which has been adjudicated
 3 by court to be correct prior to the commission of the current
 4 offense(s).

5 **SCHEDULE C**

6 **CURRENT OFFENSE POINTS**

7 For use with all CURRENT OFFENSES occurring on or after July 1,
 8 1989.

9 **AGE**

10 OFFENSE	12 &						
11 CATEGORY	Under	13	14	15	16	17	
12							
		STANDARD	RANGE	180-224	WEEKS		
13 A+							
14 A	250	300	350	375	375	375	
15 A-	150	150	150	200	200	200	
16 B+	110	110	120	130	140	150	
17 B	45	45	50	50	57	57	
18 C+	44	44	49	49	55	55	
19 C	40	40	45	45	50	50	
20 D+	16	18	20	22	24	26	
21 D	14	16	18	20	22	24	
22 E	4	4	4	6	8	10	

1 JUVENILE SENTENCING STANDARDS

2 SCHEDULE D-1

3 This schedule may only be used for minor/first offenders. After the
4 determination is made that a youth is a minor/first offender, the court
5 has the discretion to select sentencing option A, B, or C. In
6 addition, the court may select option D. A disposition order for a
7 minor/first offender may not include an order of confinement except
8 pursuant to option D.

9 MINOR/FIRST OFFENDER

10 OPTION A

11 STANDARD RANGE

12		Community		
13		Supervision	Service	
14	Points	Supervision	Hours	Fine
15	1-9	((0-3)) <u>0-12</u> months	and/or 0-8	and/or 0-\$10
16	10-19	((0-3)) <u>0-12</u> months	and/or 0-8	and/or 0-\$10
17	20-29	((0-3)) <u>0-12</u> months	and/or 0-16	and/or 0-\$10
18	30-39	((0-3)) <u>0-12</u> months	and/or 8-24	and/or 0-\$25
19	40-49	((3-6)) <u>0-12</u> months	and/or 16-32	and/or 0-\$25
20	50-59	((3-6)) <u>0-12</u> months	and/or 24-40	and/or 0-\$25
21	60-69	((6-9)) <u>0-12</u> months	and/or 32-48	and/or 0-\$50
22	70-79	((6-9)) <u>0-12</u> months	and/or 40-55	and/or 0-\$50
23	80-89	((9-12)) <u>0-12</u> months	and/or 48-64	and/or 10-\$100
24	90-109	((9-12)) <u>0-12</u> months	and/or 56-72	and/or 10-\$100

1

OR

2

OPTION B

3

STATUTORY OPTION

4 0-12 Months Community Supervision

5 0-150 Hours Community Service

6 0-100 Fine

7 A term of community supervision with a maximum of 150 hours, \$100.00
8 fine, and 12 months supervision.

9

OR

10

OPTION C

11

MANIFEST INJUSTICE

12 When a term of community supervision would effectuate a manifest
13 injustice, another disposition may be imposed. When a judge imposes a
14 sentence of confinement exceeding 30 days, the court shall sentence the
15 juvenile to a maximum term and the provisions of RCW (~~(13.40.030(5))~~)
16 13.40.030(2), as now or hereafter amended, shall be used to determine
17 the range.

18

AND

19

OPTION D

20

SUBSTANCE ABUSE TREATMENT

21 In addition to any disposition entered under option A, B, or C,
22 following adjudication for an offense, but prior to disposition, the

1 court may order the child to be evaluated for a substance abuse problem
2 to determine whether inpatient or outpatient treatment for substance
3 abuse is necessary. If the court finds that the child suffers from a
4 substance abuse problem the court may order the child to participate in
5 an outpatient treatment program as a condition of community
6 supervision. If the evaluation recommends that the child be placed in
7 inpatient treatment for a substance abuse problem, the court may order
8 inpatient treatment if the commitment criteria are met for involuntary
9 commitment of minors to inpatient drug and alcohol treatment pursuant
10 to RCW 70.96A.140. The maximum period of time the court may order the
11 offender into inpatient treatment is ninety days as a term of the
12 disposition order for the offense. Payment for placement in inpatient
13 treatment or participation in outpatient treatment is subject to
14 available funds.

15 **JUVENILE SENTENCING STANDARDS**

16 **SCHEDULE D-2**

17 This schedule may only be used for middle offenders. After the
18 determination is made that a youth is a middle offender, the court has
19 the discretion to select sentencing option A, B, or C.

20 **MIDDLE OFFENDER**

21 **OPTION A**

22 **STANDARD RANGE**

Community

Points	Community Supervision	Service Hours	Fine	Confinement Days Weeks
1-9	((0-3)) <u>0-12</u> months and/or	0-8	and/or 0-\$10	and/or 0
10-19	((0-3)) <u>0-12</u> months and/or	0-8	and/or 0-\$10	and/or 0
20-29	((0-3)) <u>0-12</u> months and/or	0-16	and/or 0-\$10	and/or 0
30-39	((0-3)) <u>0-12</u> months and/or	8-24	and/or 0-\$25	and/or ((2-4)) <u>0-10</u>
40-49	((3-6)) <u>0-12</u> months and/or	16-32	and/or 0-\$25	and/or ((2-4)) <u>0-10</u>
50-59	((3-6)) <u>0-12</u> months and/or	24-40	and/or 0-\$25	and/or ((5-10)) <u>0-10</u>
60-69	((6-9)) <u>0-12</u> months and/or	32-48	and/or 0-\$50	and/or ((5-10)) <u>10-20</u>
70-79	((6-9)) <u>0-12</u> months and/or	40-56	and/or 0-\$50	and/or 10-20
80-89	((9-12)) <u>0-12</u> months and/or	48-64	and/or 0-\$100	and/or 10-20
90-109	((9-12)) <u>0-12</u> months and/or	56-72	and/or 0-\$100	and/or ((15-30)) <u>20-30</u>
110-129				8-12
130-149				13-16
150-199				21-28
200-249				30-40
250-299				52-65

1 300-374 80-100
2 375+ 103-129

3 Middle offenders with more than 110 points do not have to be committed.
4 They may be assigned community supervision under option B.
5 All A+ offenses 180-224 weeks

6 OR

7

8 **OPTION B**

9 **STATUTORY OPTION**

- 10 0-12 Months Community Supervision
- 11 0-150 Hours Community Service
- 12 0-100 Fine

13 The court may impose a determinate disposition of community supervision
14 and/or up to 30 days confinement; in which case, if confinement has
15 been imposed, the court shall state either aggravating or mitigating
16 factors as set forth in RCW 13.40.150, as now or hereafter amended.

17 OR

18

19 **OPTION C**

20 **MANIFEST INJUSTICE**

21 If the court determines that a disposition under A or B would
22 effectuate a manifest injustice, the court shall sentence the juvenile
23 to a maximum term and the provisions of RCW (~~13.40.030(5)~~)

1 13.40.030(2), as now or hereafter amended, shall be used to determine
2 range.

3 **AND**

4 **OPTION D**

5 **SUBSTANCE ABUSE TREATMENT**

6 In addition to any disposition entered under option A, B, or C,
7 following adjudication for an offense, but prior to disposition, the
8 court may order the child to be evaluated for a substance abuse problem
9 to determine whether inpatient or outpatient treatment for substance
10 abuse is necessary. If the court finds that the child suffers from a
11 substance abuse problem the court may order the child to participate in
12 an outpatient treatment program as a condition of community
13 supervision. If the evaluation recommends that the child be placed in
14 inpatient treatment for a substance abuse problem, the court may order
15 inpatient treatment if the commitment criteria are met for involuntary
16 commitment of minors to inpatient drug and alcohol treatment pursuant
17 to RCW 70.96A.140. The maximum period of time the court may order the
18 offender into inpatient treatment is ninety days as a term of the
19 disposition order for the offense. Payment for placement in inpatient
20 treatment or participation in outpatient treatment is subject to
21 available funds.

22 **JUVENILE SENTENCING STANDARDS**

23 **SCHEDULE D-3**

24 This schedule may only be used for serious offenders. After the
25 determination is made that a youth is a serious offender, the court has
26 the discretion to select sentencing option A or B.

1 SCHEDULE E

2 DEADLY WEAPON DISPOSITION ENHANCEMENT

3 The following additional times shall be added to the determinate
4 disposition under option A, B, or C in schedule D for middle and
5 serious offenders if the court enters a finding that the offender or an
6 accomplice was armed with a deadly weapon as defined in RCW 9.94A.125:

7 (1) 26 weeks if the offender is adjudicated for the commission of
8 Rape 1 (RCW 9A.44.040), Robbery 1 (RCW 9A.56.200), or Kidnapping 1 (RCW
9 9A.40.020);

10 (2) 16 weeks if the offender is adjudicated for the commission of
11 Burglary 1 (RCW 9A.52.020);

12 (3) 12 weeks if the offender is adjudicated for the commission of
13 Assault 2 (RCW 9A.36.020 or 9A.36.021), Escape 1 (RCW 9A.76.110),
14 Kidnapping 2 (RCW 9A.40.030), Burglary 2 of a building other than a
15 dwelling (RCW 9A.52.030), Theft of Livestock 1 or 2 (RCW 9A.56.080), or
16 any drug offense."

17 **"Sec. 105.** RCW 13.40.038 and 1986 c 288 s 7 are each amended to
18 read as follows:

19 It is the policy of this state that all county juvenile detention
20 facilities provide a humane, safe, and rehabilitative environment and
21 that unadjudicated youth remain in the community whenever possible,
22 consistent with public safety and the provisions of chapter 13.40 RCW.

23 The counties shall develop and implement detention intake standards
24 and risk assessment standards to determine whether detention is
25 warranted and if so whether the juvenile should be placed in secure,
26 nonsecure, or home detention to implement the goals of this section.
27 Inability to pay for a less restrictive detention placement shall not
28 be a basis for denying a respondent a less restrictive placement in the

1 community. The detention and risk assessment standards shall be
2 developed and implemented no later than December 31, 1992."

3 "Sec. 106. RCW 13.40.050 and 1979 c 155 s 58 are each amended to
4 read as follows:

5 (1) When a juvenile taken into custody is held in detention:

6 (a) An information, a community supervision modification or
7 termination of diversion petition, or a parole modification petition
8 shall be filed within seventy-two hours, Saturdays, Sundays, and
9 holidays excluded, or the juvenile shall be released; and

10 (b) A detention hearing, a community supervision modification or
11 termination of diversion petition, or a parole modification petition
12 shall be held within seventy-two hours, Saturdays, Sundays, and
13 holidays excluded, from the time of filing the information or petition,
14 to determine whether continued detention is necessary under RCW
15 13.40.040.

16 (2) Upon filing an information, a community supervision
17 modification, or termination of diversion petition as required under
18 subsection (1)(a) of this section, the clerk of the court shall issue
19 a summons directed to the parent, guardian, or custodian, and such
20 other persons as appears to the court to be proper or necessary parties
21 to the proceedings, requiring them to appear personally before the
22 court at the time fixed for the hearing required under subsection
23 (1)(b) of this section. The summons shall include notice of the
24 ((detention)) hearing, stating the time, place, and purpose of the
25 hearing, and stating the right to counsel((, shall be given to the
26 parent, guardian, or custodian if such person can be found and)). Such
27 notice shall also be given to the juvenile ((if over twelve years of
28 age)) held in detention. When the custodian is summoned, the parent or
29 guardian or both shall also be served with a summons.

1 (3) At the commencement of the detention hearing, the court shall
2 advise the parties of their rights under this chapter and shall appoint
3 counsel as specified in this chapter.

4 (4) The court shall, based upon the allegations in the information,
5 determine whether the case is properly before it or whether the case
6 should be treated as a diversion case under RCW 13.40.080. If the case
7 is not properly before the court the juvenile shall be ordered
8 released.

9 (5) Notwithstanding a determination that the case is properly
10 before the court and that probable cause exists, a juvenile shall at
11 the detention hearing be ordered released on the juvenile's personal
12 recognizance pending further hearing unless the court finds detention
13 is necessary under RCW 13.40.040 as now or hereafter amended.

