
SUBSTITUTE HOUSE BILL 2466

State of Washington**52nd Legislature****1992 Regular Session**

By Committee on Human Services (originally sponsored by Representatives Ebersole, McLean, Leonard, Padden, Appelwick, Wineberry, Basich, Brumsickle, Ludwig, Lisk, Rayburn, Dellwo, Locke, Pruitt, Neher, R. King, Ogden, Anderson, Franklin, G. Fisher, Bray, Bowman, Edmondson, Moyer, Prentice, Spanel, Dorn, Riley, Silver, Heavey, Mielke, H. Myers, Inslee, Brekke, Chandler, Fuhrman, Jacobsen, Vance, Kremen, Hochstatter, Forner, Brough, Broback, Winsley, Ferguson, Wood, Horn, P. Johnson, Jones, Wang, Haugen, Zellinsky, Carlson, Mitchell, Sprenkle, J. Kohl, Valle, O'Brien, May, Roland, Fraser, Hine, Sheldon, Tate, and Rasmussen)

Read first time 01/29/92.

1 AN ACT Relating to recommendations of the juvenile issues task
2 force; amending RCW 13.40.020, 13.40.027, 13.40.0357, 13.40.038,
3 13.40.050, 13.40.070, 13.40.080, 13.40.100, 13.40.130, 13.40.150,
4 13.40.200, 2.56.030, 9.41.010, 9.41.040, 9.41.280, 13.04.011,
5 28A.225.090, 28A.225.150, 13.32A.130, 13.32A.140, 74.13.032, 74.13.033,
6 74.13.034, 74.13.035, 74.04.055, 71.34.010, and 71.34.020; amending
7 1991 c 234 s 1 (uncodified); amending 1991 c 234 s 2 (uncodified);
8 adding new sections to chapter 13.40 RCW; adding a new section to
9 chapter 28A.600 RCW; adding a new section to chapter 28A.225 RCW;
10 adding new sections to chapter 13.32A RCW; adding new sections to
11 chapter 71.34 RCW; adding new sections to chapter 70.96A RCW; creating
12 new sections; repealing RCW 13.40.010; prescribing penalties; and
13 providing an effective date.

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

PART I - JUVENILE JUSTICE

1

2 NEW SECTION. **Sec. 101.** The legislature reaffirms the dual
3 policies of the juvenile justice act of 1977 of punishment and
4 rehabilitation. However, the legislature finds that confusion exists
5 about the relative priority of the purposes enumerated in section 55,
6 chapter 291, Laws of 1977 ex. sess. and that simplification and
7 clarification is necessary to reduce that confusion. The legislature
8 finds that the policies of rehabilitation; accountability; and
9 flexibility in service delivery, sanctions, and placement options are
10 equally important in ensuring public safety. The purpose of section
11 102 of this act is to clarify that these goals are equally important.

12 NEW SECTION. **Sec. 102.** A new section is added to chapter 13.40
13 RCW to read as follows:

14 The purpose of this chapter is to establish a juvenile justice
15 system that both punishes and rehabilitates juvenile offenders. The
16 legislature intends that juvenile offenders be held accountable for
17 their offenses, are justly punished, but are provided necessary
18 treatment, rehabilitation, and supervision. Active parental and
19 community involvement is vital to ensure swift response to youthful
20 offenders' needs. Flexibility in disposition, sanctions, placement,
21 and treatment alternatives within a structured discretionary framework
22 will enhance the system's ability to respond to individual offender's
23 needs while ensuring proportionality and fairness. Community safety
24 will be achieved by implementing the following equally important
25 purposes:

- 26 (1) Accountability and just punishment proportional to the offense,
27 juvenile's age, and offense history;

1 (2) Treatment, rehabilitation, and supervision through flexibility
2 in options for disposition, treatment, custody, programming, and active
3 parental and community involvement;

4 (3) Victim restitution; and

5 (4) Due process protection for juvenile offenders with a clear
6 policy to determine which types of offenders shall receive punishment,
7 treatment, or both, and to determine the jurisdictional limitations of
8 the court, institutions, and community services.

9 **Sec. 103.** RCW 13.40.020 and 1990 1st ex.s. c 12 s 1 are each
10 amended to read as follows:

11 For the purposes of this chapter:

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

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

15 (b) Manslaughter in the first degree; or

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

23 (2) "Community service" means compulsory service, without
24 compensation, performed for the benefit of the community by the
25 offender as punishment for committing an offense. Community service
26 may be performed through public or private organizations or through
27 work crews;

28 (3) "Community supervision" means an order of disposition by the
29 court of an adjudicated youth not committed to the department. A

1 community supervision order for a single offense may be for a period of
2 up to two years for a sex offense as defined by RCW 9.94A.030 and up to
3 one year for other offenses ~~((and))~~. Community supervision is an
4 individualized program comprised of one or more of the following:

5 (a) Community-based sanctions;

6 (b) Community-based rehabilitation;

7 (c) Monitoring and reporting requirements;

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

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

11 (b) Community service not to exceed one hundred fifty hours of
12 service;

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

15 ~~((d) Counseling; or~~

16 ~~(e) Such other services to the extent funds are available for such~~
17 services,)) counseling, outpatient substance abuse treatment programs,
18 outpatient mental health programs, anger management classes, or other
19 services; attendance at school or other educational programs
20 appropriate for the juvenile as determined by the school district; or
21 placement in foster care or another residential home that is not used
22 as a pretrial, postadjudication, or postdisposition detention facility.
23 Placement in community-based rehabilitation programs is subject to
24 available funds;

25 (6) "Monitoring and reporting requirements" means one or more of
26 the following: Curfews; requirements to remain at home, school, work,
27 or court-ordered treatment programs during specified hours;
28 restrictions from leaving or entering specified geographical areas;
29 requirements to report to the probation officer as directed and to
30 remain under the probation officer's supervision; and other

1 conditions((7)) or limitations as the court may require which may not
2 include confinement;

3 ((4)) (7) "Confinement" means ((physical custody by the
4 department of social and health services in a facility operated by or
5 pursuant to a contract with the state, or physical custody in a
6 facility operated by or pursuant to a contract with any county))
7 incarceration in a detention facility following: Arrest pending a
8 detention hearing under RCW 13.40.050; entry of an order of detention
9 entered pursuant to RCW 13.40.050; commitment to a county detention
10 facility, the department, or an inpatient drug and alcohol treatment
11 facility following imposition of option D of RCW 13.40.0357;
12 modification of a disposition for violation of the disposition; or
13 modification of parole for violation of parole. The county may operate
14 or contract with vendors to operate county detention facilities. The
15 department may operate or contract to operate detention facilities for
16 juveniles committed to the department. Confinement of less than
17 thirty-one days imposed as part of a disposition or modification order
18 may be served consecutively or intermittently, in the discretion of the
19 court;

20 ((5)) (8) "Court", when used without further qualification, means
21 the juvenile court judge(s) or commissioner(s);

22 ((6)) (9) "Criminal history" includes all criminal complaints
23 against the respondent for which, prior to the commission of a current
24 offense:

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

29 (b) The criminal complaint was diverted by a prosecutor pursuant to
30 the provisions of this chapter on agreement of the respondent and after

1 an advisement to the respondent that the criminal complaint would be
2 considered as part of the respondent's criminal history;

3 ~~((7))~~ (10) "Department" means the department of social and health
4 services;

5 ~~((8))~~ (11) "Detention facility" means a facility for the physical
6 confinement of a juvenile alleged to have committed an offense or an
7 adjudicated offender subject to a disposition or modification order.
8 Detention facilities may be secure, semisecure, or nonsecure, and may
9 include group homes, foster homes, and home detention with electronic
10 or staff monitoring. Detention foster homes and group homes may not be
11 used for placement of juveniles who are ordered into rehabilitation
12 placements pursuant to a community supervision disposition. "Secure
13 detention" means lockup or staff-secure facilities. "Nonsecure
14 detention" means residential placement in the community in a physically
15 nonrestrictive environment under the supervision of the department of
16 youth services or department of social and health services. "Home
17 detention" means placement of the juvenile in the custody of the
18 juvenile's parent, guardian, or custodian in a physically
19 nonrestrictive environment under the supervision of the department of
20 youth services or the department of social and health services with
21 electronic monitoring or department staff monitoring;

22 (12) "Diversion unit" means any probation counselor who enters into
23 a diversion agreement with an alleged youthful offender, or any other
24 person or entity except a law enforcement official or entity, with whom
25 the juvenile court administrator has contracted to arrange and
26 supervise such agreements pursuant to RCW ~~((13.04.040, as now or~~
27 ~~hereafter amended,))~~ 13.40.080, or any person or entity specially
28 funded by the legislature to arrange and supervise diversion agreements
29 in accordance with the requirements of this chapter;

