
SUBSTITUTE HOUSE BILL 2766

State of Washington

53rd Legislature

1994 Regular Session

By House Committee on Human Services (originally sponsored by Representatives Lemmon, Conway, Morris, Cooke, Orr, Patterson, Long, Kessler, Thibaudeau, Linville, Moak, Rayburn, Karahalios and Johanson)

Read first time 02/04/94.

1 AN ACT Relating to children; amending RCW 13.32A.050, 13.32A.060,
2 13.32A.080, and 13.32A.130; adding a new section to chapter 74.13 RCW;
3 adding a new section to chapter 43.101 RCW; creating a new section; and
4 prescribing penalties.

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

6 **Sec. 1.** RCW 13.32A.050 and 1990 c 276 s 5 are each amended to read
7 as follows:

8 A law enforcement officer shall take a child into custody:

9 (1) If a law enforcement agency has been contacted by the parent of
10 the child that the child is absent from parental custody without
11 consent; or

12 (2) If a law enforcement officer reasonably believes, considering
13 the child's age, the location, and the time of day, that a child is in
14 circumstances which constitute a danger to the child's safety; or

15 (3) If an agency legally charged with the supervision of a child
16 has notified a law enforcement agency that the child has run away from
17 placement; or

18 (4) If a law enforcement agency has been notified by the juvenile
19 court that the court finds probable cause exists to believe that the

1 child has violated a court placement order issued pursuant to chapter
2 13.32A RCW or that the court has issued an order for law enforcement
3 pick-up of the child under this chapter.

4 Law enforcement custody shall not extend beyond the amount of time
5 reasonably necessary to transport the child to a destination authorized
6 by law and to place the child at that destination.

7 An officer who takes a child into custody under this section and
8 places the child in a designated crisis residential center shall inform
9 the department of such placement within twenty-four hours.

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

13 (6) If a law enforcement officer has a reasonable suspicion that a
14 child is being unlawfully harbored under RCW 13.32A.080, the officer
15 shall remove the child from the custody of the person harboring the
16 child and shall transport the child to one of the locations specified
17 in RCW 13.32A.060.

18 **Sec. 2.** RCW 13.32A.060 and 1985 c 257 s 8 are each amended to read
19 as follows:

20 (1) An officer taking a child into custody under RCW 13.32A.050 (1)
21 or (2) shall inform the child of the reason for such custody and shall
22 either:

23 (a) Transport the child to his or her home. The officer releasing
24 a child into the custody of the parent shall inform the parent of the
25 reason for the taking of the child into custody and shall inform the
26 child and the parent of the nature and location of appropriate services
27 available in their community; or

28 (b) Take the child to the home of an adult extended family member,
29 a designated crisis residential center, or the home of a responsible
30 adult following parental notification:

31 (i) If the child (~~(evinces)~~) expresses fear or distress at the
32 prospect of being returned to his or her home(~~(i- or~~

33 ~~(ii) If the officer believes~~) which leads the officer to believe
34 there is a possibility that the child is experiencing in the home some
35 type of child abuse or neglect, as defined in RCW 26.44.020, as now law
36 or hereafter amended; or

37 (~~(iii)~~) (ii) If it is not practical to transport the child to his
38 or her home; or

1 (~~(iv)~~) (iii) If there is no parent available to accept custody of
2 the child.

3 The officer releasing a child into the custody of an extended
4 family member or a responsible adult shall inform the child and the
5 extended family member or responsible adult of the nature and location
6 of appropriate services available in the community.

7 (2) An officer taking a child into custody under RCW 13.32A.050 (3)
8 or (4) shall inform the child of the reason for custody, and shall take
9 the child to a designated crisis residential center licensed by the
10 department and established pursuant to chapter 74.13 RCW. However, an
11 officer taking a child into custody under RCW 13.32A.050(4) may place
12 the child in a juvenile detention facility as provided in RCW
13 13.32A.065. The department shall ensure that all the enforcement
14 authorities are informed on a regular basis as to the location of the
15 designated crisis residential center or centers in their judicial
16 district, where children taken into custody under RCW 13.32A.050 may be
17 taken.