14 (6) If detention is not necessary under RCW 13.40.040, as now or
15 hereafter amended, the court shall impose the most appropriate of the
16 following conditions or, if necessary, any combination of the following
17 conditions:

18 (a) Place the juvenile in the custody of a designated person
19 agreeing to supervise such juvenile;

20 (b) Place restrictions on the travel of the juvenile during the
21 period of release;

22 (c) Require the juvenile to report regularly to and remain under
23 the supervision of the juvenile court;

24 (d) Impose any condition other than detention deemed reasonably
25 necessary to assure appearance as required; or

26 (e) Require that the juvenile return to detention during specified
27 hours.

28 (7) If the parent, guardian, or custodian of the juvenile in
29 detention is available, the court shall consult with them prior to a

1 determination to further detain or release the juvenile or treat the
2 case as a diversion case under RCW 13.40.080."

3 "Sec. 107. RCW 13.40.070 and 1989 c 407 s 9 are each amended to
4 read as follows:

5 (1) Complaints referred to the juvenile court alleging the
6 commission of an offense shall be referred directly to the prosecutor.
7 The prosecutor, upon receipt of a complaint, shall screen the complaint
8 to determine whether:

9 (a) The alleged facts bring the case within the jurisdiction of the
10 court; and

11 (b) On a basis of available evidence there is probable cause to
12 believe that the juvenile did commit the offense.

13 (2) If the identical alleged acts constitute an offense under both
14 the law of this state and an ordinance of any city or county of this
15 state, state law shall govern the prosecutor's screening and charging
16 decision for both filed and diverted cases.

17 (3) If the requirements of subsections (1) (a) and (b) of this
18 section are met, the prosecutor shall either file an information in
19 juvenile court or divert the case, as set forth in subsections (5),
20 (6), and (7) of this section. If the prosecutor finds that the
21 requirements of subsection (1) (a) and (b) of this section are not met,
22 the prosecutor shall maintain a record, for one year, of such decision
23 and the reasons therefor. In lieu of filing an information or
24 diverting an offense a prosecutor may file a motion to modify community
25 supervision where such offense constitutes a violation of community
26 supervision.

27 (4) An information shall be a plain, concise, and definite written
28 statement of the essential facts constituting the offense charged. It

1 shall be signed by the prosecuting attorney and conform to chapter
2 10.37 RCW.

3 (5) Where a case is legally sufficient, the prosecutor shall file
4 an information with the juvenile court if:

5 (a) An alleged offender is accused of a class A felony, a class B
6 felony, an attempt to commit a class B felony, (~~assault in the third~~
7 ~~degree, rape in the third degree~~) a class C felony listed in RCW
8 9.94A.440(2) as a crime against persons, or any other offense listed in
9 RCW 13.40.020(1) (b) or (c); or

10 (b) An alleged offender is accused of a felony and has a criminal
11 history of at least one class A or class B felony, or two class C
12 felonies, or at least two gross misdemeanors, or at least two
13 misdemeanors and one additional misdemeanor or gross misdemeanor, or at
14 least one class C felony and one misdemeanor or gross misdemeanor; or

15 (c) An alleged offender has previously been committed to the
16 department; or

17 (d) An alleged offender has been referred by a diversion unit for
18 prosecution or desires prosecution instead of diversion; or

19 ~~((d))~~ (e) An alleged offender has three or more diversions on the
20 alleged offender's criminal history (~~within eighteen months of the~~
21 ~~current alleged offense~~)).

22 (6) Where a case is legally sufficient the prosecutor shall divert
23 the case if the alleged offense is a misdemeanor or gross misdemeanor
24 or violation and the alleged offense(s) in combination with the alleged
25 offender's criminal history do not exceed two offenses or violations
26 and do not include any felonies: PROVIDED, That if the alleged
27 offender is charged with a related offense that must or may be filed
28 under subsections (5) and (7) of this section, a case under this
29 subsection may also be filed.

1 (7) Where a case is legally sufficient and falls into neither
2 subsection (5) nor (6) of this section, it may be filed or diverted.
3 In deciding whether to file or divert an offense under this section the
4 prosecutor shall be guided only by the length, seriousness, and recency
5 of the alleged offender's criminal history and the circumstances
6 surrounding the commission of the alleged offense.

7 (8) Whenever a juvenile is placed in custody or, where not placed
8 in custody, referred to a diversionary interview, the parent or legal
9 guardian of the juvenile shall be notified as soon as possible
10 concerning the allegation made against the juvenile and the current
11 status of the juvenile. Where a case involves victims of crimes
12 against persons or victims whose property has not been recovered at the
13 time a juvenile is referred to a diversionary unit, the victim shall be
14 notified of the referral and informed how to contact the unit.

15 (9) The responsibilities of the prosecutor under subsections (1)
16 through (8) of this section may be performed by a juvenile court
17 probation counselor for any complaint referred to the court alleging
18 the commission of an offense which would not be a felony if committed
19 by an adult, if the prosecutor has given sufficient written notice to
20 the juvenile court that the prosecutor will not review such complaints.

21 (10) The prosecutor, juvenile court probation counselor, or
22 diversion unit may, in exercising their authority under this section or
23 RCW 13.40.080, refer juveniles to mediation or victim offender
24 reconciliation programs. Such mediation or victim offender
25 reconciliation programs shall be voluntary for victims."

26 "**Sec. 108.** RCW 13.40.080 and 1985 c 73 s 2 are each amended to
27 read as follows:

28 (1) A diversion agreement shall be a contract between a juvenile
29 accused of an offense and a diversionary unit whereby the juvenile

1 agrees to fulfill certain conditions in lieu of prosecution. Such
2 agreements may be entered into only after the prosecutor, or probation
3 counselor pursuant to this chapter, has determined that probable cause
4 exists to believe that a crime has been committed and that the juvenile
5 committed it. Such agreements shall be entered into as expeditiously
6 as possible.

7 (2) A diversion agreement shall be limited to:

8 (a) Community service not to exceed one hundred fifty hours, not to
9 be performed during school hours if the juvenile is attending school;

10 (b) Restitution limited to the amount of actual loss incurred by
11 the victim, and to an amount the juvenile has the means or potential
12 means to pay;

13 (c) Attendance at up to (~~two~~) ten hours of counseling and/or up
14 to (~~ten~~) twenty hours of educational or informational sessions at a
15 community agency: PROVIDED, That the state shall not be liable for
16 costs resulting from the diversionary unit exercising the option to
17 permit diversion agreements to mandate attendance at up to (~~two~~) ten
18 hours of counseling and/or up to (~~ten~~) twenty hours of educational or
19 informational sessions; and

20 (d) A fine, not to exceed one hundred dollars. In determining the
21 amount of the fine, the diversion unit shall consider only the
22 juvenile's financial resources and whether the juvenile has the means
23 to pay the fine. The diversion unit shall not consider the financial
24 resources of the juvenile's parents, guardian, or custodian in
25 determining the fine to be imposed.

26 (3) In assessing periods of community service to be performed and
27 restitution to be paid by a juvenile who has entered into a diversion
28 agreement, the court officer to whom this task is assigned shall
29 consult with victims who have contacted the diversionary unit and, to
30 the extent possible, involve members of the community. Such members of

1 the community shall meet with the juvenile and advise the court officer
2 as to the terms of the diversion agreement and shall supervise the
3 juvenile in carrying out its terms.

4 (4) A diversion agreement may not exceed a period of six months
5 (~~((for a misdemeanor or gross misdemeanor or one year for a felony))~~) and
6 may include a period extending beyond the eighteenth birthday of the
7 diverttee. Any restitution assessed during its term may not exceed an
8 amount which the juvenile could be reasonably expected to pay during
9 this period. If additional time is necessary for the juvenile to
10 complete restitution to the victim, the time period limitations of this
11 subsection may be extended by an additional six months.

12 (5) The juvenile shall retain the right to be referred to the court
13 at any time prior to the signing of the diversion agreement.

14 (6) Diverttees and potential diverttees shall be afforded due process
15 in all contacts with a diversionary unit regardless of whether the
16 juveniles are accepted for diversion or whether the diversion program
17 is successfully completed. Such due process shall include, but not be
18 limited to, the following:

19 (a) A written diversion agreement shall be executed stating all
20 conditions in clearly understandable language;

21 (b) Violation of the terms of the agreement shall be the only
22 grounds for termination;

23 (c) No diverttee may be terminated from a diversion program without
24 being given a court hearing, which hearing shall be preceded by:

25 (i) Written notice of alleged violations of the conditions of the
26 diversion program; and

27 (ii) Disclosure of all evidence to be offered against the diverttee;

28 (d) The hearing shall be conducted by the juvenile court and shall
29 include:

30 (i) Opportunity to be heard in person and to present evidence;

1 (ii) The right to confront and cross-examine all adverse witnesses;
2 (iii) A written statement by the court as to the evidence relied on
3 and the reasons for termination, should that be the decision; and

4 (iv) Demonstration by evidence that the diverttee has substantially
5 violated the terms of his or her diversion agreement.

6 (e) The prosecutor may file an information on the offense for which
7 the diverttee was diverted:

8 (i) In juvenile court if the diverttee is under eighteen years of
9 age; or

10 (ii) In superior court or the appropriate court of limited
11 jurisdiction if the diverttee is eighteen years of age or older.

12 (7) The diversion unit shall, subject to available funds, be
13 responsible for providing interpreters when juveniles need interpreters
14 to effectively communicate during diversion unit hearings or
15 negotiations.

16 (8) The diversion unit shall be responsible for advising a diverttee
17 of his or her rights as provided in this chapter.

18 ((+8)) (9) The diversion unit may refer a juvenile to treatment
19 programs or the department's family reconciliation services.

20 (10) The right to counsel shall inure prior to the initial
21 interview for purposes of advising the juvenile as to whether he or she
22 desires to participate in the diversion process or to appear in the
23 juvenile court. The juvenile may be represented by counsel at any
24 critical stage of the diversion process, including intake interviews
25 and termination hearings. The juvenile shall be fully advised at the
26 intake of his or her right to an attorney and of the relevant services
27 an attorney can provide. For the purpose of this section, intake
28 interviews mean all interviews regarding the diversion agreement
29 process.

1 The juvenile shall be advised that a diversion agreement shall
2 constitute a part of the juvenile's criminal history as defined by RCW
3 13.40.020(~~((6))~~)(9) as now or hereafter amended. A signed
4 acknowledgment of such advisement shall be obtained from the juvenile,
5 and the document shall be maintained by the diversionary unit together
6 with the diversion agreement, and a copy of both documents shall be
7 delivered to the prosecutor if requested by the prosecutor. The
8 supreme court shall promulgate rules setting forth the content of such
9 advisement in simple language.

10 (~~((9))~~) (11) When a juvenile enters into a diversion agreement, the
11 juvenile court may receive only the following information for
12 dispositional purposes:

- 13 (a) The fact that a charge or charges were made;
- 14 (b) The fact that a diversion agreement was entered into;
- 15 (c) The juvenile's obligations under such agreement;
- 16 (d) Whether the alleged offender performed his or her obligations
17 under such agreement; and
- 18 (e) The facts of the alleged offense.

19 (~~((10))~~) (12) A diversionary unit may refuse to enter into a
20 diversion agreement with a juvenile. When a diversionary unit refuses
21 to enter a diversion agreement with a juvenile, it shall immediately
22 refer such juvenile to the court for action and shall forward to the
23 court the criminal complaint and a detailed statement of its reasons
24 for refusing to enter into a diversion agreement. The diversionary
25 unit shall also immediately refer the case to the prosecuting attorney
26 for action if such juvenile violates the terms of the diversion
27 agreement.