1 (~~(9)~~) (13) "Institution" means a juvenile facility established
2 pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

3 (~~(10)~~) (14) "Juvenile," "youth," and "child" mean any individual
4 who is under the chronological age of eighteen years and who has not
5 been previously transferred to adult court;

6 (~~(11)~~) (15) "Juvenile offender" means any juvenile who has been
7 found by the juvenile court to have committed an offense, including a
8 person eighteen years of age or older over whom jurisdiction has been
9 extended under RCW 13.40.300;

10 (~~(12)~~) (16) "Manifest injustice" means a disposition that would
11 either impose an excessive penalty on the juvenile or would impose a
12 serious, and clear danger to society in light of the purposes of this
13 chapter;

14 (~~(13)~~) (17) "Middle offender" means a person who has committed an
15 offense and who is neither a minor or first offender nor a serious
16 offender;

17 (~~(14)~~) (18) "Minor or first offender" means a person sixteen
18 years of age or younger whose current offense(s) and criminal history
19 fall entirely within one of the following categories:

20 (a) Four misdemeanors;

21 (b) Two misdemeanors and one gross misdemeanor;

22 (c) One misdemeanor and two gross misdemeanors;

23 (d) Three gross misdemeanors;

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

26 (f) One class B felony except: Any felony which constitutes an
27 attempt to commit a class A felony; manslaughter in the first degree;
28 assault in the second degree; extortion in the first degree; indecent
29 liberties; kidnapping in the second degree; robbery in the second

1 degree; burglary in the second degree; residential burglary; vehicular
2 homicide; or arson in the second degree.

3 For purposes of this definition, current violations shall be
4 counted as misdemeanors;

5 ~~((15))~~ (19) "Offense" means an act designated a violation or a
6 crime if committed by an adult under the law of this state, under any
7 ordinance of any city or county of this state, under any federal law,
8 or under the law of another state if the act occurred in that state;

9 ~~((16))~~ (20) "Respondent" means a juvenile who is alleged or
10 proven to have committed an offense;

11 ~~((17))~~ (21) "Restitution" means financial reimbursement by the
12 offender to the victim, and shall be limited to easily ascertainable
13 damages for injury to or loss of property, actual expenses incurred for
14 medical treatment for physical injury to persons, lost wages resulting
15 from physical injury, and costs of the victim's counseling reasonably
16 related to the offense if the offense is a sex offense. Restitution
17 shall not include reimbursement for damages for mental anguish, pain
18 and suffering, or other intangible losses. Nothing in this chapter
19 shall limit or replace civil remedies or defenses available to the
20 victim or offender;

21 ~~((18))~~ (22) "Secretary" means the secretary of the department of
22 social and health services;

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

27 ~~((20))~~ (24) "Sex offense" means an offense defined as a sex
28 offense in RCW 9.94A.030;

1 ~~((21))~~ (25) "Sexual motivation" means that one of the purposes
2 for which the respondent committed the offense was for the purpose of
3 his or her sexual gratification;

4 ~~((22))~~ (26) "Foster care" means temporary physical care in a
5 foster family home or group care facility as defined in RCW 74.15.020
6 and licensed by the department, or other legally authorized care;

7 ~~((23))~~ (27) "Violation" means an act or omission, which if
8 committed by an adult, must be proven beyond a reasonable doubt, and is
9 punishable by sanctions which do not include incarceration.

10 **Sec. 104.** RCW 13.40.027 and 1989 c 407 s 2 are each amended to
11 read as follows:

12 (1) It is the responsibility of the commission to: (a) (i)
13 Evaluate the effectiveness of existing disposition standards and
14 related statutes in implementing policies set forth in ~~((RCW~~
15 ~~13.40.010)) section 102 of this act generally and (ii) specifically
16 review the guidelines relating to the confinement of minor and first
17 offenders as well as the use of diversion; (b) solicit the comments and
18 suggestions of the juvenile justice community concerning disposition
19 standards; and (c) make recommendations to the legislature regarding
20 revisions or modifications of the disposition standards in accordance
21 with RCW 13.40.030.~~

22 ~~(2) It is the responsibility of the department to: (a) Provide the~~
23 ~~commission with available data concerning the implementation of the~~
24 ~~disposition standards and related statutes and their effect on the~~
25 ~~performance of the department's responsibilities relating to juvenile~~
26 ~~offenders; (b) at the request of the commission, provide technical and~~
27 ~~administrative assistance to the commission in the performance of its~~
28 ~~responsibilities; and (c) provide the commission and legislature with~~
29 ~~recommendations for modification of the disposition standards.~~

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

10 **Burglary and Trespass**

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

18 **Drugs**

19 E Possession/Consumption of Alcohol
20 (66.44.270) E
21 C Illegally Obtaining Legend Drug
22 (69.41.020) D
23 C+ Sale, Delivery, Possession of Legend
24 Drug with Intent to Sell
25 (69.41.030) D+
26 E Possession of Legend Drug
27 (69.41.030) E
28 B+ Violation of Uniform Controlled

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

1		Firearms and Weapons	
2	((C+	Committing Crime when Armed	
3		(9.41.025)	D+))
4	E	Carrying Loaded Pistol Without	
5		Permit (9.41.050)	E
6	E	Use of Firearms by Minor (<14)	
7		(9.41.240)	E
8	D+	Possession of Dangerous Weapon	
9		(9.41.250)	E
10	D	Intimidating Another Person by use	
11		of Weapon (9.41.270)	E
12		Homicide	
13	A+	Murder 1 (9A.32.030)	A
14	A+	Murder 2 (9A.32.050)	B+
15	B+	Manslaughter 1 (9A.32.060)	C+
16	C+	Manslaughter 2 (9A.32.070)	D+
17	B+	Vehicular Homicide (46.61.520)	C+
18		Kidnapping	
19	A	Kidnap 1 (9A.40.020)	B+
20	B+	Kidnap 2 (9A.40.030)	C+
21	C+	Unlawful Imprisonment	
22		(9A.40.040)	D+
23	((D	Custodial Interference	
24		(9A.40.050)	E))
25		Obstructing Governmental Operation	
26	E	Obstructing a Public Servant	
27		(9A.76.020)	E

1	E	Resisting Arrest (9A.76.040)	E
2	B	Introducing Contraband 1	
3		(9A.76.140)	C
4	C	Introducing Contraband 2	
5		(9A.76.150)	D
6	E	Introducing Contraband 3	
7		(9A.76.160)	E
8	B+	Intimidating a Public Servant	
9		(9A.76.180)	C+
10	B+	Intimidating a Witness	
11		(9A.72.110)	C+
12	((E	Criminal Contempt	
13		(9.23.010)	E))
14		Public Disturbance	
15	C+	Riot with Weapon (9A.84.010)	D+
16	D+	Riot Without Weapon	
17		(9A.84.010)	E
18	E	Failure to Disperse (9A.84.020)	E
19	E	Disorderly Conduct (9A.84.030)	E
20		Sex Crimes	
21	A	Rape 1 (9A.44.040)	B+
22	A-	Rape 2 (9A.44.050)	B+
23	C+	Rape 3 (9A.44.060)	D+
24	A-	Rape of a Child 1 (9A.44.073)	B+
25	B	Rape of a Child 2 (9A.44.076)	C+
26	B	Incest 1 (9A.64.020(1))	C
27	C	Incest 2 (9A.64.020(2))	D
28	D+	((Public Indecency)) <u>Indecent Exposure</u>	

1		(Victim <14) (9A.88.010)	E
2	E	((Public Indecency)) <u>Indecent Exposure</u>	
3		(Victim 14 or over) (9A.88.010)	E
4	B+	Promoting Prostitution 1	
5		(9A.88.070)	C+
6	C+	Promoting Prostitution 2	
7		(9A.88.080)	D+
8	E	O & A (Prostitution) (9A.88.030)	E
9	B+	Indecent Liberties (9A.44.100)	C+
10	B+	Child Molestation 1 (9A.44.083)	C+
11	C+	Child Molestation 2 (9A.44.086)	C
12		Theft, Robbery, Extortion, and Forgery	
13	B	Theft 1 (9A.56.030)	C
14	C	Theft 2 (9A.56.040)	D
15	D	Theft 3 (9A.56.050)	E
16	B	Theft of Livestock (9A.56.080)	C
17	C	Forgery ((9A.56.020)) <u>(9A.60.020)</u>	D
18	A	Robbery 1 (9A.56.200)	B+
19	B+	Robbery 2 (9A.56.210)	C+
20	B+	Extortion 1 (9A.56.120)	C+
21	C+	Extortion 2 (9A.56.130)	D+
22	B	Possession of Stolen Property 1	
23		(9A.56.150)	C
24	C	Possession of Stolen Property 2	
25		(9A.56.160)	D
26	D	Possession of Stolen Property 3	
27		(9A.56.170)	E
28	C	Taking Motor Vehicle Without	
29		Owner's Permission (9A.56.070)	D

