

2 **2SSB 5439** - S AMD - 219

3 By Senators Hargrove, Long and Franklin

4 ADOPTED AS AMENDED 3/15/93

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

7 "**Sec. 1.** RCW 13.32A.010 and 1979 c 155 s 15 are each amended to
8 read as follows:

9 The legislature finds that within any group of people there exists
10 a need for guidelines for acceptable behavior and that, presumptively,
11 the experience and maturity ((are)) of parents make them better
12 ((qualifications for establishing)) qualified to establish guidelines
13 beneficial to and protective of ((individual members and the group as
14 a whole than are youth and inexperience)) their children. The
15 legislature further finds that it is the right and responsibility of
16 adults to establish laws for the benefit and protection of the society;
17 and that, in the same manner, the right and responsibility for
18 establishing reasonable guidelines for the family unit belongs to the
19 adults within that unit. Further, absent abuse or neglect, parents
20 should have the right to exercise control over their children. The
21 legislature reaffirms its position stated in RCW 13.34.020 that the
22 family unit is the fundamental resource of American life which should
23 be nurtured and that it should remain intact in the absence of
24 compelling evidence to the contrary.

25 The legislature recognizes there is a need for services and
26 assistance for parents and children who are in conflict. These
27 conflicts are manifested by children who exhibit various behaviors
28 including: Running away, substance abuse, serious acting out problems,
29 mental health needs, and other behaviors that endanger themselves or
30 others.

31 The legislature finds many parents do not know their rights
32 regarding their adolescent children and law enforcement. Parents and
33 courts feel they have insufficient legal recourse for the chronic
34 runaway child who is endangering himself or herself through his or her
35 behavior. The legislature further recognizes that for chronic runaways
36 whose behavior puts them in serious danger of harming themselves or

1 others, secure facilities must be provided to allow opportunities for
2 assessment, treatment, and to assist parents and protect their
3 children. The legislature intends to give tools to parents, courts,
4 and law enforcement to keep families together and reunite them whenever
5 possible.

6 The legislature recognizes that some children run away to protect
7 themselves from abuse or neglect in their homes. Abused and neglected
8 children should be dealt with pursuant to chapter 13.34 RCW and it is
9 not the intent of the legislature to handle dependency matters under
10 this chapter.

11 The legislature intends services offered under this chapter be on
12 a voluntary basis whenever possible to children and their families and
13 that the courts be used as a last resort.

14 The legislature intends to increase the safety of children through
15 the preservation of families and the provision of assessment,
16 treatment, and placement services for children in need of services and
17 at-risk youth. Within available funds, the legislature intends to
18 provide these services through crisis residential centers in which
19 children and youth may safely reside for a limited period of time. The
20 time in residence shall be used to conduct an assessment of the needs
21 of the children, youth, and their families. The assessments are
22 necessary to identify appropriate services and placement options that
23 will reduce the likelihood that children will place themselves in
24 dangerous or life-threatening situations.

25 The legislature recognizes that crisis residential centers provide
26 an opportunity for children to receive short-term necessary support and
27 nurturing in cases where there may be abuse or neglect. The
28 legislature intends that center staff provide an atmosphere of concern,
29 care, and respect for children in the center and their parents.

30 **Sec. 2.** RCW 13.32A.030 and 1990 c 276 s 3 are each amended to read
31 as follows:

32 As used in this chapter the following terms have the meanings
33 indicated unless the context clearly requires otherwise:

34 (1) "At-risk youth" means a juvenile:

35 (a) Who is absent from home for at least seventy-two consecutive
36 hours without consent of his or her parent;

37 (b) Who is beyond the control of his or her parent such that the
38 child's behavior endangers the health, safety, or welfare of the child

1 or any other person; or

2 (c) Who has a substance abuse problem for which there are no
3 pending criminal charges related to the substance abuse.