28 (~~((11))~~) (13) A diversionary unit may, in instances where it
29 determines that the act or omission of an act for which a juvenile has
30 been referred to it involved no victim, or where it determines that the

1 juvenile referred to it has no prior criminal history and is alleged to
2 have committed an illegal act involving no threat of or instance of
3 actual physical harm and involving not more than fifty dollars in
4 property loss or damage and that there is no loss outstanding to the
5 person or firm suffering such damage or loss, counsel and release or
6 release such a juvenile without entering into a diversion agreement(~~(+
7 PROVIDED, That)~~). A diversion unit's authority to counsel and release
8 a juvenile under this subsection shall include the authority to refer
9 the juvenile to local treatment programs or the department's family
10 reconciliation services. Any juvenile (~~so handled~~) released under
11 this subsection shall be advised that the act or omission of any act
12 for which he or she had been referred shall constitute a part of the
13 juvenile's criminal history as defined by RCW 13.40.020(~~(+6)~~)(9) as
14 now or hereafter amended. A signed acknowledgment of such advisement
15 shall be obtained from the juvenile, and the document shall be
16 maintained by the unit, and a copy of the document shall be delivered
17 to the prosecutor if requested by the prosecutor. The supreme court
18 shall promulgate rules setting forth the content of such advisement in
19 simple language(~~(+ PROVIDED FURTHER, That)~~). A juvenile determined to
20 be eligible by a diversionary unit for (~~such~~) release as provided in
21 this subsection shall retain the same right to counsel and right to
22 have his or her case referred to the court for formal action as any
23 other juvenile referred to the unit.

24 (~~(+12)~~) (14) A diversion unit may supervise the fulfillment of a
25 diversion agreement entered into before the juvenile's eighteenth
26 birthday and which includes a period extending beyond the diverttee's
27 eighteenth birthday.

28 (~~(+13)~~) (15) If a fine required by a diversion agreement cannot
29 reasonably be paid due to a change of circumstance, the diversion
30 agreement may be modified at the request of the diverttee and with the

1 concurrence of the diversion unit to convert an unpaid fine into
2 community service. The modification of the diversion agreement shall
3 be in writing and signed by the divertee and the diversion unit. The
4 number of hours of community service in lieu of a monetary penalty
5 shall be converted at the rate of the prevailing state minimum wage per
6 hour.

7 ~~((14))~~ (16) Fines imposed under this section shall be collected
8 and paid into the county general fund in accordance with procedures
9 established by the juvenile court administrator under RCW 13.04.040 and
10 may be used only for juvenile services. In the expenditure of funds
11 for juvenile services, there shall be a maintenance of effort whereby
12 counties exhaust existing resources before using amounts collected
13 under this section."

14 **"Sec. 109.** RCW 13.40.100 and 1979 c 155 s 62 are each amended to
15 read as follows:

16 (1) Upon the filing of an information the alleged offender shall be
17 notified by summons, warrant, or other method approved by the court of
18 the next required court appearance.

19 (2) ~~((If notice is by summons,))~~ The clerk of the court shall also
20 issue a summons directed to ~~((the juvenile, if the juvenile is twelve~~
21 ~~or more years of age, and another to))~~ the parents, guardian, or
22 custodian, and such other persons as appear to the court to be proper
23 or necessary parties to the proceedings, requiring them to appear
24 personally before the court at the time fixed to hear the petition.
25 Where the custodian is summoned, the parent or guardian or both shall
26 also be served with a summons.

27 (3) A copy of the information shall be attached to each summons.

28 (4) The summons shall advise the parties of the right to counsel.

1 (5) The judge may endorse upon the summons an order directing the
2 parents, guardian, or custodian having the custody or control of the
3 juvenile to bring the juvenile to the hearing.

4 (6) If it appears from affidavit or sworn statement presented to
5 the judge that there is probable cause for the issuance of a warrant of
6 arrest or that the juvenile needs to be taken into custody pursuant to
7 RCW 13.34.050, as now or hereafter amended, the judge may endorse upon
8 the summons an order that an officer serving the summons shall at once
9 take the juvenile into custody and take the juvenile to the place of
10 detention or shelter designated by the court.

11 (7) Service of summons may be made under the direction of the court
12 by any law enforcement officer or probation counselor.

13 (8) If the person summoned as herein provided fails without
14 reasonable cause to appear and abide the order of the court, the person
15 may be proceeded against as for contempt of court."

16 "Sec. 110. RCW 13.40.130 and 1981 c 299 s 10 are each amended to
17 read as follows:

18 (1) The respondent shall be advised of the allegations in the
19 information and shall be required to plead guilty or not guilty to the
20 allegation(s). The state or the respondent may make preliminary
21 motions up to the time of the plea.

22 (2) If the respondent pleads guilty, the court may proceed with
23 disposition or may continue the case for a dispositional hearing. If
24 the respondent denies guilt, an adjudicatory hearing date shall be set.

25 (3) The clerk of the court shall issue a summons directed to the
26 parents, guardian, or custodian, and such other persons as appears to
27 the court to be proper or necessary parties to the adjudicatory and
28 subsequent dispositional hearings, requiring them to appear personally
29 before the court at the time fixed for the adjudicatory and/or

1 dispositional hearing or hearings. Where the custodian is summoned,
2 the parent or guardian or both shall also be served with a summons.

3 (4) At the adjudicatory hearing it shall be the burden of the
4 prosecution to prove the allegations of the information beyond a
5 reasonable doubt.

6 ((+4)) (5) The court shall record its findings of fact and shall
7 enter its decision upon the record. Such findings shall set forth the
8 evidence relied upon by the court in reaching its decision.

9 ((+5)) (6) If the respondent is found not guilty he or she shall
10 be released from detention.

11 ((+6)) (7) If the respondent is found guilty the court may
12 immediately proceed to disposition or may continue the case for a
13 dispositional hearing. Notice of the time and place of the continued
14 hearing may be given in open court. If notice is not given in open
15 court to a party, the party shall be notified by mail of the time and
16 place of the continued hearing.

17 ((+7)) (8) The court following an adjudicatory hearing may request
18 that a predisposition study be prepared to aid the court in its
19 evaluation of the matters relevant to disposition of the case.

20 ((+8)) (9) The disposition hearing shall be held within fourteen
21 days after the adjudicatory hearing or plea of guilty unless good cause
22 is shown for further delay, or within twenty-one days if the juvenile
23 is not held in a detention facility, unless good cause is shown for
24 further delay.

25 ((+9)) (10) In sentencing an offender, the court shall use the
26 disposition standards in effect on the date of the offense.

27 (11)(a) A parent, guardian, or custodian, if served with a summons
28 under this section, shall be subject to the jurisdiction of the court.
29 The court may order the parent, guardian, or custodian to assist the
30 court in any reasonable manner in providing appropriate education or

1 counseling for the child. The court may, in conjunction with the
2 disposition hearing, conduct a hearing on whether the parent, guardian,
3 or custodian has significantly contributed to the circumstances
4 bringing the child within the jurisdiction of the court.

5 (b) If funds are available for this purpose and for implementing
6 (d) and (e) of this subsection and if the court, after conducting the
7 hearing under (a) of this subsection, enters findings of fact that a
8 deficiency in parenting skills has significantly contributed to the
9 circumstances bringing the child within the jurisdiction of the court,
10 the court may order the parent, guardian, or custodian to participate
11 in educational or counseling programs reasonably calculated to address
12 the deficiencies of the parent, if it finds such participation would be
13 consistent with the best interests of the juvenile. The court may
14 order such participation either with the child or separately.

15 (c) If funds are available for this purpose and for implementing
16 (d) and (e) of this subsection and if the court, after conducting the
17 hearing under (a) of this subsection, enters findings of fact that the
18 parent's, guardian's, or custodian's addiction to or habitual use of
19 alcohol or controlled substances has significantly contributed to the
20 circumstances bringing the child within the jurisdiction of the court,
21 the court may order the parent, guardian, or custodian to participate
22 in treatment and pay the costs thereof, if the court finds such
23 participation would be consistent with the best interests of the
24 juvenile.

25 (d) A dispositional order that requires a parent, guardian, or
26 custodian to participate in educational, counseling, or treatment
27 programs as provided in (b) and (c) of this subsection shall be in
28 writing and shall contain appropriate findings of fact and conclusions
29 of law. The court shall state with particularity, both orally and in
30 the written order of the disposition, the precise terms of the

1 disposition. Upon entering an order requiring such participation, the
2 court shall give the parent, guardian, or custodian notice of the
3 order. The notice shall inform the recipient of the right to request
4 a hearing within ten days after entry of the order and the right to
5 employ an attorney to represent the parent, guardian, or custodian at
6 the hearing or, if the parent, guardian, or custodian is financially
7 unable to employ an attorney, the right to request court-appointed
8 counsel. If the parent, guardian, or custodian does not request a
9 hearing within ten days after entry of the order, the order shall take
10 effect at that time. If the parent, guardian, or custodian requests a
11 hearing, the court shall set the matter for hearing and, if requested,
12 appoint an attorney as provided by RCW 10.101.020.

13 (e) If the court finds that a parent, guardian, or custodian has
14 failed to comply with a court order under this section, the court may
15 exercise its powers of contempt in addition to any other remedy
16 provided by law to compel obedience of the parent, guardian, or
17 custodian to the court's order. The court shall notify the parent,
18 guardian, or custodian of the right to counsel, as set forth in (d) of
19 this subsection, in any proceeding to compel obedience to the court's
20 order."

21 **"Sec. 111.** RCW 13.40.150 and 1990 c 3 s 605 are each amended to
22 read as follows:

23 (1) In disposition hearings all relevant and material evidence,
24 including oral and written reports, may be received by the court and
25 may be relied upon to the extent of its probative value, even though
26 such evidence may not be admissible in a hearing on the information.
27 The youth or the youth's counsel and the prosecuting attorney shall be
28 afforded an opportunity to examine and controvert written reports so
29 received and to cross-examine individuals making reports when such

1 individuals are reasonably available, but sources of confidential
2 information need not be disclosed. The prosecutor and counsel for the
3 juvenile may submit recommendations for disposition.

4 (2) For purposes of disposition:

5 (a) Violations which are current offenses count as misdemeanors;

6 (b) Violations may not count as part of the offender's criminal
7 history;

8 (c) In no event may a disposition for a violation include
9 confinement.

10 (3) Before entering a dispositional order as to a respondent found
11 to have committed an offense, the court shall hold a disposition
12 hearing, at which the court shall:

13 (a) Consider the facts supporting the allegations of criminal
14 conduct by the respondent;

15 (b) Consider information and arguments offered by parties and their
16 counsel;

17 (c) Consider any predisposition reports;

18 (d) Consult with the respondent's parent, guardian, or custodian on
19 the appropriateness of dispositional options under consideration and
20 afford the respondent and the respondent's parent, guardian, or
21 custodian an opportunity to speak in the respondent's behalf;

22 (e) Allow the victim or a representative of the victim and an
23 investigative law enforcement officer to speak;

24 (f) Determine the amount of restitution owing to the victim, if
25 any;

26 (g) Determine whether the respondent is a serious offender, a
27 middle offender, or a minor or first offender;

28 (h) Consider whether or not any of the following mitigating factors
29 exist:

1 (i) The respondent's conduct neither caused nor threatened serious
2 bodily injury or the respondent did not contemplate that his or her
3 conduct would cause or threaten serious bodily injury;

4 (ii) The respondent acted under strong and immediate provocation;

5 (iii) The respondent was suffering from a mental or physical
6 condition that significantly reduced his or her culpability for the
7 offense though failing to establish a defense;

8 (iv) Prior to his or her detection, the respondent compensated or
9 made a good faith attempt to compensate the victim for the injury or
10 loss sustained; and

11 (v) There has been at least one year between the respondent's
12 current offense and any prior criminal offense;

13 (i) Consider whether or not any of the following aggravating
14 factors exist:

15 (i) In the commission of the offense, or in flight therefrom, the
16 respondent inflicted or attempted to inflict serious bodily injury to
17 another;

18 (ii) The offense was committed in an especially heinous, cruel, or
19 depraved manner;

20 (iii) The victim or victims were particularly vulnerable;

21 (iv) The respondent has a recent criminal history or has failed to
22 comply with conditions of a recent dispositional order or diversion
23 agreement;

24 (v) The current offense included a finding of sexual motivation
25 pursuant to RCW 9.94A.127;

26 (vi) The respondent was the leader of a criminal enterprise
27 involving several persons; and

28 (vii) There are other complaints which have resulted in diversion
29 or a finding or plea of guilty but which are not included as criminal
30 history.