1		Motor Vehicle Related Crimes	
2	E	Driving Without a License	
3		(46.20.021)	E
4	C	Hit and Run - Injury	
5		(46.52.020(4))	D
6	D	Hit and Run-Attended	
7		(46.52.020(5))	E
8	E	Hit and Run-Unattended	
9		(46.52.010)	E
10	C	Vehicular Assault (46.61.522)	D
11	C	Attempting to Elude Pursuing	
12		Police Vehicle (46.61.024)	D
13	E	Reckless Driving (46.61.500)	E
14	D	Driving While Under the Influence	
15		(46.61.515)	E
16	B+	Negligent Homicide by Motor	
17		Vehicle (46.61.520)	C+
18	D	Vehicle Prowling (9A.52.100)	E
19	C	Taking Motor Vehicle Without	
20		Owner's Permission (9A.56.070)	D
21		Other	
22	B	Bomb Threat (9.61.160)	C
23	C	Escape 1 (9A.76.110)	C
24	C	Escape 2 (9A.76.120)	C
25	D	Escape 3 (9A.76.130)	E
26	C	Failure to Appear in Court	
27		(10.19.130)	D
28	E	Tampering with Fire Alarm	

1		Apparatus (9.40.100)	E
2	E	Obscene, Harassing, Etc.,	
3		Phone Calls (9.61.230)	E
4	A	Other Offense Equivalent to an	
5		Adult Class A Felony	B+
6	B	Other Offense Equivalent to an	
7		Adult Class B Felony	C
8	C	Other Offense Equivalent to an	
9		Adult Class C Felony	D
10	D	Other Offense Equivalent to an	
11		Adult Gross Misdemeanor	E
12	E	Other Offense Equivalent to an	
13		Adult Misdemeanor	E
14	V	Violation of Order of Restitution,	
15		Community Supervision, or	
16		Confinement (13.40.200)	V

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

19 1st escape or attempted escape during 12-month period - 4 weeks
20 confinement

21 2nd escape or attempted escape during 12-month period - 8 weeks
22 confinement

23 3rd and subsequent escape or attempted escape during 12-month
24 period - 12 weeks confinement

25 If the court finds that a respondent has violated terms of an order,
26 it may impose a penalty of up to 30 days of confinement.

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SCHEDULE B
PRIOR OFFENSE INCREASE FACTOR

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

5

TIME SPAN

6
7
8

OFFENSE	0-12	13-24	25 Months
CATEGORY	Months	Months	or More

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9
10
11
12
13
14
15
16
17
18

A+	.9	.9	.9
A	.9	.8	.6
A-	.9	.8	.5
B+	.9	.7	.4
B	.9	.6	.3
C+	.6	.3	.2
C	.5	.2	.2
D+	.3	.2	.1
D	.2	.1	.1
E	.1	.1	.1

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

1 **SCHEDULE C**

2 **CURRENT OFFENSE POINTS**

3 For use with all CURRENT OFFENSES occurring on or after July 1,
 4 1989.

5 **AGE**

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

19 **JUVENILE SENTENCING STANDARDS**

20 **SCHEDULE D-1**

21 This schedule may only be used for minor/first offenders. After the
 22 determination is made that a youth is a minor/first offender, the court
 23 has the discretion to select sentencing option A, B, or C. In
 24 addition, the court may select option D. A disposition order for a

1 minor/first offender may not include an order of confinement except
2 pursuant to option D.

3 **MINOR/FIRST OFFENDER**

4 **OPTION A**

5 **STANDARD RANGE**

6			Community	
7		Community	Service	
8	Points	Supervision	Hours	Fine
9	1-9	((0-3)) <u>0-12</u> months	and/or 0-8	and/or 0-\$10
10	10-19	((0-3)) <u>0-12</u> months	and/or 0-8	and/or 0-\$10
11	20-29	((0-3)) <u>0-12</u> months	and/or 0-16	and/or 0-\$10
12	30-39	((0-3)) <u>0-12</u> months	and/or 8-24	and/or 0-\$25
13	40-49	((3-6)) <u>0-12</u> months	and/or 16-32	and/or 0-\$25
14	50-59	((3-6)) <u>0-12</u> months	and/or 24-40	and/or 0-\$25
15	60-69	((6-9)) <u>0-12</u> months	and/or 32-48	and/or 0-\$50
16	70-79	((6-9)) <u>0-12</u> months	and/or 40-55	and/or 0-\$50
17	80-89	((9-12)) <u>0-12</u> months	and/or 48-64	and/or 10-\$100
18	90-109	((9-12)) <u>0-12</u> months	and/or 56-72	and/or 10-\$100

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OR

OPTION B

STATUTORY OPTION

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

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

OR

OPTION C

MANIFEST INJUSTICE

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

AND

OPTION D

INPATIENT SUBSTANCE ABUSE TREATMENT

In addition to any disposition entered under option A, B, or C, 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. Placement in inpatient treatment is
13 subject to available funds.

14 **JUVENILE SENTENCING STANDARDS**

15 **SCHEDULE D-2**

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

19 **MIDDLE OFFENDER**

20 **OPTION A**

21 **STANDARD RANGE**

Community

Points	Community Supervision	Service Hours	Fine	Confinement Days	Confinement 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	
				<u>10-20</u>	
80-89	((9-12)) <u>0-12</u> months	and/or 48-64	and/or 0-\$100	and/or	
				<u>10-20</u>	
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				<u>8-12</u>	
130-149				<u>13-16</u>	
150-199				<u>21-28</u>	
200-249				<u>30-40</u>	
250-299				<u>52-65</u>	

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 **INPATIENT 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. Placement in inpatient treatment is
20 subject to available funds.

21 **JUVENILE SENTENCING STANDARDS**

22 **SCHEDULE D-3**

23 This schedule may only be used for serious offenders. After the
24 determination is made that a youth is a serious offender, the court has
25 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 an A+, A, or A- offense;

9 (2) 16 weeks if the offender is adjudicated for the commission of
10 a B+ or B offense;

11 (3) 12 weeks if the offender is adjudicated for the commission of
12 a C+ or C offense.

13 **Sec. 106.** RCW 13.40.038 and 1986 c 288 s 7 are each amended to
14 read as follows:

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

19 The counties shall develop and implement detention intake standards
20 and risk assessment standards to determine whether detention is
21 warranted and if so whether the juvenile should be placed in secure,
22 nonsecure, or home detention to implement the goals of this section.
23 Inability to pay for a less restrictive detention placement shall not
24 be a basis for denying a respondent a less restrictive placement in the
25 community. The detention and risk assessment standards shall be
26 developed and implemented no later than December 31, 1992.

1 **Sec. 107.** RCW 13.40.050 and 1979 c 155 s 58 are each amended to
2 read as follows:

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

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

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

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

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

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

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

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

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

17 (b) Place restrictions on the travel of the juvenile during the
18 period of release;

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

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

23 (e) Require that the juvenile return to detention during specified
24 hours.

25 (7) If the parent, guardian, or custodian of the juvenile in
26 detention is available, the court shall consult with them prior to a
27 determination to further detain or release the juvenile or treat the
28 case as a diversion case under RCW 13.40.080.

1 **Sec. 108.** RCW 13.40.070 and 1989 c 407 s 9 are each amended to
2 read as follows:

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

7 (a) The alleged facts bring the case within the jurisdiction of the
8 court; and

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

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

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

25 (4) An information shall be a plain, concise, and definite written
26 statement of the essential facts constituting the offense charged. It
27 shall be signed by the prosecuting attorney and conform to chapter
28 10.37 RCW.

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

1 (a) An alleged offender is accused of a class A felony, a class B
2 felony, an attempt to commit a class B felony, (~~assault in the third~~
3 ~~degree, rape in the third degree~~) a class C felony listed in RCW
4 9.94A.440(2) as a crime against persons, or any other offense listed in
5 RCW 13.40.020(1) (b) or (c); or

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

11 (c) An alleged offender has previously been committed to the
12 department; or

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

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

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

26 (7) Where a case is legally sufficient and falls into neither
27 subsection (5) nor (6) of this section, it may be filed or diverted.
28 In deciding whether to file or divert an offense under this section the
29 prosecutor shall be guided only by the length, seriousness, and recency

1 of the alleged offender's criminal history and the circumstances
2 surrounding the commission of the alleged offense.