4 (2) "Child," "juvenile," and "youth" mean any unemancipated
5 individual who is under the chronological age of eighteen years.

6 (3) "Child in need of services" means a juvenile:

7 (a) Who is beyond the control of his or her parent such that the
8 child's behavior endangers the health, safety, or welfare of the child
9 or other person;

10 (b) Who has been reported to law enforcement as absent without
11 consent for at least twenty-four consecutive hours from the parent's
12 home or a crisis residential center on two or more separate occasions;
13 and

14 (i) Has exhibited a serious substance abuse problem; or

15 (ii) Has exhibited behaviors that create a serious risk of harm to
16 the health, safety, or welfare of the child or any other person; or

17 (c)(i) Who is in need of necessary services, including food,
18 shelter, health care, clothing, educational, or services designed to
19 maintain or reunite the family;

20 (ii) Who lacks access, or has declined, to utilize these services;
21 and

22 (iii) Whose parents have evidenced continuing but unsuccessful
23 efforts to maintain the family structure or are unable or unwilling to
24 continue efforts to maintain the family structure.

25 (4) "Child in need of services petition" means a petition filed in
26 juvenile court by a parent, child, or the department seeking
27 adjudication of placement of the child.

28 (5) "Custodian" means the person who has the legal right to the
29 custody of the child.

30 (6) "Department" means the department of social and health
31 services((÷

32 ~~(2) "Child," "juvenile," and "youth" mean any individual who is~~
33 ~~under the chronological age of eighteen years;))~~.

34 ~~((+3+))~~ (7) "Extended family members" means a grandparent, brother,
35 sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom
36 the child has a relationship and is comfortable, and who is willing and
37 available to care for the child.

38 (8) "Guardian" means that person or agency that (a) has been
39 appointed as the guardian of a child in a legal proceeding other than

1 a proceeding under chapter 13.34 RCW, and (b) has the right to legal
2 custody of the child pursuant to such appointment. The term "guardian"
3 does not include a "dependency guardian" appointed pursuant to a
4 proceeding under chapter 13.34 RCW.

5 (9) "Multidisciplinary team" means a group formed to provide
6 assistance and support to a child who is an at-risk youth or a child in
7 need of services and his or her parent. The team shall include the
8 parent, a department case worker, a local government representative
9 when authorized by the local government, and when appropriate, members
10 from the mental health and substance abuse disciplines. The team may
11 also include, but is not limited to, the following persons: Educators,
12 law enforcement personnel, probation officers, employers, church
13 persons, tribal members, therapists, medical personnel, social service
14 providers, placement providers, and extended family members. The team
15 members shall be volunteers who do not receive compensation while
16 acting in a capacity as a team member, unless the member's employer
17 chooses to provide compensation or the member is a state employee.

18 (10) "Out-of-home placement" means a placement in a foster family
19 home or group care facility licensed pursuant to chapter 74.15 RCW or
20 placement in a home, other than that of the child's parent, guardian,
21 or legal custodian, not required to be licensed pursuant to chapter
22 74.15 RCW.

23 (11) "Parent" means the ((legal)) parent or parents who have the
24 legal right to custody of the child. "Parent" includes
25 custodian((s)) or guardian((s) of a child;)).

26 ~~((4))~~ (12) "Semi-secure facility" means any facility, including
27 but not limited to crisis residential centers or specialized foster
28 family homes, operated in a manner to reasonably assure that youth
29 placed there will not run away((: PROVIDED, That such facility shall
30 not be a secure institution or facility as defined by the federal
31 juvenile justice and delinquency prevention act of 1974 (P.L. 93-415;
32 42 U.S.C. Sec. 5634 et seq.) and regulations and clarifying
33 instructions promulgated thereunder)). Pursuant to rules established
34 by the department, the facility administrator shall establish
35 reasonable hours for residents to come and go from the facility such
36 that no residents are free to come and go at all hours of the day and
37 night. To prevent residents from taking unreasonable actions, the
38 facility administrator, where appropriate, may condition a resident's
39 leaving the facility upon the resident being accompanied by the