1 (4) The following factors may not be considered in determining the
2 punishment to be imposed:

3 (a) The sex of the respondent;

4 (b) The race or color of the respondent or the respondent's family;

5 (c) The creed or religion of the respondent or the respondent's
6 family;

7 (d) The economic or social class of the respondent or the
8 respondent's family; and

9 (e) Factors indicating that the respondent may be or is a dependent
10 child within the meaning of this chapter.

11 (5) A court may not commit a juvenile to a state institution solely
12 because of the lack of facilities, including treatment facilities,
13 existing in the community."

14 "**Sec. 112.** RCW 13.40.200 and 1986 c 288 s 5 are each amended to
15 read as follows:

16 (1) When a respondent fails to comply with an order of restitution,
17 community supervision, penalty assessments, or confinement of less than
18 thirty days, the court upon motion of the prosecutor or its own motion,
19 may modify the order after a hearing on the violation.

20 (2) The hearing shall afford the respondent the same due process of
21 law as would be afforded an adult probationer. The court may issue a
22 summons or a warrant to compel the respondent's appearance. The state
23 shall have the burden of proving by a preponderance of the evidence the
24 fact of the violation. The respondent shall have the burden of showing
25 that the violation was not a wilful refusal to comply with the terms of
26 the order. If a respondent has failed to pay a fine, penalty
27 assessments, or restitution or to perform community service hours, as
28 required by the court, it shall be the respondent's burden to show that
29 he or she did not have the means and could not reasonably have acquired

1 the means to pay the fine, penalty assessments, or restitution or
2 perform community service.

3 (3) (a) If the court finds that a respondent has wilfully violated
4 the terms of an order pursuant to subsections (1) and (2) of this
5 section, it may impose a penalty of up to thirty days' confinement.
6 Penalties for multiple violations occurring prior to the hearing shall
7 not be aggregated to exceed thirty days' confinement. Regardless of
8 the number of times a respondent is brought to court for violations of
9 the terms of a single disposition order, the combined total number of
10 days spent by the respondent in detention shall never exceed the
11 maximum term to which an adult could be sentenced for the underlying
12 offense.

13 (b) If the violation of the terms of the order under (a) of this
14 subsection is failure to pay fines, penalty assessments, complete
15 community service, or make restitution, the term of confinement imposed
16 under (a) of this subsection shall be assessed at a rate of one day of
17 confinement for each twenty-five dollars or eight hours owed.

18 (4) If a respondent has been ordered to pay a fine or monetary
19 penalty and due to a change of circumstance cannot reasonably comply
20 with the order, the court, upon motion of the respondent, may order
21 that the unpaid fine or monetary penalty be converted to community
22 service. The number of hours of community service in lieu of a
23 monetary penalty or fine shall be converted at the rate of the
24 prevailing state minimum wage per hour. The monetary penalties or
25 fines collected shall be deposited in the county general fund. A
26 failure to comply with an order under this subsection shall be deemed
27 a failure to comply with an order of community supervision and may be
28 proceeded against as provided in this section.

29 (5) Nothing in this section prohibits filing of escape charges if
30 the juvenile escapes from confinement except that no escape charges may

1 be filed if the juvenile leaves an inpatient treatment facility without
2 permission in violation of a court order pursuant to option D of RCW
3 13.40.0357. Failure to comply with an order pursuant to option D of
4 RCW 13.40.0357 shall be a basis for modification under this section."

5 "NEW SECTION. Sec. 113. A new section is added to chapter 13.40
6 RCW to read as follows:

7 The legislature finds that the purposes of this chapter are best
8 implemented by regionally based facilities.

9 Consistent with this finding, the department, in cooperation and
10 consultation with local communities and affected agencies, shall
11 develop a plan to reduce its reliance on large institutional facilities
12 for juvenile offenders committed to the department by redistributing a
13 portion of its institutional beds to secure and semisecure regionally
14 based facilities. The department's plan shall: (1) Provide sufficient
15 beds to house all committed offenders at security levels commensurate
16 with the offender's risk to public safety; (2) redistribute to secure
17 and semisecure regional facilities up to two hundred forty beds from
18 the five existing institutions for juvenile offenders between July 1,
19 1993, and June 30, 1997; (3) include a specific risk assessment tool
20 for determining which offenders may be placed in various security
21 levels which will ensure offenders posing the greatest risk are held in
22 more secure settings than offenders posing lesser risk; (4) include a
23 siting plan and schedule for the timely siting and development of
24 smaller secure and semisecure regional facilities to ensure the most
25 effective rehabilitation efforts; (5) include a specific plan ensuring
26 offenders will be housed in regional facilities close to their home
27 communities unless such placement is contrary to the best interests of
28 the offender, their family, or public safety; and (6) include a cost

1 analysis of the construction and renovation, if any, and operation of
2 the facilities.

3 The department shall submit the plan no later than September 1,
4 1992, to the house of representatives judiciary committee, the senate
5 law and justice committee, and the fiscal committees of the house of
6 representatives and the senate. The department shall also incorporate
7 the plan into the department's budget proposal for the 1993-95
8 biennium."

9 "NEW SECTION. Sec. 114. (1) The counties are expressly
10 authorized to implement and operate a youthful offender discipline
11 program to provide an intensive educational and physical training and
12 rehabilitative program for appropriate children.

13 (2) A child may be placed in a youth offender discipline program if
14 he is at least fourteen years of age but less than eighteen years of
15 age at the time of adjudication and has been committed to the
16 department as:

17 (a) A serious offender, as defined in RCW 13.40.020(1); or

18 (b) A minor or first offender, as defined in RCW 13.40.020(14)."

19 "NEW SECTION. Sec. 115. (1) Each county establishing a youth
20 offender discipline program shall screen children sent to the program,
21 so that only those children who have medical and psychological profiles
22 conducive to successfully completing an intensive work, educational,
23 and disciplinary program may be admitted to the program. A
24 participating county shall adopt rules for screening such admissions.

25 (2) The program shall include educational assignments, work
26 assignments, and physical training exercises. Children shall be
27 required to participate in educational, vocational, and substance abuse
28 programs."

1 "NEW SECTION. **Sec. 116.** Each county establishing a youth
2 offender discipline program shall:

3 (1) Provide an aftercare component for monitoring and assisting the
4 release of program participants into the community;

5 (2) Adopt rules for the program and aftercare which provide for at
6 least six months of participation in the program and aftercare for
7 successful completion and which also provide disciplinary sanctions and
8 restrictions on the privileges of the general population of children in
9 the program; and

10 (3) Keep records and monitor criminal activity, educational
11 progress, and employment placement of program participants after their
12 release from the program. An outcome evaluation study shall be
13 published no later eighteen months after the program becomes
14 operational, which includes a comparison of criminal activity,
15 educational progress, and employment placements of children completing
16 the program with the criminal activity, educational progress, and
17 employment records of children completing other types of programs."

18 "NEW SECTION. **Sec. 117.** A participating county may also contract
19 with private organizations for the operation of the youth offender
20 discipline program and aftercare."

21 "NEW SECTION. **Sec. 118.** (1) If a child in the youth offender
22 discipline program becomes unmanageable or medically or psychologically
23 ineligible, the participating county shall remove the child from the
24 program.

25 (2) A participating county shall either establish criteria for
26 training contract staff or provide a special training program for
27 county personnel selected for the youth offender discipline program,

1 which shall include appropriate methods of dealing with children who
2 have been placed in such a stringent program."

3 "Sec. 119. RCW 2.56.030 and 1989 c 95 s 2 are each amended to read
4 as follows:

5 The administrator for the courts shall, under the supervision and
6 direction of the chief justice:

7 (1) Examine the administrative methods and systems employed in the
8 offices of the judges, clerks, stenographers, and employees of the
9 courts and make recommendations, through the chief justice, for the
10 improvement of the same;

11 (2) Examine the state of the dockets of the courts and determine
12 the need for assistance by any court;

13 (3) Make recommendations to the chief justice relating to the
14 assignment of judges where courts are in need of assistance and carry
15 out the direction of the chief justice as to the assignments of judges
16 to counties and districts where the courts are in need of assistance;

17 (4) Collect and compile statistical and other data and make reports
18 of the business transacted by the courts and transmit the same to the
19 chief justice to the end that proper action may be taken in respect
20 thereto;

21 (5) Prepare and submit budget estimates of state appropriations
22 necessary for the maintenance and operation of the judicial system and
23 make recommendations in respect thereto;

24 (6) Collect statistical and other data and make reports relating to
25 the expenditure of public moneys, state and local, for the maintenance
26 and operation of the judicial system and the offices connected
27 therewith;

28 (7) Obtain reports from clerks of courts in accordance with law or
29 rules adopted by the supreme court of this state on cases and other

1 judicial business in which action has been delayed beyond periods of
2 time specified by law or rules of court and make report thereof to
3 supreme court of this state;

4 (8) Act as secretary of the judicial conference referred to in RCW
5 2.56.060;

6 (9) Formulate and submit to the judicial council of this state
7 recommendations of policies for the improvement of the judicial system;

8 (10) Submit annually, as of February 1st, to the chief justice and
9 the judicial council, a report of the activities of the administrator's
10 office for the preceding calendar year;

11 (11) Administer programs and standards for the training and
12 education of judicial personnel;

13 (12) Examine the need for new superior court and district judge
14 positions under a weighted caseload analysis that takes into account
15 the time required to hear all the cases in a particular court and the
16 amount of time existing judges have available to hear cases in that
17 court. The results of the weighted caseload analysis shall be reviewed
18 by the board for judicial administration and the judicial council, both
19 of which shall make recommendations to the legislature by January 1,
20 1989. It is the intent of the legislature that weighted caseload
21 analysis become the basis for creating additional district court
22 positions, and recommendations should address that objective;

23 (13) Provide staff to the judicial retirement account plan under
24 chapter 2.14 RCW;

25 (14) Attend to such other matters as may be assigned by the supreme
26 court of this state;

27 (15) Develop a curriculum for a general understanding of child
28 development, placement, and treatment resources, as well as specific
29 legal skills and knowledge of relevant statutes including chapters
30 13.32A (~~and~~), 13.34, and 13.40 RCW, cases, court rules, interviewing

1 skills, and special needs of the abused or neglected child. This
2 curriculum shall be completed and made available to all juvenile court
3 judges, court personnel, and service providers by July 1, 1988. The
4 curriculum shall be updated yearly to reflect changes in statutes,
5 court rules, or case law;

6 (16) Develop a curriculum for a general understanding of (~~hate or~~
7 ~~bias~~) crimes of malicious harassment, as well as specific legal skills
8 and knowledge of RCW 9A.36.080, relevant cases, court rules, and the
9 special needs of malicious harassment victims. This curriculum shall
10 be completed and made available to all superior court and court of
11 appeals judges and to all justices of the supreme court by July 1,
12 1989."

13 "Sec. 120. RCW 4.24.190 and 1977 ex.s. c 145 s 1 are each amended
14 to read as follows:

15 The parent or parents of any minor child under the age of eighteen
16 years who is living with the parent or parents and who shall willfully
17 or maliciously destroy property, real or personal or mixed, or who
18 shall willfully and maliciously inflict personal injury on another
19 person, shall be liable to the owner of such property or to the person
20 injured in a civil action at law for damages in an amount not to exceed
21 (~~three~~) five thousand dollars. This section shall in no way limit
22 the amount of recovery against the parent or parents for their own
23 common law negligence."