18 **Sec. 3.** RCW 13.32A.080 and 1981 c 298 s 6 are each amended to read
19 as follows:

20 (1)(a) A person commits the crime of unlawful harboring of a minor
21 if the person provides shelter to a minor without the consent of a
22 parent of the minor and after the person knows that the minor is away
23 from the home of the parent, without the parent's permission, and if
24 the person intentionally:

25 (i) Fails to release the minor to a law enforcement officer after
26 being requested to do so by the officer; or

27 (ii) Fails to disclose the location of the minor to a law
28 enforcement officer after being requested to do so by the officer, if
29 the person knows the location of the minor and had either taken the
30 minor to that location or had assisted the minor in reaching that
31 location; or

32 (iii) Obstructs a law enforcement officer from taking the minor
33 into custody; or

34 (iv) Assists the minor in avoiding or attempting to avoid the
35 custody of the law enforcement officer.

36 (b) It is a defense to a prosecution under this section that the
37 defendant had custody of the minor pursuant to a court order.

1 (2) Harboring a minor is punishable as a gross misdemeanor ((if the
2 offender has not been previously convicted under this section and a
3 gross misdemeanor if the offender has been previously convicted under
4 this section)).

5 (3) Any person who provides shelter to a child, absent from home,
6 may notify the department's local community service office of the
7 child's presence.

8 (4) An adult responsible for involving a child in the commission of
9 an offense may be prosecuted under existing criminal statutes
10 including, but not limited to:

11 (a) Distribution of a controlled substance to a minor, as defined
12 in RCW 69.50.406;

13 (b) Promoting prostitution as defined in chapter 9A.88 RCW; and

14 (c) Complicity of the adult in the crime of a minor, under RCW
15 9A.08.020.

16 **Sec. 4.** RCW 13.32A.130 and 1992 c 205 s 206 are each amended to
17 read as follows:

18 A child admitted to a crisis residential center under this chapter
19 who is not returned to the home of his or her parent or who is not
20 placed in an alternative residential placement under an agreement
21 between the parent and child, shall, except as provided for by RCW
22 13.32A.140 and 13.32A.160(2), reside in ((such)) the placement under
23 the rules ((and regulations)) established for the center for a period
24 not to exceed five consecutive days from the time of intake, except as
25 otherwise provided by this chapter. Crisis residential center staff
26 shall make a concerted effort to achieve a reconciliation of the
27 family. If a reconciliation and voluntary return of the child has not
28 been achieved within forty-eight hours from the time of intake, and if
29 the person in charge of the center does not consider it likely that
30 reconciliation will be achieved within the five-day period, then the
31 person in charge shall inform the parent and child of (1) the
32 availability of counseling services; (2) the right to file a petition
33 for an alternative residential placement, the right of a parent to file
34 an at-risk youth petition, and the right of the parent and child to
35 obtain assistance in filing the petition; and (3) the right to request
36 a review of any alternative residential placement((:—PROVIDED, That)).
37 At no time shall information regarding a parent's or child's rights be
38 withheld if requested((:—PROVIDED FURTHER, That)). The department

1 shall develop and distribute to all law enforcement agencies and to
2 each crisis residential center administrator a written statement
3 delineating ((such)) the services and rights. Every officer taking a
4 child into custody shall provide the child and his or her parent(s) or
5 responsible adult with whom the child is placed with a copy of ((such))
6 the statement. In addition, the administrator of the facility or his
7 or her designee shall provide every resident and parent with a copy of
8 ((such)) the statement.

9 NEW SECTION. Sec. 5. A new section is added to chapter 74.13 RCW
10 to read as follows:

11 The department of social and health services shall maintain a toll-
12 free hotline to assist parents of runaway children. The hotline shall
13 provide parents with a complete description of their rights when
14 dealing with their runaway child.

15 NEW SECTION. Sec. 6. A new section is added to chapter 43.101 RCW
16 to read as follows:

17 The criminal justice training commission shall ensure that every
18 law enforcement agency in the state has an accurate and up-to-date
19 policy manual describing the statutes relating to juvenile runaways.

20 NEW SECTION. Sec. 7. If section 5 of this act is not specifically
21 referenced in the supplemental operating budget by June 30, 1994,
22 section 5 of this act shall be null and void.

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