1 administrator or the administrator's designee and the resident may be
2 required to notify the administrator or the administrator's designee of
3 any intent to leave, his or her intended destination, and the probable
4 time of his or her return to the center. The facility administrator
5 shall notify a parent and the appropriate law enforcement agency within
6 four hours of all unauthorized leaves((;

7 ~~(5) "At risk youth" means an individual under the chronological age
8 of eighteen years who:~~

9 ~~(a) Is absent from home for more than seventy two consecutive hours
10 without consent of his or her parent;~~

11 ~~(b) Is beyond the control of his or her parent such that the
12 child's behavior substantially endangers the health, safety, or welfare
13 of the child or any other person; or~~

14 ~~(c) Has a serious substance abuse problem for which there are no
15 pending criminal charges related to the substance abuse)).~~

16 (13) "Secure crisis residential center" means a secure facility
17 licensed under chapter 74.13 RCW with doors, windows, or secured
18 perimeter that operates to prevent a child from leaving without
19 permission of the facility staff.

20 (14) "Temporary out-of-home placement" means an out-of-home
21 placement of not more than fourteen days ordered by the court at a
22 fact-finding hearing on a child in need of services petition.

23 NEW SECTION. Sec. 3. A new section is added to chapter 13.32A RCW
24 to read as follows:

25 Whenever a child in need of services petition is filed by a youth
26 pursuant to RCW 13.32A.130, or the department pursuant to RCW
27 13.32A.150, the youth or the department shall have a copy of the
28 petition served on the parents of the youth. Service shall first be
29 attempted in person and if unsuccessful, then by certified mail with
30 return receipt.

31 **Sec. 4.** RCW 13.32A.040 and 1994 c 304 s 3 are each amended to read
32 as follows:

33 Families who are in conflict or who are experiencing problems with
34 at-risk youth or a child who may be in need of services may request
35 family reconciliation services from the department. The department may
36 involve a multidisciplinary team in its response. Such services shall
37 be provided to alleviate personal or family situations which present a

1 serious and imminent threat to the health or stability of the child or
2 family and to maintain families intact wherever possible. Family
3 reconciliation services shall be designed to develop skills and
4 supports within families to resolve problems related to at-risk youth,
5 children in need of services, or family conflicts and may include but
6 are not limited to referral to services for suicide prevention,
7 psychiatric or other medical care, or psychological, mental health,
8 drug or alcohol treatment, welfare, legal, educational, or other social
9 services, as appropriate to the needs of the child and the family.
10 (~~Upon a referral by a school or other appropriate agency,~~) Family
11 reconciliation services may also include training in parenting,
12 conflict management, and dispute resolution skills.

13 **Sec. 5.** RCW 13.32A.050 and 1994 sp.s. c 7 s 505 are each amended
14 to read as follows:

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

16 (~~(1)~~) (a) If a law enforcement agency has been contacted by the
17 parent of the child that the child is absent from parental custody
18 without consent; or

19 (~~(2)~~) (b) If a law enforcement officer reasonably believes,
20 considering the child's age, the location, and the time of day, that a
21 child is in circumstances which constitute a danger to the child's
22 safety or that a child is violating a local curfew ordinance; or

23 (~~(3)~~) (c) If an agency legally charged with the supervision of a
24 child has notified a law enforcement agency that the child has run away
25 from placement; or

26 (~~(4)~~) (d) If a law enforcement agency has been notified by the
27 juvenile court that the court finds probable cause exists to believe
28 that the child has violated a court placement order issued pursuant to
29 chapter 13.32A RCW or that the court has issued an order for law
30 enforcement pick-up of the child under this chapter.

31 (2) Law enforcement custody shall not extend beyond the amount of
32 time reasonably necessary to transport the child to a destination
33 authorized by law and to place the child at that destination.