24 "Sec. 121. RCW 9.41.010 and 1983 c 232 s 1 are each amended to
25 read as follows:

26 (1) "Short firearm" or "pistol" as used in this chapter means any
27 firearm with a barrel less than twelve inches in length.

28 (2) "Crime of violence" as used in this chapter means:

1 (a) Any of the following felonies, as now existing or hereafter
2 amended: Any felony defined under any law as a class A felony or an
3 attempt to commit a class A felony, criminal solicitation of or
4 criminal conspiracy to commit a class A felony, manslaughter in the
5 first degree, manslaughter in the second degree, indecent liberties if
6 committed by forcible compulsion, rape in the second degree, kidnapping
7 in the second degree, arson in the second degree, assault in the second
8 degree, extortion in the first degree, burglary in the second degree,
9 and robbery in the second degree;

10 (b) Any conviction or adjudication for a felony offense in effect
11 at any time prior to July 1, 1976, which is comparable to a felony
12 classified as a crime of violence in subsection (2)(a) of this section;
13 and

14 (c) Any federal or out-of-state conviction or adjudication for an
15 offense comparable to a felony classified as a crime of violence under
16 subsection (2) (a) or (b) of this section.

17 (3) "Firearm" as used in this chapter means a weapon or device from
18 which a projectile may be fired by an explosive such as gunpowder.

19 (4) "Commercial seller" as used in this chapter means a person who
20 has a federal firearms license."

21 "**Sec. 122.** RCW 9.41.040 and 1983 c 232 s 2 are each amended to
22 read as follows:

23 (1) A person is guilty of the crime of unlawful possession of a
24 short firearm or pistol, if, having previously been convicted or, as a
25 juvenile, adjudicated in this state or elsewhere of a crime of violence
26 or of a felony in which a firearm was used or displayed, the person
27 owns or has in his possession any short firearm or pistol.

28 (2) Unlawful possession of a short firearm or pistol shall be
29 punished as a class C felony under chapter 9A.20 RCW.

1 (3) As used in this section, a person has been "convicted or
2 adjudicated" at such time as a plea of guilty has been accepted or a
3 verdict of guilty has been filed, notwithstanding the pendency of any
4 future proceedings including but not limited to sentencing or
5 disposition, post-trial or post-factfinding motions, and appeals. A
6 person shall not be precluded from possession if the conviction or
7 adjudication has been the subject of a pardon, annulment, certificate
8 of rehabilitation, or other equivalent procedure based on a finding of
9 the rehabilitation of the person convicted or adjudicated or the
10 conviction or disposition has been the subject of a pardon, annulment,
11 or other equivalent procedure based on a finding of innocence.

12 (4) Except as provided in subsection (5) of this section, a person
13 is guilty of the crime of unlawful possession of a short firearm or
14 pistol if, after having been convicted or adjudicated of any felony
15 violation of the uniform controlled substances act, chapter 69.50 RCW,
16 or equivalent statutes of another jurisdiction, or after any period of
17 confinement under RCW 71.05.320 or an equivalent statute of another
18 jurisdiction, or following a record of commitment pursuant to chapter
19 10.77 RCW or equivalent statutes of another jurisdiction, he owns or
20 has in his possession or under his control any short firearm or pistol.

21 (5) Notwithstanding subsection (1) of this section, a person
22 convicted of an offense other than murder, manslaughter, robbery, rape,
23 indecent liberties, arson, assault, kidnapping, extortion, burglary, or
24 violations with respect to controlled substances under RCW 69.50.401(a)
25 and 69.50.410, who received a probationary sentence under RCW 9.95.200,
26 and who received a dismissal of the charge under RCW 9.95.240, shall
27 not be precluded from ownership, possession, or control of a firearm as
28 a result of the conviction."

1 **"Sec. 123.** RCW 13.04.011 and 1979 c 155 s 1 are each amended to
2 read as follows:

3 For purposes of this title:

4 (1) Except as specifically provided in RCW 13.40.020 and chapter
5 13.24 RCW, as now or hereafter amended, "juvenile," "youth," and
6 "child" mean any individual who is under the chronological age of
7 eighteen years;

8 (2) "Juvenile offender" and "juvenile offense" have the meaning
9 ascribed in RCW (~~(13.40.010 through 13.40.240)~~) 13.40.020;

10 (3) "Court" when used without further qualification means the
11 juvenile court judge(s) or commissioner(s);

12 (4) "Parent" or "parents," except as used in chapter 13.34 RCW, as
13 now or hereafter amended, means that parent or parents who have the
14 right of legal custody of the child. "Parent" or "parents" as used in
15 chapter 13.34 RCW, means the biological or adoptive parents of a child
16 unless the legal rights of that person have been terminated by judicial
17 proceedings;

18 (5) "Custodian" means that person who has the legal right to
19 custody of the child."

20 "NEW SECTION. **Sec. 124.** A new section is added to chapter 28A.600
21 RCW to read as follows:

22 School districts may participate in the exchange of information
23 with law enforcement and juvenile court officials to the extent
24 permitted by the family educational and privacy rights act of 1974, 20
25 U.S.C. Sec. 1232g. When directed by court order or pursuant to any
26 lawfully issued subpoena, a school district shall make student records
27 and information available to law enforcement officials, probation
28 officers, court personnel, and others legally entitled to the
29 information. Parents and students shall be notified by the school

1 district of all such orders or subpoenas in advance of compliance with
2 them."

3 **"PART II - FAMILIES AT RISK"**

4 "NEW SECTION. Sec. 201. A new section is added to chapter 28A.225
5 RCW to read as follows:

6 Each school within a school district shall inform the students and
7 the parents of the students enrolled in the school about the compulsory
8 education requirements under this chapter. The school shall distribute
9 the information at least annually."

10 **"Sec. 202.** RCW 28A.225.020 and 1986 c 132 s 2 are each amended to
11 read as follows:

12 If a juvenile required to attend school under the laws of the state
13 of Washington fails to attend school without valid justification
14 (~~((recurrently or for an extended period of time))~~), the juvenile's
15 school(~~(, where appropriate,)~~) shall:

16 (1) Inform the juvenile's custodial parent, parents or guardian by
17 a notice in writing in English and, if different, in the primary
18 language of the custodial parent, parents or guardian and by other
19 means reasonably necessary to achieve notice of the fact that the
20 juvenile has failed to attend school without valid justification
21 (~~((recurrently or for an extended period of time))~~) after one unexcused
22 absence during the current school year;

23 (2) Schedule a conference or conferences with the custodial parent,
24 parents or guardian and juvenile at a time and place reasonably
25 convenient for all persons included for the purpose of analyzing the
26 causes of the juvenile's absences after two unexcused absences during
27 the current school year; and

1 (3) Take steps to eliminate or reduce the juvenile's absences.
2 These steps shall include, where appropriate, adjusting the juvenile's
3 school program or school or course assignment, providing more
4 individualized or remedial instruction, preparing the juvenile for
5 employment with specific vocational courses or work experience, or
6 both, and assisting the parent or student to obtain supplementary
7 services that might eliminate or ameliorate the cause or causes for the
8 absence from school."

9 "Sec. 203. RCW 28A.225.030 and 1990 c 33 s 220 are each amended to
10 read as follows:

11 If action taken by a school pursuant to RCW 28A.225.020 is not
12 successful in substantially reducing a student's absences from school,
13 any of the following actions may be taken after five or more unexcused
14 absences during the current school year: (1) The attendance officer of
15 the school district through its attorney may petition the juvenile
16 court to assume jurisdiction under RCW 28A.200.010, 28A.200.020, and
17 28A.225.010 through 28A.225.150 for the purpose of alleging a violation
18 of RCW 28A.225.010 by the parent; or (2) a petition alleging a
19 violation of RCW 28A.225.010 by a child may be filed with the juvenile
20 court by the parent of such child or by the attendance officer of the
21 school district through its attorney at the request of the parent. If
22 the court assumes jurisdiction in such an instance, the provisions of
23 RCW 28A.200.010, 28A.200.020, and 28A.225.010 through 28A.225.150,
24 except where otherwise stated, shall apply."

25 "Sec. 204. RCW 28A.225.090 and 1990 c 33 s 226 are each amended to
26 read as follows:

27 Any person violating any of the provisions of either RCW
28 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five

1 dollars for each day of unexcused absence from school. However, a
2 child found to be in violation of RCW 28A.225.010 shall be required to
3 attend school and shall not be fined. If the child fails to comply
4 with the court order to attend school, the court may order the child be
5 punished by detention or may impose alternatives to detention such as
6 community service hours or participation in dropout prevention programs
7 or referral to a community truancy board, if available. Failure by a
8 child to comply with an order issued under this section shall not be
9 punishable by detention for a period greater than that permitted
10 pursuant to a contempt proceeding against a child under chapter 13.32A
11 RCW. It shall be a defense for a parent charged with violating RCW
12 28A.225.010 to show that he or she exercised reasonable diligence in
13 attempting to cause a child in his or her custody to attend school or
14 that the juvenile's school did not perform its duties as required in
15 RCW 28A.225.020. Any fine imposed pursuant to this section may be
16 suspended upon the condition that a parent charged with violating RCW
17 28A.225.010 shall participate with the school and the juvenile in a
18 supervised plan for the juvenile's attendance at school or upon
19 condition that the parent attend a conference or conferences scheduled
20 by a school for the purpose of analyzing the causes of a child's absence.

21 Attendance officers shall make complaint for violation of the
22 provisions of RCW 28A.225.010 through 28A.225.140 to a judge of the
23 superior or district court."

24 "Sec. 205. RCW 28A.225.150 and 1990 c 33 s 232 are each amended to
25 read as follows:

26 The school district attendance officer shall report biannually to
27 the educational service district superintendent, in the instance of
28 petitions filed alleging a violation by a child under RCW 28A.225.030:

1 (1) The number of petitions filed by a school district or by a
2 parent;

3 (2) The frequency of each action taken under RCW 28A.225.020 prior
4 to the filing of such petition;

5 (3) When deemed appropriate under RCW 28A.225.020, the frequency of
6 delivery of supplemental services; and

7 (4) Disposition of cases filed with the juvenile court, including
8 the frequency of contempt orders issued to enforce a court's order
9 under RCW 28A.225.090.

10 The educational service district superintendent shall compile such
11 information and report annually to the superintendent of public
12 instruction. The superintendent of public instruction shall compile
13 such information and report to the committees of the house of
14 representatives and the senate by (~~January 1, 1988~~) September 1 of
15 each year."

16 "**Sec. 206.** RCW 13.32A.130 and 1990 c 276 s 8 are each amended to
17 read as follows:

18 A child admitted to a crisis residential center under this chapter
19 who is not returned to the home of his or her parent or who is not
20 placed in an alternative residential placement under an agreement
21 between the parent and child, shall, except as provided for by RCW
22 13.32A.140 and 13.32A.160(2), reside in such placement under the rules
23 and regulations established for the center for a period not to exceed
24 (~~seventy two hours, excluding Saturdays, Sundays, and holidays,~~) five
25 consecutive days from the time of intake, except as otherwise provided
26 by this chapter. Crisis residential center staff shall make a
27 concerted effort to achieve a reconciliation of the family. If a
28 reconciliation and voluntary return of the child has not been achieved
29 within forty-eight hours(~~(, excluding Saturdays, Sundays and~~

1 ~~holidays~~,)) from the time of intake, and if the person in charge of the
2 center does not consider it likely that reconciliation will be achieved
3 within the (~~seventy-two hour~~) five-day period, then the person in
4 charge shall inform the parent and child of (1) the availability of
5 counseling services; (2) the right to file a petition for an
6 alternative residential placement, the right of a parent to file an at-
7 risk youth petition, and the right of the parent and child to obtain
8 assistance in filing the petition; and (3) the right to request a
9 review of any alternative residential placement: PROVIDED, That at no
10 time shall information regarding a parent's or child's rights be
11 withheld if requested: PROVIDED FURTHER, That the department shall
12 develop and distribute to all law enforcement agencies and to each
13 crisis residential center administrator a written statement delineating
14 such services and rights. Every officer taking a child into custody
15 shall provide the child and his or her parent(s) or responsible adult
16 with whom the child is placed with a copy of such statement. In
17 addition, the administrator of the facility or his or her designee
18 shall provide every resident and parent with a copy of such statement."