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

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

17 (10) The prosecutor, juvenile court probation counselor, or
18 diversion unit may, in exercising their authority under this section or
19 RCW 13.40.080, refer juveniles to mediation or victim offender
20 reconciliation programs.

21 **Sec. 109.** RCW 13.40.080 and 1985 c 73 s 2 are each amended to read
22 as follows:

23 (1) A diversion agreement shall be a contract between a juvenile
24 accused of an offense and a diversionary unit whereby the juvenile
25 agrees to fulfill certain conditions in lieu of prosecution. Such
26 agreements may be entered into only after the prosecutor, or probation
27 counselor pursuant to this chapter, has determined that probable cause
28 exists to believe that a crime has been committed and that the juvenile

1 committed it. Such agreements shall be entered into as expeditiously
2 as possible.

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

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

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

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

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

22 (3) In assessing periods of community service to be performed and
23 restitution to be paid by a juvenile who has entered into a diversion
24 agreement, the court officer to whom this task is assigned shall
25 consult with victims who have contacted the diversionary unit and, to
26 the extent possible, involve members of the community. Such members of
27 the community shall meet with the juvenile and advise the court officer
28 as to the terms of the diversion agreement and shall supervise the
29 juvenile in carrying out its terms.

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

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

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

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

18 (b) Violation of the terms of the agreement shall be the only
19 grounds for termination;

20 (c) No divertee may be terminated from a diversion program without
21 being given a court hearing, which hearing shall be preceded by:

22 (i) Written notice of alleged violations of the conditions of the
23 diversion program; and

24 (ii) Disclosure of all evidence to be offered against the divertee;

25 (d) The hearing shall be conducted by the juvenile court and shall
26 include:

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

28 (ii) The right to confront and cross-examine all adverse witnesses;

29 (iii) A written statement by the court as to the evidence relied on
30 and the reasons for termination, should that be the decision; and

1 (iv) Demonstration by evidence that the divertee has substantially
2 violated the terms of his or her diversion agreement.

3 (e) The prosecutor may file an information on the offense for which
4 the divertee was diverted:

5 (i) In juvenile court if the divertee is under eighteen years of
6 age; or

7 (ii) In superior court or the appropriate court of limited
8 jurisdiction if the divertee is eighteen years of age or older.

9 (7) The diversion unit shall be responsible for providing qualified
10 interpreters when juveniles need interpreters to effectively
11 communicate during diversion unit hearings or negotiations.

12 (8) The diversion unit shall be responsible for advising a divertee
13 of his or her rights as provided in this chapter.

14 ~~((+8))~~ (9) The diversion unit may refer a juvenile to treatment
15 programs or the department's family reconciliation services.

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

26 The juvenile shall be advised that a diversion agreement shall
27 constitute a part of the juvenile's criminal history as defined by RCW
28 13.40.020(6) as now or hereafter amended. A signed acknowledgment of
29 such advisement shall be obtained from the juvenile, and the document
30 shall be maintained by the diversionary unit together with the

1 diversion agreement, and a copy of both documents shall be delivered to
2 the prosecutor if requested by the prosecutor. The supreme court shall
3 promulgate rules setting forth the content of such advisement in simple
4 language.

5 ~~((9))~~ (11) When a juvenile enters into a diversion agreement, the
6 juvenile court may receive only the following information for
7 dispositional purposes:

8 (a) The fact that a charge or charges were made;

9 (b) The fact that a diversion agreement was entered into;

10 (c) The juvenile's obligations under such agreement;

11 (d) Whether the alleged offender performed his or her obligations
12 under such agreement; and

13 (e) The facts of the alleged offense.

14 ~~((10))~~ (12) A diversionary unit may refuse to enter into a
15 diversion agreement with a juvenile. When a diversionary unit refuses
16 to enter a diversion agreement with a juvenile, it shall immediately
17 refer such juvenile to the court for action and shall forward to the
18 court the criminal complaint and a detailed statement of its reasons
19 for refusing to enter into a diversion agreement. ~~((The))~~ In the event
20 of noncompliance with a diversion agreement, the diversionary unit
21 shall consult with the prosecuting attorney on the appropriate
22 response. A diversionary unit ~~((shall))~~ may also immediately refer
23 ~~((the))~~ a case to the prosecuting attorney for action if ~~((such))~~ a
24 juvenile violates the terms of ~~((the))~~ a diversion agreement.

25 ~~((11))~~ (13) A diversionary unit may, in instances where it
26 determines that the act or omission of an act for which a juvenile has
27 been referred to it involved no victim, or where it determines that the
28 juvenile referred to it has no prior criminal history and is alleged to
29 have committed an illegal act involving no threat of or instance of
30 actual physical harm and involving not more than fifty dollars in

1 property loss or damage and that there is no loss outstanding to the
2 person or firm suffering such damage or loss, counsel and release or
3 release such a juvenile without entering into a diversion agreement(~~(+
4 PROVIDED, That)~~). A diversion unit's authority to counsel and release
5 a juvenile under this subsection shall include the authority to refer
6 the juvenile to local treatment programs or the department's family
7 reconciliation services. Any juvenile (~~(so handled)~~) released under
8 this subsection shall be advised that the act or omission of any act
9 for which he or she had been referred shall constitute a part of the
10 juvenile's criminal history as defined by RCW 13.40.020(6) as now or
11 hereafter amended. A signed acknowledgment of such advisement shall be
12 obtained from the juvenile, and the document shall be maintained by the
13 unit, and a copy of the document shall be delivered to the prosecutor
14 if requested by the prosecutor. The supreme court shall promulgate
15 rules setting forth the content of such advisement in simple
16 language(~~(+ PROVIDED FURTHER, That)~~). A juvenile determined to be
17 eligible by a diversionary unit for (~~(such)~~) release as provided in
18 this subsection shall retain the same right to counsel and right to
19 have his or her case referred to the court for formal action as any
20 other juvenile referred to the unit.

21 ~~((+12))~~ (14) A diversion unit may supervise the fulfillment of a
22 diversion agreement entered into before the juvenile's eighteenth
23 birthday and which includes a period extending beyond the diverttee's
24 eighteenth birthday.

25 ~~((+13))~~ (15) If a fine required by a diversion agreement cannot
26 reasonably be paid due to a change of circumstance, the diversion
27 agreement may be modified at the request of the diverttee and with the
28 concurrence of the diversion unit to convert an unpaid fine into
29 community service. The modification of the diversion agreement shall
30 be in writing and signed by the diverttee and the diversion unit. The

1 number of hours of community service in lieu of a monetary penalty
2 shall be converted at the rate of the prevailing state minimum wage per
3 hour.

4 ~~((14))~~ (16) Fines imposed under this section shall be collected
5 and paid into the county general fund in accordance with procedures
6 established by the juvenile court administrator under RCW 13.04.040 and
7 may be used only for juvenile services. In the expenditure of funds
8 for juvenile services, there shall be a maintenance of effort whereby
9 counties exhaust existing resources before using amounts collected
10 under this section.

11 **Sec. 110.** RCW 13.40.100 and 1979 c 155 s 62 are each amended to
12 read as follows:

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

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

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

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

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

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

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

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

13 **Sec. 111.** RCW 13.40.130 and 1981 c 299 s 10 are each amended to
14 read as follows:

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

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

22 (3) The clerk of the court shall issue a summons directed to the
23 parents, guardian, or custodian, and such other persons as appears to
24 the court to be proper or necessary parties to the adjudicatory and
25 subsequent dispositional hearings, requiring them to appear personally
26 before the court at the time fixed for the adjudicatory and/or
27 dispositional hearing or hearings. Where the custodian is summoned,
28 the parent or guardian or both shall also be served with a summons.

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

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

7 ~~((5))~~ (6) If the respondent is found not guilty he or she shall
8 be released from detention.

9 ~~((6))~~ (7) If the respondent is found guilty the court may
10 immediately proceed to disposition or may continue the case for a
11 dispositional hearing. Notice of the time and place of the continued
12 hearing may be given in open court. If notice is not given in open
13 court to a party, the party shall be notified by mail of the time and
14 place of the continued hearing.

15 ~~((7))~~ (8) The court following an adjudicatory hearing may request
16 that a predisposition study be prepared to aid the court in its
17 evaluation of the matters relevant to disposition of the case.

18 ~~((8))~~ (9) The disposition hearing shall be held within fourteen
19 days after the adjudicatory hearing or plea of guilty unless good cause
20 is shown for further delay, or within twenty-one days if the juvenile
21 is not held in a detention facility, unless good cause is shown for
22 further delay.