34 (~~(An officer who takes a child into custody under this section and
35 places the child in a designated crisis residential center shall inform
36 the department of such placement within twenty-four hours.)~~)

37 (3) If a law enforcement officer takes a child into custody
38 pursuant to either subsection (1)(a) or (b) of this section and

1 transports the child to a crisis residential center, the officer shall,
2 within twenty-four hours of delivering the child to the center, provide
3 to the center a written report detailing the reasons the officer took
4 the child into custody.

5 (4) If the police who initially take the juvenile into custody or
6 the staff of the crisis residential center have reasonable cause to
7 believe that the child is absent from home because he or she is abused
8 or neglected, a report shall be made immediately to the department.

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

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

17 (7) No child may be placed in a secure crisis residential center
18 except as provided in this chapter.

19 **Sec. 6.** RCW 13.32A.060 and 1994 sp.s. c 7 s 506 are each amended
20 to read as follows:

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

24 (a) Transport the child to his or her home or to a parent at his or
25 her place of employment, if no parent is at home. The officer
26 releasing a child into the custody of the parent shall inform the
27 parent of the reason for the taking of the child into custody and shall
28 inform the child and the parent of the nature and location of
29 appropriate services available in their community. The parent may
30 direct the officer to take the child to the home of an adult extended
31 family member, responsible adult, or a licensed youth shelter. The
32 officer releasing a child into the custody of an adult extended family
33 member, responsible adult, or a licensed youth shelter shall inform the
34 child and the person receiving the child of the nature and location of
35 appropriate services available in the community; or

36 (b) Take the child to ((the home of an adult extended family
37 member,)) a designated secure crisis residential center, ((or the home
38 of a responsible adult)) or a semi-secure crisis residential center if

1 a secure crisis residential center is full or is not available or
2 within a reasonable distance, after attempting to notify the parent or
3 legal guardian:

4 (i) If the child expresses fear or distress at the prospect of
5 being returned to his or her home which leads the officer to believe
6 there is a possibility that the child is experiencing ~~((in the home))~~
7 some type of child abuse or neglect, as defined in RCW 26.44.020(~~(, as~~
8 ~~now law or hereafter amended))~~); or

9 (ii) If it is not practical to transport the child to his or her
10 home or place of the parent's employment; or

11 (iii) If there is no parent available to accept custody of the
12 child.

13 ~~((The officer releasing a child into the custody of an extended~~
14 ~~family member or a responsible adult shall inform the child and the~~
15 ~~extended family member or responsible adult of the nature and location~~
16 ~~of appropriate services available in the community.))~~

17 (2) An officer taking a child into custody under RCW 13.32A.050
18 ~~((+3))~~ (1) (c) or ~~((+4))~~ (d) shall inform the child of the reason for
19 custody, and shall take the child to a designated secure crisis
20 residential center or, if not available or within a reasonable
21 distance, to a semi-secure crisis residential center, licensed by the
22 department and established pursuant to chapter 74.13 RCW. However, an
23 officer taking a child into custody under RCW 13.32A.050~~((+4))~~ (1)(d)
24 may place the child in a juvenile detention facility as provided in RCW
25 13.32A.065. The department shall ensure that all the law enforcement
26 authorities are informed on a regular basis as to the location of
27 ~~((the))~~ all designated secure and semi-secure crisis residential
28 ~~((center or))~~ centers in their ~~((judicial district))~~ jurisdiction,
29 where children taken into custody under RCW 13.32A.050 may be taken.