19 "Sec. 207. RCW 13.32A.140 and 1990 c 276 s 9 are each amended to
20 read as follows:

21 The department shall file a petition to approve an alternative
22 residential placement on behalf of a child under any of the following
23 sets of circumstances:

24 (1) The child has been admitted to a crisis residential center or
25 has been placed with a responsible person other than his or her parent,
26 and:

27 (a) The parent has been notified that the child was so admitted or
28 placed;

1 (b) (~~Seventy two hours, including Saturdays, Sundays, and~~
2 ~~holidays,~~) Five consecutive days have passed since such notification;

3 (c) No agreement between the parent and the child as to where the
4 child shall live has been reached;

5 (d) No petition requesting approval of an alternative residential
6 placement has been filed by either the child or parent or legal
7 custodian;

8 (e) The parent has not filed an at-risk youth petition; and

9 (f) The child has no suitable place to live other than the home of
10 his or her parent.

11 (2) The child has been admitted to a crisis residential center and:

12 (a) (~~Seventy two hours, including Saturdays, Sundays, and~~
13 ~~holidays,~~) Five consecutive days have passed since such placement;

14 (b) The staff, after searching with due diligence, have been unable
15 to contact the parent of such child; and

16 (c) The child has no suitable place to live other than the home of
17 his or her parent.

18 (3) An agreement between parent and child made pursuant to RCW
19 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer
20 acceptable to parent or child, and:

21 (a) The party to whom the arrangement is no longer acceptable has
22 so notified the department;

23 (b) (~~Seventy two hours, including Saturdays, Sundays, and~~
24 ~~holidays,~~) Five consecutive days have passed since such notification;

25 (c) No new agreement between parent and child as to where the child
26 shall live has been reached;

27 (d) No petition requesting approval of an alternative residential
28 placement has been filed by either the child or the parent;

29 (e) The parent has not filed an at-risk youth petition; and

1 (f) The child has no suitable place to live other than the home of
2 his or her parent.

3 Under the circumstances of subsections (1), (2), or (3) of this
4 section, the child shall remain in a licensed child care facility,
5 including but not limited to a crisis residential center, or in any
6 other suitable residence to be determined by the department until an
7 alternative residential placement petition filed by the department on
8 behalf of the child is reviewed by the juvenile court and is resolved
9 by such court. The department may authorize emergency medical or
10 dental care for a child placed under this section. The state, when the
11 department files a petition for alternative residential placement under
12 this section, shall be represented as provided for in RCW 13.04.093."

13 "NEW SECTION. **Sec. 208.** To the extent possible, the department
14 of social and health services shall transfer children who are
15 inappropriately housed in crisis residential centers to residential and
16 treatment services designed to meet their specific, unique needs by
17 June 30, 1993.

18 The department shall prepare a budget request for the 1993-95
19 biennium that ensures all children inappropriately housed in crisis
20 residential centers are transferred to appropriate residential and
21 treatment services. The budget request shall be included in the
22 governor's proposed expenditure plan for the 1993-95 biennium."

23 "NEW SECTION. **Sec. 209.** A new section is added to chapter 13.32A
24 RCW to read as follows:

25 The department of social and health services shall not
26 administratively split-code staff responsible for family reconciliation
27 services between separate and distinct functions, except in remote
28 rural offices where to do otherwise proves impractical."

1 "NEW SECTION. Sec. 210. A new section is added to chapter 13.32A
2 RCW to read as follows:

3 All placements into crisis residential centers shall be approved by
4 and coordinated through the family reconciliation services supervisor.
5 The department of social and health services shall establish uniform
6 procedures for the use of crisis residential centers, which shall be
7 adhered to by all family reconciliation services supervisors. The
8 department shall ensure procedures established under this section will
9 facilitate and complement law enforcement officer's existing
10 responsibility to pick up and transport children to crisis residential
11 centers and other places authorized by law under this chapter."

12 "**Sec. 211.** RCW 74.13.032 and 1979 c 155 s 78 are each amended to
13 read as follows:

14 (1) The department (~~((shall establish, by contracts with private~~
15 ~~vendors,))~~ may operate or contract to operate not less than eight
16 regional crisis residential centers, which shall be structured group
17 care facilities licensed under rules adopted by the department. Each
18 regional center shall have (~~((an average of at least four adult staff~~
19 ~~members and in no event less than))~~ three adult staff members to every
20 ~~((eight))~~ nine children. The staff shall be trained so that they may
21 effectively counsel juveniles admitted to the centers, provide
22 treatment, supervision, and structure to the juveniles, and carry out
23 the responsibilities outlined in RCW 13.32A.090.

24 (2) The department shall, in addition to the regional facilities
25 established under subsection (1) of this section, establish not less
26 than thirty additional crisis residential centers pursuant to contract
27 with licensed private group care or specialized foster home facilities.
28 The staff at the facilities shall be trained so that they may
29 effectively counsel juveniles admitted to the centers, provide

1 treatment, supervision, and structure to the juveniles, and carry out
2 the responsibilities stated in RCW 13.32A.090. The responsibilities
3 stated in RCW 13.32A.090 may, in any of the centers, be carried out by
4 the department.

5 Crisis residential facilities shall be operated as semi-secure
6 facilities."

7 "**Sec. 212.** RCW 74.13.033 and 1979 c 155 s 79 are each amended to
8 read as follows:

9 (1) If a resident of a center becomes by his or her behavior
10 disruptive to the facility's program, such resident may be immediately
11 removed to a separate area within the facility and counseled on an
12 individual basis until such time as the child regains his or her
13 composure. The department may set rules and regulations establishing
14 additional procedures for dealing with severely disruptive children on
15 the premises, which procedures are consistent with the federal juvenile
16 justice and delinquency prevention act of 1974 and regulations and
17 clarifying instructions promulgated thereunder. Nothing in this
18 section shall prohibit a center from referring any child who, as the
19 result of a mental or emotional disorder, or intoxication by alcohol or
20 other drugs, is suicidal, seriously assaultive or seriously destructive
21 toward others, or otherwise similarly evidences an immediate need for
22 emergency medical evaluation and possible care, (~~to a community mental~~
23 ~~health center~~) for evaluation pursuant to chapter 71.34 RCW
24 (~~(72.23.070)~~) or to a mental health professional pursuant to chapter
25 71.05 RCW whenever such action is deemed appropriate and consistent
26 with law.

27 (2) When the juvenile resides in this facility, all services deemed
28 necessary to the juvenile's reentry to normal family life shall be made

1 available to the juvenile as required by chapter 13.32A RCW. In
2 providing these services, the facility shall:

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

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

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

9 (d) Provide additional crisis counseling as needed, to the end that
10 placement of the child in the crisis residential center will be
11 required for the shortest time possible, but not to exceed (~~seventy-~~
12 ~~two hours~~) five consecutive days.

13 (3) A juvenile taking unauthorized leave from this residence may be
14 apprehended and returned to it by law enforcement officers or other
15 persons designated as having this authority as provided in RCW
16 13.32A.050. If returned to the facility after having taken
17 unauthorized leave for a period of more than twenty-four hours a
18 juvenile may be supervised by such a facility for a period, pursuant to
19 this chapter, which, unless where otherwise provided, may not exceed
20 (~~seventy-two hours~~) five consecutive days on the premises. Costs of
21 housing juveniles admitted to crisis residential centers shall be
22 assumed by the department for a period not to exceed (~~seventy-two~~
23 ~~hours~~) five consecutive days."

24 "Sec. 213. RCW 74.13.034 and 1991 c 364 s 5 are each amended to
25 read as follows:

26 (1) A child taken into custody and taken to a crisis residential
27 center established pursuant to RCW 74.13.032(2) may, if the center is
28 unable to provide appropriate treatment, supervision, and structure to
29 the child, be taken at department expense to another crisis residential

1 center or the nearest regional crisis residential center. Placement in
2 both centers shall not exceed (~~seventy-two hours~~) five consecutive
3 days from the point of intake as provided in RCW 13.32A.130.

4 (2) A child taken into custody and taken to a crisis residential
5 center established by this chapter may be placed physically by the
6 department or the department's designee and, at departmental expense
7 and approval, in a secure juvenile detention facility operated by the
8 county in which the center is located for a maximum of forty-eight
9 hours, including Saturdays, Sundays, and holidays, if the child has
10 taken unauthorized leave from the center and the person in charge of
11 the center determines that the center cannot provide supervision and
12 structure adequate to ensure that the child will not again take
13 unauthorized leave. Juveniles placed in such a facility pursuant to
14 this section may not, to the extent possible, come in contact with
15 alleged or convicted juvenile or adult offenders.

16 (3) Any child placed in secure detention pursuant to this section
17 shall, during the period of confinement, be provided with appropriate
18 treatment by the department or the department's designee, which shall
19 include the services defined in RCW 74.13.033(2). If the child placed
20 in secure detention is not returned home or if an alternative living
21 arrangement agreeable to the parent and the child is not made within
22 twenty-four hours after the child's admission, the child shall be taken
23 at the department's expense to a crisis residential center. Placement
24 in the crisis residential center or centers plus placement in juvenile
25 detention shall not exceed (~~seventy-two hours~~) five consecutive days
26 from the point of intake as provided in RCW 13.32A.130.

27 (4) Juvenile detention facilities used pursuant to this section
28 shall first be certified by the department to ensure that juveniles
29 placed in the facility pursuant to this section are provided with
30 living conditions suitable to the well-being of the child. Where space

1 is available, juvenile courts, when certified by the department to do
2 so, shall provide secure placement for juveniles pursuant to this
3 section, at department expense.

4 (5) It is the intent of the legislature that by July 1, 1982,
5 crisis residential centers, supplemented by community mental health
6 programs and mental health professionals, will be able to respond
7 appropriately to children admitted to centers under this chapter and
8 will be able to respond to the needs of such children with appropriate
9 treatment, supervision, and structure."

10 "Sec. 214. RCW 71A.10.020 and 1988 c 176 s 102 are each amended to
11 read as follows:

12 As used in this title, the following terms have the meanings
13 indicated unless the context clearly requires otherwise.

14 (1) "Department" means the department of social and health
15 services.

16 (2) "Developmental disability" means a disability attributable to
17 mental retardation, cerebral palsy, epilepsy, autism, fetal alcohol
18 syndrome, or another neurological or other condition of an individual
19 found by the secretary to be closely related to mental retardation or
20 to require treatment similar to that required for individuals with
21 mental retardation, which disability originates before the individual
22 attains age eighteen, which has continued or can be expected to
23 continue indefinitely, and which constitutes a substantial handicap to
24 the individual. By January 1, 1989, the department shall promulgate
25 rules which define neurological or other conditions in a way that is
26 not limited to intelligence quotient scores as the sole ((~~determinate~~
27 {~~determinant~~})) determinant of these conditions, and notify the
28 legislature of this action.

1 (3) "Eligible person" means a person who has been found by the
2 secretary under RCW 71A.16.040 to be eligible for services.

3 (4) "Habilitative services" means those services provided by
4 program personnel to assist persons in acquiring and maintaining life
5 skills and to raise their levels of physical, mental, social, and
6 vocational functioning. Habilitative services include education,
7 training for employment, and therapy.

8 (5) "Legal representative" means a parent of a person who is under
9 eighteen years of age, a person's legal guardian, a person's limited
10 guardian when the subject matter is within the scope of the limited
11 guardianship, a person's attorney at law, a person's attorney in fact,
12 or any other person who is authorized by law to act for another person.

13 (6) "Notice" or "notification" of an action of the secretary means
14 notice in compliance with RCW 71A.10.060.