23 ~~((9))~~ (10) In sentencing an offender, the court shall use the
24 disposition standards in effect on the date of the offense.

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

1 (b) If the court finds that a deficiency in parenting skills has
2 significantly contributed to the circumstances bringing the child
3 within the jurisdiction of the court, the court may order the parent,
4 guardian, or custodian to participate in educational or counseling
5 programs reasonably calculated to address the deficiencies of the
6 parent, if it finds such participation would be consistent with the
7 best interests of the juvenile. The court may order such participation
8 either with the child or separately.

9 (c) If the court finds that the parent's, guardian's, or
10 custodian's addiction to or habitual use of alcohol or controlled
11 substances has significantly contributed to the circumstances bringing
12 the child within the jurisdiction of the court, the court may order the
13 parent, guardian, or custodian to participate in treatment and pay the
14 costs thereof, if the court finds such participation would be
15 consistent with the best interests of the juvenile.

16 (d) A dispositional order that requires a parent, guardian, or
17 custodian to participate in educational, counseling, or treatment
18 programs as provided in (b) and (c) of this subsection shall be in
19 writing and shall contain appropriate findings of fact and conclusions
20 of law. The court shall state with particularity, both orally and in
21 the written order of the disposition, the precise terms of the
22 disposition. Upon entering an order requiring such participation, the
23 court shall give the parent, guardian, or custodian notice of the
24 order. The notice shall inform the recipient of the right to request
25 a hearing within ten days after entry of the order and the right to
26 employ an attorney to represent the parent, guardian, or custodian at
27 the hearing or, if the parent, guardian, or custodian is financially
28 unable to employ an attorney, the right to request court-appointed
29 counsel. If the parent, guardian, or custodian does not request a
30 hearing within ten days after entry of the order, the order shall take

1 effect at that time. If the parent, guardian, or custodian requests a
2 hearing, the court shall set the matter for hearing and, if requested,
3 appoint an attorney as provided by RCW 10.101.020.

4 (e) If the court finds that a parent, guardian, or custodian has
5 failed to comply with a court order under this section, the court may
6 exercise its powers of contempt in addition to any other remedy
7 provided by law to compel obedience of the parent, guardian, or
8 custodian to the court's order. The court shall notify the parent,
9 guardian, or custodian of the right to counsel, as set forth in (d) of
10 this subsection, in any proceeding to compel obedience to the court's
11 order.

12 **Sec. 112.** RCW 13.40.150 and 1990 c 3 s 605 are each amended to
13 read as follows:

14 (1) In disposition hearings all relevant and material evidence,
15 including oral and written reports, may be received by the court and
16 may be relied upon to the extent of its probative value, even though
17 such evidence may not be admissible in a hearing on the information.
18 The youth or the youth's counsel and the prosecuting attorney shall be
19 afforded an opportunity to examine and controvert written reports so
20 received and to cross-examine individuals making reports when such
21 individuals are reasonably available, but sources of confidential
22 information need not be disclosed. The prosecutor and counsel for the
23 juvenile may submit recommendations for disposition.

24 (2) For purposes of disposition:

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

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

28 (c) In no event may a disposition for a violation include
29 confinement.

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

4 (a) Consider the facts supporting the allegations of criminal
5 conduct by the respondent;

6 (b) Consider information and arguments offered by parties and their
7 counsel;

8 (c) Consider any predisposition reports;

9 (d) Consult with the respondent's parent, guardian, or custodian on
10 the appropriateness of dispositional options under consideration and
11 afford the respondent and the respondent's parent, guardian, or
12 custodian an opportunity to speak in the respondent's behalf;

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

15 (f) Determine the amount of restitution owing to the victim, if
16 any;

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

19 (h) Consider whether or not any of the following mitigating factors
20 exist:

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

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

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

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

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

3 (i) Consider whether or not any of the following aggravating
4 factors exist:

5 (i) In the commission of the offense, or in flight therefrom, the
6 respondent inflicted or attempted to inflict serious bodily injury to
7 another;

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

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

11 (iv) The respondent has a recent criminal history or has failed to
12 comply with conditions of a recent dispositional order or diversion
13 agreement;

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

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

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

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

23 (a) The sex of the respondent;

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

25 (c) The creed or religion of the respondent or the respondent's
26 family;

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

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

1 (5) A court may not commit a juvenile to a state institution solely
2 because of the lack of facilities, including treatment facilities,
3 existing in the community.

4 **Sec. 113.** RCW 13.40.200 and 1986 c 288 s 5 are each amended to
5 read as follows:

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

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

22 (3) (a) If the court finds that a respondent has wilfully violated
23 the terms of an order pursuant to subsections (1) and (2) of this
24 section, it may impose a penalty of up to thirty days' confinement.
25 Penalties for multiple violations occurring prior to the hearing shall
26 not be aggregated to exceed thirty days' confinement. Regardless of
27 the number of times a respondent is brought to court for violations of
28 the terms of a single disposition order, the combined total number of
29 days spent by the respondent in detention shall never exceed the

1 maximum term to which an adult could be sentenced for the underlying
2 offense.

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

8 (4) If a respondent has been ordered to pay a fine or monetary
9 penalty and due to a change of circumstance cannot reasonably comply
10 with the order, the court, upon motion of the respondent, may order
11 that the unpaid fine or monetary penalty be converted to community
12 service. The number of hours of community service in lieu of a
13 monetary penalty or fine shall be converted at the rate of the
14 prevailing state minimum wage per hour. The monetary penalties or
15 fines collected shall be deposited in the county general fund. A
16 failure to comply with an order under this subsection shall be deemed
17 a failure to comply with an order of community supervision and may be
18 proceeded against as provided in this section.

19 (5) Nothing in this section prohibits filing of escape charges if
20 the juvenile escapes from confinement except that no escape charges may
21 be filed if the juvenile leaves an inpatient treatment facility without
22 permission in violation of a court order pursuant to option D of RCW
23 13.40.0357. Failure to comply with an order pursuant to option D of
24 RCW 13.40.0357 shall be a basis for modification under this section.

25 NEW SECTION. Sec. 114. A new section is added to chapter 13.40
26 RCW to read as follows:

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

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

23 The department shall submit the plan no later than September 1,
24 1992, to the appropriate policy and fiscal committees of the house of
25 representatives and the senate. The department shall also incorporate
26 the plan into the department's budget proposal for the 1993-95
27 biennium.

28 NEW SECTION. **Sec. 115.** The department of social and health
29 services shall investigate mechanisms for increasing the use of federal

1 funds throughout the juvenile justice system. The department shall
2 identify ways to increase federal funding for these programs in concert
3 with the office of financial management, the counties, and juvenile
4 court administrators. The department shall report the results of its
5 investigation to the appropriate fiscal committees of the senate and
6 house of representatives by December 1, 1992.

7 **Sec. 116.** RCW 2.56.030 and 1989 c 95 s 2 are each amended to read
8 as follows:

9 The administrator for the courts shall, under the supervision and
10 direction of the chief justice:

11 (1) Examine the administrative methods and systems employed in the
12 offices of the judges, clerks, stenographers, and employees of the
13 courts and make recommendations, through the chief justice, for the
14 improvement of the same;

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

17 (3) Make recommendations to the chief justice relating to the
18 assignment of judges where courts are in need of assistance and carry
19 out the direction of the chief justice as to the assignments of judges
20 to counties and districts where the courts are in need of assistance;

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

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

28 (6) Collect statistical and other data and make reports relating to
29 the expenditure of public moneys, state and local, for the maintenance

1 and operation of the judicial system and the offices connected
2 therewith;

3 (7) Obtain reports from clerks of courts in accordance with law or
4 rules adopted by the supreme court of this state on cases and other
5 judicial business in which action has been delayed beyond periods of
6 time specified by law or rules of court and make report thereof to
7 supreme court of this state;

8 (8) Act as secretary of the judicial conference referred to in RCW
9 2.56.060;

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

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

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

17 (12) Examine the need for new superior court and district judge
18 positions under a weighted caseload analysis that takes into account
19 the time required to hear all the cases in a particular court and the
20 amount of time existing judges have available to hear cases in that
21 court. The results of the weighted caseload analysis shall be reviewed
22 by the board for judicial administration and the judicial council, both
23 of which shall make recommendations to the legislature by January 1,
24 1989. It is the intent of the legislature that weighted caseload
25 analysis become the basis for creating additional district court
26 positions, and recommendations should address that objective;

