

2 **2SHB 1417 - H AMD 251 ADOPTED 3/10/95**

3 By Representative Carrell and Wolfe

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5 On page 8, after line 23, insert the following:

6 "Sec. 12. RCW 13.32A.196 and 1991 c 364 s 14 are each amended to  
7 read as follows:

8 (1) At the dispositional hearing regarding an adjudicated at-risk  
9 youth, the court shall consider the recommendations of the parties and  
10 the recommendations of any dispositional plan submitted by the  
11 department. The court may enter a dispositional order that will assist  
12 the parent in maintaining the care, custody, and control of the child  
13 and assist the family to resolve family conflicts or problems.

14 (2) The court may set conditions of supervision for the child that  
15 include:

16 (a) Regular school attendance;

17 (b) Counseling;

18 (c) Participation in a substance abuse treatment program;

19 (d) If ordered under subsection (3) of this section, placement in  
20 a secure facility or other secure program of treatment;

21 (e) Reporting on a regular basis to the department or any other  
22 designated person or agency; and

23 (~~(e)~~) (f) Any other condition the court deems an appropriate  
24 condition of supervision.

25 (3) If requested by a parent of an at-risk youth who is a habitual  
26 runaway, the court may include in its dispositional order or orders a  
27 requirement that the youth be placed, for up to one hundred eighty  
28 consecutive days, in a secure facility or other court-ordered secure  
29 program of treatment. The court may not include this requirement  
30 unless, at the disposition hearing, it finds that the placement is  
31 necessary in order to protect the at-risk youth and that a less-  
32 restrictive order or orders not requiring such placement would be  
33 inadequate to protect the youth, given the youth's age, maturity,  
34 propensity to run away from home, past exposure to serious risk when  
35 the youth ran away from home, and possible future exposure to serious  
36 risk should the youth run away from home again. For purposes of this

1 section, an at-risk youth is a "habitual runaway" if the youth, on each  
2 of three or more occasions within the twelve-month period preceding the  
3 month in which the at-risk youth petition was filed, has been absent  
4 from home for more than seventy-two consecutive hours without parental  
5 consent; or if the youth during such twelve-month period has been  
6 absent from home without parental consent for more than thirty  
7 consecutive days. This subsection constitutes a method of placement or  
8 commitment that is in addition to methods prescribed under other laws  
9 and is not intended as the exclusive method for placement or commitment  
10 of children who qualify as at-risk youth.

11 (4) Except as provided in this section for habitual runaways, no  
12 dispositional order or condition of supervision ordered by a court  
13 pursuant to this section shall include involuntary commitment of a  
14 child for substance abuse or mental health treatment.

15 ~~((+4))~~ (5) The court may order the parent to participate in  
16 counseling services or any other services for the child requiring  
17 parental participation. The parent shall cooperate with the court-  
18 ordered case plan and shall take necessary steps to help implement the  
19 case plan. The parent shall be financially responsible for costs  
20 related to the court-ordered plan; however, this requirement shall not  
21 affect the eligibility of the parent or child for public assistance or  
22 other benefits to which the parent or child may otherwise be entitled.  
23 The parent may request dismissal of an at-risk youth proceeding at any  
24 time and upon such a request, the court shall dismiss the matter and  
25 cease court supervision of the child unless a contempt action is  
26 pending in the case. The court may retain jurisdiction over the matter  
27 for the purpose of concluding any pending contempt proceedings,  
28 including the full satisfaction of any penalties imposed as a result of  
29 a contempt finding.

30 ~~((+5))~~ (6) The court may order the department to monitor  
31 compliance with the dispositional order, assist in coordinating the  
32 provision of court-ordered services, and submit reports at subsequent  
33 review hearings regarding the status of the case.

34 **Sec. 13.** RCW 13.32A.198 and 1990 c 276 s 15 are each amended to  
35 read as follows:

36 (1) Upon making a disposition regarding an adjudicated at-risk  
37 youth, the court shall schedule the matter on the calendar for review  
38 ~~((within three months)),~~ advise the parties of the date thereof,

1 appoint legal counsel for the child, advise the parent of the right to  
2 be represented by legal counsel at the review hearing at the parent's  
3 own expense, and notify the parties of their rights to present evidence  
4 at the hearing. The review hearing shall commence within ninety  
5 consecutive days after the date in which the dispositional order or  
6 orders are entered. However, if the order or orders provide for the  
7 placement of a habitual runaway in a secure facility or secure program  
8 of treatment, then the review hearing shall commence within thirty  
9 consecutive days after such date.

10 (2) At the review hearing, the court shall approve or disapprove  
11 the continuation of court supervision in accordance with the goal of  
12 assisting the parent to maintain the care, custody, and control of the  
13 child. The court shall determine whether the parent and child are  
14 complying with the dispositional plan. If court supervision is  
15 continued, the court may modify the dispositional plan. However, in  
16 the case of a habitual runaway placed in a secure facility or secure  
17 program of treatment, the court may continue the placement for an  
18 additional period only if requested by the parent and if the court  
19 finds that its findings under RCW 13.32A.196 are still accurate.

20 (3) Except for the placement of a habitual runaway in a secure  
21 facility or secure program of treatment, court supervision of the child  
22 may not be continued past one hundred eighty consecutive days from the  
23 day the review hearing commenced unless the court finds, and the parent  
24 agrees, that there are compelling reasons for an extension of  
25 supervision. Any extension granted pursuant to this subsection shall  
26 not exceed ninety days. The court may not require the placement of a  
27 habitual runaway for longer than a period of one hundred eighty  
28 consecutive days and may not provide for any extension of the placement  
29 beyond such period.

30 (4) The court may dismiss an at-risk youth proceeding at any time  
31 if the court finds good cause to believe that continuation of court  
32 supervision, including the placement of a habitual runaway, would serve  
33 no useful purpose or that the parent is not cooperating with the court-  
34 ordered case plan. The court shall dismiss an at-risk youth proceeding  
35 if the child is the subject of a proceeding under chapter 13.34 RCW."

36 Renumber the remaining sections consecutively, correct internal  
37 references accordingly, and correct the title accordingly.

1        EFFECT: This amendment would authorize the court to order that an  
2 "at-risk youth" be placed for up to six months in a secure facility or  
3 in a secure treatment program if the placement is requested by a parent  
4 of the youth and if the court finds that the youth is a habitual  
5 runaway and that such placement is necessary to protect the youth.  
6 Current law requires the court to appoint counsel to represent a child  
7 in "at-risk youth" hearings and provides for continued court review of  
8 the dispositional orders and circumstances involving an "at-risk  
9 youth." The amendment would not change this current law, except that  
10 it would require more intensive review in cases involving placement of  
11 habitual runaways.

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