15 (7) "Residential habilitation center" means a state-operated
16 facility for persons with developmental disabilities governed by
17 chapter 71A.20 RCW.

18 (8) "Secretary" means the secretary of social and health services
19 or the secretary's designee.

20 (9) "Service" or "services" means services provided by state or
21 local government to carry out this title."

22 **"PART III - INVOLUNTARY COMMITMENT AND TREATMENT"**

23 **"Sec. 301.** RCW 74.04.055 and 1991 c 126 s 2 are each amended to
24 read as follows:

25 In furtherance of the policy of this state to cooperate with the
26 federal government in the programs included in this title the secretary
27 shall issue such rules and regulations as may become necessary to
28 entitle this state to participate in federal grants-in-aid, goods,

1 commodities and services unless the same be expressly prohibited by
2 this title. The secretary shall ensure that the department's services
3 and programs are designed and implemented to maximize the allocation of
4 federal funds to the state.

5 Any section or provision of this title which may be susceptible to
6 more than one construction shall be interpreted in favor of the
7 construction most likely to satisfy federal laws entitling this state
8 to receive federal matching or other funds for the various programs of
9 public assistance. If any part of this chapter is found to be in
10 conflict with federal requirements which are a prescribed condition to
11 the receipts of federal funds to the state, the conflicting part of
12 this chapter is hereby inoperative solely to the extent of the conflict
13 with respect to the agencies directly affected, and such finding or
14 determination shall not affect the operation of the remainder of this
15 chapter."

16 "Sec. 302. RCW 71.34.010 and 1985 c 354 s 1 are each amended to
17 read as follows:

18 It is the purpose of this ((~~legislation~~)) chapter to ensure that
19 minors in need of mental health care and treatment receive an
20 appropriate continuum of culturally relevant care and treatment, ((and
21 to enable treatment decisions to be made in response to clinical needs
22 and in accordance with sound professional judgment while also
23 recognizing parents' rights to participate in treatment decisions for
24 their minor children, and to protect minors against needless
25 hospitalization and deprivations of liberty)) from prevention and early
26 intervention to involuntary treatment. To facilitate the continuum of
27 care and treatment to minors in out-of-home placements, all divisions
28 of the department that provide mental health services to minors shall
29 jointly plan and deliver those services.

1 It is also the purpose of this chapter to protect the rights of
2 minors against needless hospitalization and deprivations of liberty and
3 to enable treatment decisions to be made in response to clinical needs
4 in accordance with sound professional judgment. The mental health care
5 and treatment providers shall encourage the use of voluntary services
6 and, whenever clinically appropriate, the providers shall offer less
7 restrictive alternatives to inpatient treatment. Additionally, all
8 mental health care and treatment providers shall ensure that minors'
9 parents are given an opportunity to participate in the treatment
10 decisions for their minor children. The mental health care and
11 treatment providers shall, to the extent possible, offer services that
12 involve minors' parents or family."

13 **"Sec. 303.** RCW 71.34.020 and 1985 c 354 s 2 are each amended to
14 read as follows:

15 Unless the context clearly requires otherwise, the definitions in
16 this section apply throughout this chapter.

17 (1) "Child psychiatrist" means a person having a license as a
18 physician and surgeon in this state, who has had graduate training in
19 child psychiatry in a program approved by the American Medical
20 Association or the American Osteopathic Association, and who is board
21 eligible or board certified in child psychiatry.

22 (2) "Children's mental health specialist" means:

23 (a) A mental health professional who has completed a minimum of one
24 hundred actual hours, not quarter or semester hours, of specialized
25 training devoted to the study of child development and the treatment of
26 children; and

27 (b) A mental health professional who has the equivalent of one year
28 of full-time experience in the treatment of children under the
29 supervision of a children's mental health specialist.

1 (3) "Commitment" means a determination by a judge or court
2 commissioner, made after a commitment hearing, that the minor is in
3 need of inpatient diagnosis, evaluation, or treatment or that the minor
4 is in need of less restrictive alternative treatment.

5 (4) "County-designated mental health professional" means a mental
6 health professional designated by one or more counties to perform the
7 functions of a county-designated mental health professional described
8 in this chapter.

9 (5) "Department" means the department of social and health
10 services.

11 (6) "Evaluation and treatment facility" means a public or private
12 facility or unit that is certified by the department to provide
13 emergency, inpatient, residential, or outpatient mental health
14 evaluation and treatment services for minors. A physically separate
15 and separately-operated portion of a state hospital may be designated
16 as an evaluation and treatment facility for minors. A facility which
17 is part of or operated by the department or federal agency does not
18 require certification. No correctional institution or facility,
19 juvenile court detention facility, or jail may be an evaluation and
20 treatment facility within the meaning of this chapter.

21 (7) "Evaluation and treatment program" means the total system of
22 services and facilities coordinated and approved by a county or
23 combination of counties for the evaluation and treatment of minors
24 under this chapter.

25 (8) "Gravely disabled minor" means a minor who, as a result of a
26 mental disorder, is in danger of serious physical harm resulting from
27 a failure to provide for his or her essential human needs of health or
28 safety, or manifests severe deterioration in routine functioning
29 evidenced by repeated and escalating loss of cognitive or volitional

1 control over his or her actions and is not receiving such care as is
2 essential for his or her health or safety.

3 (9) "Inpatient treatment" means twenty-four-hour-per-day mental
4 health care provided within a general hospital, psychiatric hospital,
5 or residential treatment facility certified by the department as an
6 evaluation and treatment facility for minors.

7 (10) "Less restrictive alternative" or "less restrictive setting"
8 means outpatient treatment provided to a minor who is not residing in
9 a facility providing inpatient treatment as defined in this chapter.

10 (11) "Likelihood of serious harm" means either: (a) A substantial
11 risk that physical harm will be inflicted by an individual upon his or
12 her own person, as evidenced by threats or attempts to commit suicide
13 or inflict physical harm on oneself; (b) a substantial risk that
14 physical harm will be inflicted by an individual upon another, as
15 evidenced by behavior which has caused such harm or which places
16 another person or persons in reasonable fear of sustaining such harm;
17 or (c) a substantial risk that physical harm will be inflicted by an
18 individual upon the property of others, as evidenced by behavior which
19 has caused substantial loss or damage to the property of others. In
20 assessing risk of harm, the frame of reference shall include all
21 relevant history and shall not be limited to the minor's behavior when
22 assessed by a mental health professional.

23 (12) "Mental disorder" means any organic, mental, or emotional
24 impairment that has substantial adverse effects on an individual's
25 cognitive or volitional functions. The presence of alcohol abuse, drug
26 abuse, juvenile criminal history, antisocial behavior, or mental
27 retardation alone is insufficient to justify a finding of "mental
28 disorder" within the meaning of this section. A mental disorder shall
29 include any illness, impairment, or disorder identified as such by the
30 American psychiatric association by and through its published

1 Diagnostic and Statistical Manual as now in existence or hereafter
2 revised.

3 (13) "Mental health professional" means a psychiatrist,
4 psychologist, psychiatric nurse, or social worker, and such other
5 mental health professionals as may be defined by rules adopted by the
6 secretary under this chapter.

7 (14) "Minor" means any person under the age of eighteen years.

8 (15) "Outpatient treatment" means any of the nonresidential
9 services mandated under chapter 71.24 RCW and provided by licensed
10 services providers as identified by RCW 71.24.025(3).

11 (16) "Parent" means:

12 (a) A biological or adoptive parent who has legal custody of the
13 child, including either parent if custody is shared under a joint
14 custody agreement; or

15 (b) A person or agency judicially appointed as legal guardian or
16 custodian of the child.

17 (17) "Professional person in charge" means a physician or other
18 mental health professional empowered by an evaluation and treatment
19 facility with authority to make admission and discharge decisions on
20 behalf of that facility.

21 (18) "Psychiatric nurse" means a registered nurse who has a
22 bachelor's degree from an accredited college or university, and who has
23 had, in addition, at least two years' experience in the direct
24 treatment of mentally ill or emotionally disturbed persons, such
25 experience gained under the supervision of a mental health
26 professional. "Psychiatric nurse" shall also mean any other registered
27 nurse who has three years of such experience.

28 (19) "Psychiatrist" means a person having a license as a physician
29 in this state who has completed residency training in psychiatry in a
30 program approved by the American Medical Association or the American

1 Osteopathic Association, and is board eligible or board certified in
2 psychiatry.

3 (20) "Psychologist" means a person licensed as a psychologist under
4 chapter 18.83 RCW.

5 (21) "Responsible other" means the minor, the minor's parent or
6 estate, or any other person legally responsible for support of the
7 minor.

8 (22) "Secretary" means the secretary of the department or
9 secretary's designee.

10 (23) "Start of initial detention" means the time of arrival of the
11 minor at the first evaluation and treatment facility offering inpatient
12 treatment if the minor is being involuntarily detained at the time.
13 With regard to voluntary patients, "start of initial detention" means
14 the time at which the minor gives notice of intent to leave under the
15 provisions of this chapter."

16 "NEW SECTION. Sec. 304. A new section is added to chapter 71.34
17 RCW to read as follows:

18 For the purpose of encouraging the expansion of existing evaluation
19 and treatment facilities and the creation of new facilities, the
20 department shall endeavor to redirect federal Title XIX funds which are
21 expended on out-of-state placements to fund placements within the
22 state."

23 "NEW SECTION. Sec. 305. A new section is added to chapter 71.34
24 RCW to read as follows:

25 The department shall ensure that the provisions of this chapter are
26 applied by the counties in a consistent and uniform manner. The
27 department shall also ensure that the county-designated mental health
28 professionals are specifically trained in adolescent mental health

1 issues, the mental health civil commitment laws, and the criteria for
2 civil commitment."

3 "NEW SECTION. Sec. 306. A new section is added to chapter 71.34
4 RCW to read as follows:

5 Whenever a county-designated mental health professional makes a
6 determination under RCW 71.34.050 that a minor, thirteen years or
7 older, does not meet the criteria for an involuntary detention at an
8 evaluation and treatment facility, the county-designated mental health
9 professional shall:

10 (1) Provide written notice to the minor's parent of the parent's
11 right to file petitions and obtain services available under chapter
12 13.32A RCW;

13 (2) Provide written notice to the minor's parent of the parent's
14 right to file a petition, as provided in section 307 of this act, to
15 seek a review of the decision not to detain the minor at an evaluation
16 and treatment facility;

17 (3) Provide a written evaluation to the minor's parent detailing
18 the county-designated mental health professional's reasons for not
19 detaining the minor at an evaluation and treatment facility. The
20 evaluation shall include the specific facts investigated, the
21 credibility of the person or persons providing the information, and the
22 criteria for an involuntary detention; and

23 (4) Refer the minor and the parents to other available services."

24 "NEW SECTION. Sec. 307. A new section is added to chapter 71.34
25 RCW to read as follows:

26 (1) Whenever a county-designated mental health professional makes
27 a determination under RCW 71.34.050 that a minor, thirteen years of age
28 or older, does not meet the criteria for an involuntary admission at an

1 evaluation and treatment facility, the minor's parent may file a
2 petition in the superior court seeking a review of the county-
3 designated mental health professional's decision not to detain the
4 minor.

5 (2) The following documents shall be filed with the petition:

6 (a) An affidavit of the parent which states the reasons why the
7 parent disagrees with the evaluation conducted by the county-designated
8 mental health professional and includes the specific facts alleged
9 which indicate the need for the minor's detention;

10 (b) Any other relevant affidavits signed by persons with knowledge
11 of the specific facts alleged that indicate the need for the minor's
12 detention at an evaluation and treatment facility; and

13 (c) The county-designated mental health professional's written
14 evaluation provided under section 306(3) of this act.