30 ~~((+3) "Extended family members" means a grandparent, brother,~~
31 ~~sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom~~
32 ~~the child has a relationship and is comfortable, and who is willing and~~
33 ~~available to care for the child.))~~

34 **Sec. 7.** RCW 13.32A.070 and 1986 c 288 s 2 are each amended to read
35 as follows:

36 (1) ~~((An officer taking a child into custody under RCW 13.32A.050~~
37 ~~may, at his or her discretion, transport the child to the home of a~~
38 ~~responsible adult who is other than the child's parent where the~~

1 officer reasonably believes that the child will be provided with
2 adequate care and supervision and that the child will remain in the
3 custody of such adult until such time as the department can bring about
4 the child's return home or an alternative residential placement can be
5 agreed to or determined pursuant to this chapter. An officer placing
6 a child with a responsible adult other than his or her parent shall
7 immediately notify the department's local community service office of
8 this fact and of the reason for taking the child into custody.

9 (2)) A law enforcement officer acting in good faith pursuant to
10 this chapter in failing to take a child into custody, in taking a child
11 into custody, in placing a child in a crisis residential center, or in
12 releasing a child to a person ((other than)) at the request of a parent
13 ((of such child)) is immune from civil or criminal liability for such
14 action.

15 ((3)) (2) A person ((other than a parent of such child who
16 receives)) with whom a child is placed pursuant to this chapter and who
17 acts reasonably and in good faith ((in doing so)) is immune from civil
18 or criminal liability for the act of receiving ((such)) the child.
19 ((Such)) The immunity does not release ((such)) the person from
20 liability under any other law ((including the laws regulating licensed
21 child care and prohibiting child abuse)).

22 NEW SECTION. Sec. 8. A new section is added to chapter 13.32A RCW
23 to read as follows:

24 The parents of a child placed in a secure crisis residential center
25 shall contribute fifty dollars per day, for not more than five
26 consecutive days, for the expense of the child's placement. However,
27 the secretary may establish a payment schedule that requires a lesser
28 payment based on a parent's ability to pay. The payment shall be made
29 to the department. No child may be denied placement in, or removed
30 from, a secure crisis residential center based solely on the income of
31 the parent.

32 Sec. 9. RCW 13.32A.090 and 1990 c 276 s 6 are each amended to read
33 as follows:

34 (1) The person in charge of a designated crisis residential center
35 or the department ((pursuant to RCW 13.32A.070)) shall perform the
36 duties under subsection (2) of this section:

37 (a) Upon admitting a child who has been brought to the center by a

1 law enforcement officer under RCW 13.32A.060;

2 (b) Upon admitting a child who has run away from home or has
3 requested admittance to the center;

4 (c) Upon learning from a person under RCW 13.32A.080(3) that the
5 person is providing shelter to a child absent from home; or

6 (d) Upon learning that a child has been placed with a responsible
7 adult pursuant to RCW (~~(13.32A.070)~~) 13.32A.060.

8 (2) When any of the circumstances under subsection (1) of this
9 section are present, the person in charge of a center shall perform the
10 following duties:

11 (a) Immediately notify the child's parent of the child's
12 whereabouts, physical and emotional condition, and the circumstances
13 surrounding his or her placement;

14 (b) Initially notify the parent that it is the paramount concern of
15 the family reconciliation service personnel to achieve a reconciliation
16 between the parent and child to reunify the family and inform the
17 parent as to the procedures to be followed under this chapter;

18 (c) Inform the parent whether a referral to children's protective
19 services has been made and, if so, inform the parent of the standard
20 pursuant to RCW 26.44.020(12) governing child abuse and neglect in this
21 state;

22 (d) Arrange transportation for the child to the residence of the
23 parent, as soon as practicable, at the latter's expense to the extent
24 of his or her ability to pay, with any unmet transportation expenses to
25 be assumed by the department, when the child and his or her parent
26 agrees to the child's return home or when the parent produces a copy of
27 a court order entered under this chapter requiring the child to reside
28 in the parent's home;

29 (e) Arrange transportation for the child to an (~~alternative~~
30 ~~residential~~) out-of-home placement which may include a licensed group
31 care facility or foster family when agreed to by the child and parent
32 at the latter's expense to the extent of his or her ability to pay,
33 with any unmet transportation expenses assumed by the department;

34 (f) Immediately notify the department of the placement.