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

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

1 (15) Develop a curriculum for a general understanding of child
2 development, placement, and treatment resources, as well as specific
3 legal skills and knowledge of relevant statutes including chapters
4 13.32A (~~and~~), 13.34, and 13.40 RCW, cases, court rules, interviewing
5 skills, and special needs of the abused or neglected child. This
6 curriculum shall be completed and made available to all juvenile court
7 judges, court personnel, and service providers by July 1, 1988. The
8 curriculum shall be updated yearly to reflect changes in statutes,
9 court rules, or case law;

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

16 **Sec. 117.** RCW 9.41.010 and 1983 c 232 s 1 are each amended to read
17 as follows:

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

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

21 (a) Any of the following felonies, as now existing or hereafter
22 amended: Any felony defined under any law as a class A felony or an
23 attempt to commit a class A felony, criminal solicitation of or
24 criminal conspiracy to commit a class A felony, manslaughter in the
25 first degree, manslaughter in the second degree, indecent liberties if
26 committed by forcible compulsion, rape in the second degree, kidnapping
27 in the second degree, arson in the second degree, assault in the second
28 degree, extortion in the first degree, burglary in the second degree,
29 and robbery in the second degree;

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

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

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

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

12 **Sec. 118.** RCW 9.41.040 and 1983 c 232 s 2 are each amended to read
13 as follows:

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

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

21 (3) As used in this section, a person has been "convicted or
22 adjudicated" at such time as a plea of guilty has been accepted or a
23 verdict of guilty has been filed, notwithstanding the pendency of any
24 future proceedings including but not limited to sentencing or
25 disposition, post-trial or post-factfinding motions, and appeals. A
26 person shall not be precluded from possession if the conviction or
27 adjudication has been the subject of a pardon, annulment, certificate
28 of rehabilitation, or other equivalent procedure based on a finding of
29 the rehabilitation of the person convicted or adjudicated or the

1 conviction or disposition has been the subject of a pardon, annulment,
2 or other equivalent procedure based on a finding of innocence.

3 (4) Except as provided in subsection (5) of this section, a person
4 is guilty of the crime of unlawful possession of a short firearm or
5 pistol if, after having been convicted or adjudicated of any felony
6 violation of the uniform controlled substances act, chapter 69.50 RCW,
7 or equivalent statutes of another jurisdiction, or after any period of
8 confinement under RCW 71.05.320 or an equivalent statute of another
9 jurisdiction, or following a record of commitment pursuant to chapter
10 10.77 RCW or equivalent statutes of another jurisdiction, he owns or
11 has in his possession or under his control any short firearm or pistol.

12 (5) Notwithstanding subsection (1) of this section, a person
13 convicted of an offense other than murder, manslaughter, robbery, rape,
14 indecent liberties, arson, assault, kidnapping, extortion, burglary, or
15 violations with respect to controlled substances under RCW 69.50.401(a)
16 and 69.50.410, who received a probationary sentence under RCW 9.95.200,
17 and who received a dismissal of the charge under RCW 9.95.240, shall
18 not be precluded from ownership, possession, or control of a firearm as
19 a result of the conviction.

20 **Sec. 119.** RCW 9.41.280 and 1989 c 219 s 1 are each amended to read
21 as follows:

22 (1) It is unlawful for an elementary or secondary school student
23 under the age of twenty-one knowingly to carry onto public or private
24 elementary or secondary school premises:

25 (a) Any firearm; or

26 (b) Any dangerous weapon as defined in RCW 9.41.250; or

27 (c) Any device commonly known as "nun-chu-ka sticks", consisting of
28 two or more lengths of wood, metal, plastic, or similar substance
29 connected with wire, rope, or other means; or

1 (d) Any device, commonly known as "throwing stars", which are
2 multi-pointed, metal objects designed to embed upon impact from any
3 aspect; or

4 (e) Any air gun, including any air pistol or air rifle, designed to
5 propel a BB, pellet, or other projectile by the discharge of compressed
6 air, carbon dioxide, or other gas.

7 (2) Any such student violating subsection (1) (b) through (e) of
8 this section is guilty of a gross misdemeanor. Any student violating
9 subsection (1)(a) of this section is guilty of a class C felony.

10 Any violation of subsection (1) of this section constitutes grounds
11 for expulsion.

12 (3) Subsection (1) of this section does not apply to:

13 (a) Any student of a private military academy; or

14 (b) Any student engaged in military activities, sponsored by the
15 federal or state governments while engaged in official duties; or

16 (c) Any student who is attending a convention or firearms safety
17 course authorized by school authorities in which the firearms of
18 collectors or instructors are handled or displayed; or

19 (d) Any student who possesses nun-chu-ka sticks, throwing stars, or
20 other dangerous weapons to be used in martial arts classes conducted on
21 the school premises; or

22 (e) Any student while the student is participating in a firearms or
23 air gun competition approved by the school or school district.

24 **Sec. 120.** RCW 13.04.011 and 1979 c 155 s 1 are each amended to
25 read as follows:

26 For purposes of this title:

27 (1) Except as specifically provided in RCW 13.40.020 and chapter
28 13.24 RCW, as now or hereafter amended, "juvenile," "youth," and

1 "child" mean any individual who is under the chronological age of
2 eighteen years;

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

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

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

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

15 NEW SECTION. Sec. 121. A new section is added to chapter 28A.600
16 RCW to read as follows:

17 School districts may participate in the exchange of information
18 with law enforcement and juvenile court officials to the extent
19 permitted by federal law. When directed by court order or pursuant to
20 any lawfully issued subpoena, a school district shall make student
21 records and information available to law enforcement officials,
22 probation officers, court personnel, and others legally entitled to the
23 information. Parents and students shall be notified by the school
24 district of all such orders or subpoenas in advance of compliance with
25 them.

26 NEW SECTION. Sec. 122. RCW 13.40.010 and 1977 ex.s. c 291 s 55
27 are each repealed.

PART II - FAMILIES AT RISK

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

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

Sec. 202. RCW 28A.225.090 and 1990 c 33 s 226 are each amended to read as follows:

Any person violating any of the provisions of either RCW 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. However, a child found to be in violation of RCW 28A.225.010 shall be required to attend school and shall not be fined. If the child fails to comply with the court order to attend school, the court may order the child be punished by detention or may impose alternatives to detention such as community service hours or participation in dropout prevention programs. Failure by a child to comply with an order issued under this section shall not be punishable by detention for a period greater than that permitted pursuant to a contempt proceeding against a child under chapter 13.32A RCW. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the juvenile's school did not perform its duties as required in RCW 28A.225.020. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the juvenile in a supervised plan for the juvenile's attendance at school

1 or upon condition that the parent attend a conference or conferences
2 scheduled by a school for the purpose of analyzing the causes of a
3 child's absence.

4 Attendance officers shall make complaint for violation of the
5 provisions of RCW 28A.225.010 through 28A.225.140 to a judge of the
6 superior or district court.

7 **Sec. 203.** RCW 28A.225.150 and 1990 c 33 s 232 are each amended to
8 read as follows:

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

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

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

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

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

21 The educational service district superintendent shall compile such
22 information and report annually to the superintendent of public
23 instruction. The superintendent of public instruction shall compile
24 such information and report to the committees of the house of
25 representatives and the senate by (~~January 1, 1988~~) September 1 of
26 each year.

27 **Sec. 204.** RCW 13.32A.130 and 1990 c 276 s 8 are each amended to
28 read as follows:

1 A child admitted to a crisis residential center under this chapter
2 who is not returned to the home of his or her parent or who is not
3 placed in an alternative residential placement under an agreement
4 between the parent and child, shall, except as provided for by RCW
5 13.32A.140 and 13.32A.160(2), reside in such placement under the rules
6 and regulations established for the center for a period not to exceed
7 ~~((seventy two hours, excluding Saturdays, Sundays, and holidays,))~~ five
8 consecutive days from the time of intake, except as otherwise provided
9 by this chapter. ~~Crisis residential center staff shall make a~~
10 ~~concerted effort to achieve a reconciliation of the family. If a~~
11 ~~reconciliation and voluntary return of the child has not been achieved~~
12 ~~within forty eight hours((, excluding Saturdays, Sundays and~~
13 ~~holidays,))~~ from the time of intake, and if the person in charge of the
14 center does not consider it likely that reconciliation will be achieved
15 within the ~~((seventy two hour))~~ five-day period, then the person in
16 charge shall inform the parent and child of (1) the availability of
17 counseling services; (2) the right to file a petition for an
18 alternative residential placement, the right of a parent to file an at-
19 risk youth petition, and the right of the parent and child to obtain
20 assistance in filing the petition; and (3) the right to request a
21 review of any alternative residential placement: PROVIDED, That at no
22 time shall information regarding a parent's or child's rights be
23 withheld if requested: PROVIDED FURTHER, That the department shall
24 develop and distribute to all law enforcement agencies and to each
25 crisis residential center administrator a written statement delineating
26 such services and rights. Every officer taking a child into custody
27 shall provide the child and his or her parent(s) or responsible adult
28 with whom the child is placed with a copy of such statement. In
29 addition, the administrator of the facility or his or her designee
30 shall provide every resident and parent with a copy of such statement.