15 (3) The court shall review the petition, affidavits, and supporting
16 documentation and render a decision within three judicial days after
17 the petition is filed. If the court finds that the minor, as a result
18 of a mental disorder, presents a likelihood of serious harm or is
19 gravely disabled, the court shall issue a warrant for the detention of
20 the minor at an evaluation and treatment facility. The warrant shall
21 be served with a statement of the minor's rights as delineated in RCW
22 71.34.050(3), which includes the immediate right to an attorney.

23 (4) All other provisions contained in this chapter relating to the
24 detention, evaluation, and treatment shall apply."

25 "NEW SECTION. Sec. 308. A new section is added to chapter 70.96A
26 RCW to read as follows:

27 The department shall ensure that the provisions of this chapter are
28 applied by the counties in a consistent and uniform manner. The
29 department shall also ensure that the county-designated chemical

1 dependency specialists are specifically trained in adolescent chemical
2 dependency issues, the chemical dependency commitment laws, and the
3 criteria for commitment."

4 "NEW SECTION. Sec. 309. A new section is added to chapter 70.96A
5 RCW to read as follows:

6 Whenever a county-designated chemical dependency specialist makes
7 a determination under RCW 70.96A.140 that a minor does not meet the
8 criteria for a commitment to a chemical dependency program, the county-
9 designated chemical dependency specialist shall:

10 (1) Provide written notice to the minor's parent of the parent's
11 right to file petitions and obtain services available under chapter
12 13.32A RCW;

13 (2) Provide written notice to the minor's parent of the parent's
14 right to file a petition, as provided in section 310 of this act, to
15 seek a review of the decision not to commit the minor to a chemical
16 dependency program;

17 (3) Provide a written evaluation to the minor's parent detailing
18 the county-designated chemical dependency specialist's reasons for not
19 committing the minor in a chemical dependency program. The evaluation
20 shall include the specific facts investigated, the credibility of the
21 person or persons providing the information, and the criteria for a
22 commitment to a chemical dependency treatment program; and

23 (4) Refer the minor and the parents to other available services."

24 "NEW SECTION. Sec. 310. A new section is added to chapter 70.96A
25 RCW to read as follows:

26 (1) Whenever a county-designated chemical dependency specialist
27 makes a determination under RCW 70.96A.140 that a minor does not meet
28 the criteria for a commitment to a chemical dependency treatment

1 program, the minor's parent may file a petition in the superior court
2 seeking a review of the county-designated chemical dependency
3 specialist's decision not to commit the minor.

4 (2) The following documents shall be filed with the petition:

5 (a) An affidavit of the parent which states the reasons why the
6 parent disagrees with the evaluation conducted by the county-designated
7 chemical dependency specialist and includes the specific facts alleged
8 that indicate the need for the minor's commitment;

9 (b) Any other relevant affidavits signed by persons with knowledge
10 of the specific facts alleged that indicate the need for the minor's
11 commitment in a chemical dependency treatment program; and

12 (c) The county-designated chemical dependency specialist's written
13 evaluation provided under section 309(3) of this act.

14 (3) The court shall review the petition, affidavits, and supporting
15 documentation and render a decision within three judicial days after
16 the petition is filed. If the court finds by a preponderance of the
17 evidence that the minor meets the criteria for commitment as set forth
18 in RCW 70.96A.140(1), the court shall fix a date for a hearing as
19 provided in RCW 70.96A.140(2). The petition and order for a hearing
20 shall be served on the minor and on the county-designated chemical
21 dependency specialist who wrote the evaluation that was filed with the
22 court.

23 (4) All other provisions contained in this chapter relating to the
24 hearing and commitment shall apply."

25 "NEW SECTION. Sec. 311. The department of social and health
26 services shall conduct a planning study of the children in its care to
27 determine the appropriate level of residential and treatment services
28 required by these children. The study shall be based on a
29 statistically valid sample of all children in the department's care.

1 The study shall also estimate the treatment needs of youth who have
2 been evaluated for a mental disorder but were not involuntarily
3 detained pursuant to chapter 71.34 RCW.

4 In conducting the study, the department shall utilize all existing
5 studies to the extent possible. The department shall report the
6 results of the study to the appropriate standing committees of the
7 legislature by September 15, 1992. The department shall use the study
8 results for designing future programs, treatment models, and for
9 determining the reallocation of funds within the department. The
10 department shall submit recommendations to the appropriate standing
11 committees of the legislature on the necessary reallocation of funds,
12 as indicated by the assessment results, by January 1, 1993."

13 **"PART IV - MISCELLANEOUS"**

14 **"Sec. 401.** 1991 c 234 s 1 (uncodified) is amended to read as
15 follows:

16 A juvenile issues task force is created to review the operation of
17 the 1977 Juvenile Justice Act, the Family Reconciliation Act, the 1990
18 "at-risk" youth legislation, and to study related issues. The task
19 force is charged with issuing a report and making recommendations to
20 the legislature by December 15, (~~(1991)~~) 1992.

21 The task force shall consist of the following members:

22 (1) Three co-chairs, one from the state senate appointed by the
23 president of the senate; one from the state house of representatives
24 appointed by the speaker of the house of representatives; and one
25 appointed by the governor from among the members of the task force
26 named in subsection (3) of this section.

27 (2) Eight legislators in addition to the two legislative cochairs
28 selected under subsection (1) of this section, two each from the

1 majority and minority caucuses of the senate and two each from the
2 majority and minority caucuses of the house of representatives.

3 (3) The governor shall appoint the following members of the task
4 force:

5 (a) ~~((Three))~~ Two superior court judges;

6 (b) ~~((Two))~~ One prosecuting attorney~~((s))~~;

7 (c) ~~((Two))~~ One juvenile public defender~~((s))~~;

8 (d) The secretary of social and health services or the secretary's
9 designee;

10 (e) ~~((Two))~~ One juvenile court administrator~~((s))~~;

11 (f) One police chief or county sheriff;

12 (g) ~~((One child psychologist;~~

13 ~~(h) One child psychiatrist;~~

14 ~~(i))~~ Two directors of ~~((a))~~ youth service organizations;

15 ~~((+j))~~ (h) One person from the Washington council on crime and
16 delinquency;

17 ~~((+k))~~ (i) One person from a parents' organization;

18 ~~((+l) One person from a crisis residential center;~~

19 ~~(+m))~~ (j) One juvenile court caseworker;

20 ~~((+n) One representative of the executive branch;~~

21 ~~(+o) One))~~ (k) Two members of the mental health treatment community;

22 ~~((and~~

23 ~~(+p))~~ (l) One member from the substance abuse treatment community;

24 (m) One member from the education system;

25 (n) One member from local government; and

26 (o) One member representing the employees of state institutions.

27 The department of social and health services shall fund the task
28 force in an amount sufficient to meet its mission. The task force
29 shall be staffed, to the extent possible, by staff available from the
30 membership of the task force.

1 The governor shall ensure that the racial diversity of the task
2 force membership appointed by the governor reflects the racial
3 diversity of juveniles served under the Family Reconciliation Act, the
4 1977 Juvenile Justice Act, and the 1990 "at-risk" youth legislation.

5 The task force shall develop a statutory community-based planning,
6 allocation, and service system for children and families, including at-
7 risk youth, runaways, and families in conflict, and submit it to the
8 appropriate legislative committees no later than December 1, 1992. The
9 task force shall: (i) Identify which state agencies, programs, and
10 services should be included in the system; (ii) identify the various
11 youth populations to be served by the system; and (iii) determine how
12 to coordinate this system with existing community-based planning and
13 coordination requirements, including, but not limited to, chapter 326,
14 Laws of 1991, and chapter 13.06 RCW."

15 **"Sec. 402.** 1991 c 234 s 2 (uncodified) is amended to read as
16 follows:

17 The department of social and health services, in cooperation with
18 the commission on African American affairs, shall contract for an
19 independent study of racial disproportionality in the juvenile justice
20 system. The study shall identify key decision points in the juvenile
21 justice system where race and/or ethnicity-based disproportionality
22 exists in the treatment and incarceration of juvenile offenders. The
23 study shall identify the causes of disproportionality, and propose new
24 policies and procedures to address disproportionality.

25 (~~The department shall submit the study's preliminary findings and~~
26 ~~recommendations to the juvenile justice task force established under~~
27 ~~section 1 of this act by September 13, 1991.)) The final report shall
28 be submitted to the appropriate committees of the legislature by
29 December (~~(1, 1991))~~ 15, 1992.~~

1 The juvenile justice task force shall utilize the information on
2 disproportionality in developing its report and recommendations to the
3 legislature required under section ((1)) 401 of this act. ((If by June
4 30, 1991, the omnibus operating budget appropriations act for the 1991-
5 93 biennium does not provide specific funding for this section,
6 referencing this section by bill number and section, this section is
7 null and void.))"

8 "NEW SECTION. Sec. 403. A new section is added to chapter 13.40
9 RCW to read as follows:

10 The department shall collect such data as may be necessary to
11 monitor any disparity in processing or disposing of cases involving
12 juvenile offenders due to economic, gender, geographic, or racial
13 factors that may result from implementation of chapter ..., Laws of
14 1992 (this act). Beginning December 1, 1993, the department shall
15 report annually to the legislature on economic, gender, geographic, or
16 racial disproportionality in the rates of arrest, detention, trial,
17 treatment, and disposition in the state's juvenile justice system. The
18 report shall cover the preceding calendar year. The annual report
19 shall identify the causes of such disproportionality and shall
20 specifically point out any economic, gender, geographic, or racial
21 disproportionality resulting from implementation of chapter ..., Laws
22 of 1992 (this act)."

23 "NEW SECTION. Sec. 404. Sections 114 through 118 of this act are
24 each added to chapter 13.16 RCW."

25 "NEW SECTION. Sec. 405. Part headings as used in this act do not
26 constitute any part of the law."

1 "NEW SECTION. Sec. 406. If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected."

5 "NEW SECTION. Sec. 407. The purpose of this act is solely to
6 provide authority for the counties and the department of social and
7 health services to provide services within existing funds and current
8 programs and facilities unless otherwise specifically funded by June
9 30, 1992, by reference to this bill and section number, in the
10 supplemental omnibus appropriations act for the 1992. Nothing in this
11 act shall be construed to require the addition of new facilities nor
12 affect the department of social and health services' nor county
13 authority for the uses of existing programs and funding."

14 "NEW SECTION. Sec. 408. Sections 102, 104, 106, 110, 206, 207,
15 211, 213, 305, 306, 307, 308, 309, and 310 of this act shall take
16 effect July 1, 1993.

17 The department of social and health services, the department of
18 community development, and the office of the administrator for the
19 courts, shall prepare a budget request for the 1993-95 biennium to
20 implement sections 102, 104, 106, 110, 206, 207, 211, 213, 305, 306,
21 307, 308, 309, and 310 of this act. The budget request shall be
22 included in the governor's expenditure plan for the 1993-95 biennium."

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24 By Committee on Law & Justice

25
26 On page 1, line 2 of the title, after "force;" strike the remainder
27 of the title and insert "amending RCW 13.40.010, 13.40.020, 13.40.027,

1 13.40.0357, 13.40.038, 13.40.050, 13.40.070, 13.40.080, 13.40.100,
2 13.40.130, 13.40.150, 13.40.200, 2.56.030, 4.24.190, 9.41.010,
3 9.41.040, 13.04.011, 28A.225.020, 28A.225.030, 28A.225.090,
4 28A.225.150, 13.32A.130, 13.32A.140, 74.13.032, 74.13.033, 74.13.034,
5 71A.10.020, 74.04.055, 71.34.010, and 71.34.020; amending 1991 c 234 s
6 1 (uncodified); amending 1991 c 234 s 2 (uncodified); adding new
7 sections to chapter 13.40 RCW; adding new sections to chapter 13.16
8 RCW; adding a new section to chapter 28A.600 RCW; adding a new section
9 to chapter 28A.225 RCW; adding new sections to chapter 13.32A RCW;
10 adding new sections to chapter 71.34 RCW; adding new sections to
11 chapter 70.96A RCW; creating new sections; prescribing penalties; and
12 providing an effective date."