1 **Sec. 205.** RCW 13.32A.140 and 1990 c 276 s 9 are each amended to
2 read as follows:

3 The department shall file a petition to approve an alternative
4 residential placement on behalf of a child under any of the following
5 sets of circumstances:

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

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

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

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

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

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

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

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

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

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

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

28 (3) An agreement between parent and child made pursuant to RCW
29 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer
30 acceptable to parent or child, and:

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

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

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

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

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

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

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

22 NEW SECTION. **Sec. 206.** To the extent possible, the department
23 of social and health services shall transfer children who are
24 inappropriately housed in crisis residential centers to residential and
25 treatment services designed to meet their specific, unique needs by
26 June 30, 1993.

27 The department shall prepare a budget request for the 1993-95
28 biennium that ensures all children inappropriately housed in crisis
29 residential centers are transferred to appropriate residential and

1 treatment services. The budget request shall be included in the
2 governor's proposed expenditure plan for the 1993-95 biennium.

3 NEW SECTION. **Sec. 207.** A new section is added to chapter 13.32A
4 RCW to read as follows:

5 The department of social and health services shall not
6 administratively split-code staff responsible for family reconciliation
7 services between separate and distinct functions, except in remote
8 rural offices where to do otherwise proves impractical.

9 NEW SECTION. **Sec. 208.** A new section is added to chapter 13.32A
10 RCW to read as follows:

11 All placements into crisis residential centers shall be approved by
12 and coordinated through the family reconciliation services supervisor.
13 The department of social and health services shall establish uniform
14 procedures for the use of crisis residential centers, which shall be
15 adhered to by all family reconciliation services supervisors. The
16 department shall ensure procedures established under this section will
17 facilitate and complement law enforcement officer's existing
18 responsibility to pick up and transport children to crisis residential
19 centers and other places authorized by law under this chapter.

20 **Sec. 209.** RCW 74.13.032 and 1979 c 155 s 78 are each amended to
21 read as follows:

22 (1) The department shall establish, by contracts with private
23 vendors, (~~((not less than eight regional))~~) crisis residential centers,
24 which shall be structured group care facilities licensed under rules
25 adopted by the department. Each (~~((regional))~~) center shall have (~~((an~~
26 ~~average of at least four adult staff members and in no event less~~
27 ~~than))~~) three adult staff members to every (~~((eight))~~) nine children. The

1 staff shall be trained so that they may effectively counsel juveniles
2 admitted to the centers, provide treatment, supervision, and structure
3 to the juveniles, and carry out the responsibilities outlined in RCW
4 13.32A.090.

5 (2) The department shall, in addition to the ~~((regional))~~
6 facilities established under subsection (1) of this section, establish
7 ~~((not less than thirty))~~ additional crisis residential centers pursuant
8 to contract with licensed ~~((private group care or))~~ specialized foster
9 home facilities. The staff at the facilities shall be trained so that
10 they may effectively counsel juveniles admitted to the centers, provide
11 treatment, supervision, and structure to the juveniles, and carry out
12 the responsibilities stated in RCW 13.32A.090. The responsibilities
13 stated in RCW 13.32A.090 may, in any of the centers, be carried out by
14 the department.

15 Crisis residential facilities shall be operated as semi-secure
16 facilities. A child placed in group care or specialized foster care
17 facilities designated as crisis residential centers under this section,
18 may be placed in a certified secure detention facility as authorized by
19 RCW 74.13.034.

20 **Sec. 210.** RCW 74.13.033 and 1979 c 155 s 79 are each amended to
21 read as follows:

22 (1) If a resident of a center becomes by his or her behavior
23 disruptive to the facility's program, such resident may be immediately
24 removed to a separate area within the facility and counseled on an
25 individual basis until such time as the child regains his or her
26 composure. The department may set rules and regulations establishing
27 additional procedures for dealing with severely disruptive children on
28 the premises, which procedures are consistent with the federal juvenile
29 justice and delinquency prevention act of 1974 and regulations and

1 clarifying instructions promulgated thereunder. Nothing in this
2 section shall prohibit a center from referring any child who, as the
3 result of a mental or emotional disorder, or intoxication by alcohol or
4 other drugs, is suicidal, seriously assaultive or seriously destructive
5 toward others, or otherwise similarly evidences an immediate need for
6 emergency medical evaluation and possible care, (~~to a community mental~~
7 ~~health center~~) for evaluation pursuant to chapter 71.34 RCW
8 (~~(72.23.070)~~) or to a mental health professional pursuant to chapter
9 71.05 RCW whenever such action is deemed appropriate and consistent
10 with law.

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

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

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

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

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

25 (3) A juvenile taking unauthorized leave from this residence may be
26 apprehended and returned to it by law enforcement officers or other
27 persons designated as having this authority as provided in RCW
28 13.32A.050. If returned to the facility after having taken
29 unauthorized leave for a period of more than twenty-four hours a
30 juvenile may be supervised by such a facility for a period, pursuant to

1 this chapter, which, unless where otherwise provided, may not exceed
2 (~~seventy-two hours~~) five consecutive days on the premises. Costs of
3 housing juveniles admitted to crisis residential centers shall be
4 assumed by the department for a period not to exceed (~~seventy-two~~
5 ~~hours~~) five consecutive days.

6 **Sec. 211.** RCW 74.13.034 and 1991 c 364 s 5 are each amended to
7 read as follows:

8 (1) A child taken into custody and taken to a crisis residential
9 center established pursuant to RCW 74.13.032(2) may, if the center is
10 unable to provide appropriate treatment, supervision, and structure to
11 the child, be taken at department expense to another crisis residential
12 center (~~or the nearest regional crisis residential center~~).
13 Placement in both centers shall not exceed (~~seventy-two hours~~) five
14 consecutive days from the point of intake as provided in RCW
15 13.32A.130.

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

28 (3) Any child placed in secure detention pursuant to this section
29 shall, during the period of confinement, be provided with appropriate

1 treatment by the department or the department's designee, which shall
2 include the services defined in RCW 74.13.033(2). If the child placed
3 in secure detention is not returned home or if an alternative living
4 arrangement agreeable to the parent and the child is not made within
5 twenty-four hours after the child's admission, the child shall be taken
6 at the department's expense to a crisis residential center. Placement
7 in the crisis residential center or centers plus placement in juvenile
8 detention shall not exceed (~~seventy-two hours~~) five consecutive days
9 from the point of intake as provided in RCW 13.32A.130.

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

17 (5) It is the intent of the legislature that by July 1, 1982,
18 crisis residential centers, supplemented by community mental health
19 programs and mental health professionals, will be able to respond
20 appropriately to children admitted to centers under this chapter and
21 will be able to respond to the needs of such children with appropriate
22 treatment, supervision, and structure.

23 **Sec. 212.** RCW 74.13.035 and 1979 c 155 s 81 are each amended to
24 read as follows:

25 Crisis residential centers shall compile yearly records which shall
26 be transmitted to the department and which shall contain information
27 regarding population profiles of the children admitted to the centers
28 during each past calendar year. Such information shall include but
29 shall not be limited to the following:

- 1 (1) The number, age, and sex of children admitted to custody;
- 2 (2) Who brought the children to the center;
- 3 (3) Services provided to children admitted to the center;
- 4 (4) The circumstances which necessitated the children being brought
- 5 to the center;
- 6 (5) The ultimate disposition of cases;
- 7 (6) The number of children admitted to custody who ran away from
- 8 the center and their ultimate disposition, if any;
- 9 (7) Length of stay.

10 The department may require the provision of additional information and
11 may require each center to provide all such necessary information in a
12 uniform manner.

13 ~~((A center may, in addition to being licensed as such, also be
14 licensed as a family foster home or group care facility and may house
15 on the premises juveniles assigned for foster or group care.))~~

16 NEW SECTION. Sec. 213. Sections 204, 205, 209, 211, and 212 of
17 this act shall take effect July 1, 1993.

18 **PART III - INVOLUNTARY COMMITMENT AND TREATMENT**

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

21 In furtherance of the policy of this state to cooperate with the
22 federal government in the programs included in this title the secretary
23 shall issue such rules and regulations as may become necessary to
24 entitle this state to participate in federal grants-in-aid, goods,
25 commodities and services unless the same be expressly prohibited by
26 this title. The secretary shall ensure that the department's services

1 and programs are designed and implemented to maximize the allocation of
2 federal funds to the state.

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

14 **Sec. 302.** RCW 71.34.010 and 1985 c 354 s 1 are each amended to
15 read as follows:

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

28 It is also the purpose of this chapter to protect the rights of
29 minors against needless hospitalization and deprivations of liberty and

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

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

13 Unless the context clearly requires otherwise, the definitions in
14 this section apply throughout this chapter.

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

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

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

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

28 (3) "Commitment" means a determination by a judge or court
29 commissioner, made after a commitment hearing, that the minor is in

1 need of inpatient diagnosis, evaluation, or treatment or that the minor
2 is in need of less restrictive alternative treatment.

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

7 (5) "Department" means the department of social and health
8 services.

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

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

23 (8) "Gravely disabled minor" means a minor who, as a result of a
24 mental disorder, is in danger of serious physical harm resulting from
25 a failure to provide for his or her essential human needs of health or
26 safety, or manifests severe deterioration in routine functioning
27 evidenced by repeated and escalating loss of cognitive or volitional
28 control over his or her actions and is not receiving such care as is
29 essential for his or her health or safety.

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

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

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

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

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

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

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

9 (16) "Parent" means:

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

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

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

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

26 (19) "Psychiatrist" means a person having a license as a physician
27 in this state who has completed residency training in psychiatry in a
28 program approved by the American Medical Association or the American
29 Osteopathic Association, and is board eligible or board certified in
30 psychiatry.

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

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

6 (22) "Secretary" means the secretary of the department or
7 secretary's designee.

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

14 NEW SECTION. **Sec. 304.** A new section is added to chapter 71.34
15 RCW to read as follows:

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

21 NEW SECTION. **Sec. 305.** A new section is added to chapter 71.34
22 RCW to read as follows:

23 The department shall ensure that the provisions of this chapter are
24 applied by the counties in a consistent and uniform manner. The
25 department shall also ensure that the county-designated mental health
26 professionals are specifically trained in adolescent mental health
27 issues, the mental health civil commitment laws, and the criteria for
28 civil commitment.

1 NEW SECTION. **Sec. 306.** A new section is added to chapter 71.34
2 RCW to read as follows:

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

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

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

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

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

22 NEW SECTION. **Sec. 307.** A new section is added to chapter 71.34
23 RCW to read as follows:

24 (1) Whenever a county-designated mental health professional makes
25 a determination under RCW 71.34.050 that a minor, thirteen years of age
26 or older, does not meet the criteria for an involuntary admission at an
27 evaluation and treatment facility, the minor's parent may file a
28 petition in the superior court seeking a review of the county-

1 designated mental health professional's decision not to detain the
2 minor.

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

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

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

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

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

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

22 NEW SECTION. **Sec. 308.** A new section is added to chapter 70.96A
23 RCW to read as follows:

24 The department shall ensure that the provisions of this chapter are
25 applied by the counties in a consistent and uniform manner. The
26 department shall also ensure that the county-designated chemical
27 dependency specialists are specifically trained in adolescent chemical
28 dependency issues, the chemical dependency commitment laws, and the
29 criteria for commitment.

1 NEW SECTION. **Sec. 309.** A new section is added to chapter 70.96A
2 RCW to read as follows:

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

7 (1) Provide written notice to the minor's parent of the parent's
8 right to file petitions and obtain services available under chapter
9 13.32A RCW;

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

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

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

21 NEW SECTION. **Sec. 310.** A new section is added to chapter 70.96A
22 RCW to read as follows:

23 (1) Whenever a county-designated chemical dependency specialist
24 makes a determination under RCW 70.96A.140 that a minor does not meet
25 the criteria for a commitment to a chemical dependency treatment
26 program, the minor's parent may file a petition in the superior court
27 seeking a review of the county-designated chemical dependency
28 specialist's decision not to commit the minor.

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

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

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

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

10 (3) If after reviewing the petition, affidavits, and supporting
11 documentation, the court finds by a preponderance of the evidence that
12 the minor meets the criteria for commitment as set forth in RCW
13 70.96A.140(1), the court shall fix a date for a hearing as provided in
14 RCW 70.96A.140(2). The petition and order for a hearing shall be
15 served on the minor and on the county-designated chemical dependency
16 specialist who wrote the evaluation that was filed with the court.

17 (4) All other provisions contained in this chapter relating to the
18 hearing and commitment shall apply.

19 NEW SECTION. **Sec. 311.** The department of social and health
20 services shall conduct a planning study of the children in its care to
21 determine the appropriate level of residential and treatment services
22 required by these children. The study shall be based on a
23 statistically valid sample of all children in the department's care.
24 The study shall also estimate the treatment needs of youth who have
25 been evaluated for a mental disorder but were not involuntarily
26 detained pursuant to chapter 71.34 RCW.

27 In conducting the study, the department shall utilize all existing
28 studies to the extent possible. The department shall report the
29 results of the study to the appropriate standing committees of the

1 legislature by September 15, 1992. The department shall use the study
2 results for designing future programs, treatment models, and for
3 determining the reallocation of funds within the department. The
4 department shall submit recommendations to the appropriate standing
5 committees of the legislature on the necessary reallocation of funds,
6 as indicated by the assessment results, by January 1, 1993.

7 **PART IV - MISCELLANEOUS**

8 **Sec. 401.** 1991 c 234 s 1 (uncodified) is amended to read as
9 follows:

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

15 The task force shall consist of the following members:

16 (1) Three co-chairs, one from the state senate appointed by the
17 president of the senate; one from the state house of representatives
18 appointed by the speaker of the house of representatives; and one
19 appointed by the governor from among the members of the task force
20 named in subsection (3) of this section.

21 (2) Eight legislators in addition to the two legislative cochairs
22 selected under subsection (1) of this section, two each from the
23 majority and minority caucuses of the senate and two each from the
24 majority and minority caucuses of the house of representatives.

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

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

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

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

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

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

5 (f) One police chief or county sheriff;

6 ~~((One child psychologist;~~

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

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

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

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

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

13 ~~(m))~~ (j) One juvenile court caseworker;

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

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

16 ~~((and~~

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

18 (m) One member from the education system; and

19 (n) One member from local government.

20 The department of social and health services shall fund the task
21 force in an amount sufficient to meet its mission. The task force
22 shall be staffed, to the extent possible, by staff available from the
23 membership of the task force.

24 The governor shall ensure that the racial diversity of the task
25 force membership appointed by the governor reflects the racial
26 diversity of juveniles served under the Family Reconciliation Act, the
27 1977 Juvenile Justice Act, and the 1990 "at-risk" youth legislation.

28 The task force shall develop a statutory community-based planning,
29 allocation, and service system for children and families, including at-
30 risk youth, runaways, and families in conflict, and submit it to the

1 appropriate legislative committees no later than December 1, 1992. The
2 task force shall: (i) Identify which state agencies, programs, and
3 services should be included in the system; (ii) identify the various
4 youth populations to be served by the system; and (iii) determine how
5 to coordinate this system with existing community-based planning and
6 coordination requirements, including, but not limited to, chapter 326,
7 Laws of 1991, and chapter 13.06 RCW.

8 **Sec. 402.** 1991 c 234 s 2 (uncodified) is amended to read as
9 follows:

10 The department of social and health services, in cooperation with
11 the commission on African American affairs, shall contract for an
12 independent study of racial disproportionality in the juvenile justice
13 system. The study shall identify key decision points in the juvenile
14 justice system where race and/or ethnicity-based disproportionality
15 exists in the treatment and incarceration of juvenile offenders. The
16 study shall identify the causes of disproportionality, and propose new
17 policies and procedures to address disproportionality.

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

23 The juvenile justice task force shall utilize the information on
24 disproportionality in developing its report and recommendations to the
25 legislature required under section ~~((1))~~ 401 of this act. ~~((If by June~~
26 ~~30, 1991, the omnibus operating budget appropriations act for the 1991-~~
27 ~~93 biennium does not provide specific funding for this section,~~
28 ~~referencing this section by bill number and section, this section is~~
29 ~~null and void.))~~

1 NEW SECTION. **Sec. 403.** A new section is added to chapter 13.40
2 RCW to read as follows:

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

15 NEW SECTION. **Sec. 404.** Part headings as used in this act do not
16 constitute any part of the law.

17 NEW SECTION. **Sec. 405.** If any provision of this act or its
18 application to any person or circumstance is held invalid, the
19 remainder of the act or the application of the provision to other
20 persons or circumstances is not affected.