35 **Sec. 10.** RCW 13.32A.120 and 1990 c 276 s 7 are each amended to
36 read as follows:

37 (1) Where either a child or the child's parent or the person or
38 facility currently providing shelter to the child notifies the center

1 that such individual or individuals cannot agree to the continuation of
2 an (~~alternative residential~~) out-of-home placement arrived at
3 pursuant to RCW 13.32A.090(2)(e), the center shall immediately contact
4 the remaining party or parties to the agreement and shall attempt to
5 bring about the child's return home or to an alternative living
6 arrangement agreeable to the child and the parent as soon as
7 practicable.

8 (2) If a child and his or her parent cannot agree to an
9 (~~alternative residential~~) out-of-home placement under RCW
10 13.32A.090(2)(e), either the child or parent may file with the juvenile
11 court a petition to approve an (~~alternative residential~~) out-of-home
12 placement or the parent may file with the juvenile court a petition in
13 the interest of a child alleged to be an at-risk youth under this
14 chapter.

15 (3) If a child and his or her parent cannot agree to the
16 continuation of an (~~alternative residential~~) out-of-home placement
17 arrived at under RCW 13.32A.090(2)(e), either the child or parent may
18 file with the juvenile court a petition to approve an (~~alternative~~
19 ~~residential~~) out-of-home placement or the parent may file with the
20 juvenile court a petition in the interest of a child alleged to be an
21 at-risk youth under this chapter.

22 **Sec. 11.** RCW 13.32A.130 and 1994 sp.s. c 7 s 508 are each amended
23 to read as follows:

24 (1) A child admitted to a crisis residential center under this
25 chapter who is not returned to the home of his or her parent, is not
26 placed in a semi-secure crisis residential center pursuant to a
27 temporary out-of-home placement order, or (who) is not placed in an
28 (~~alternative residential~~) out-of-home placement (~~(under an agreement~~
29 ~~between the parent and child,~~) shall(~~(, except as provided for by RCW~~
30 ~~13.32A.140 and 13.32A.160(2),~~) reside in the (~~(placement)~~) center
31 under the rules (~~(established for)~~) of the center for a period not less
32 than three and not to exceed five consecutive days from the time of
33 intake(, except as otherwise provided by this chapter). The parents
34 may remove the child at any time during the five-day period if no
35 allegations of abuse or neglect have been made against the parents.
36 The department may remove the child whenever a dependency petition is
37 filed under chapter 13.34 RCW.

38 (2) Crisis residential center staff shall make (~~a concerted~~)

1 every reasonable effort to protect the child and achieve a
2 reconciliation of the family. If a reconciliation and voluntary return
3 of the child has not been achieved within forty-eight hours from the
4 time of intake, and if the person in charge of the center does not
5 consider it likely that reconciliation will be achieved within the
6 five-day period, then the person in charge shall inform the parent and
7 child of ~~((+1))~~ (a) the availability of counseling services; ((+2))
8 (b) the right to file a child in need of services petition for an
9 ~~((alternative residential))~~ out-of-home placement, the right of a
10 parent to file an at-risk youth petition, and the right of the parent
11 and child to obtain assistance in filing the petition; (c) the right to
12 request the department to form a multidisciplinary team; and ((+3))
13 (d) the right to request a review of any ((alternative residential))
14 out-of-home placement.

15 (3) At no time shall information regarding a parent's or child's
16 rights be withheld ~~((if requested))~~. The department shall develop and
17 distribute to all law enforcement agencies and to each crisis
18 residential center administrator a written statement delineating the
19 services and rights. Every officer taking a child into custody shall
20 provide the child and his or her parent(s) or responsible adult with
21 whom the child is placed with a copy of the statement. In addition,
22 the administrator of the facility or his or her designee shall provide
23 every resident and parent with a copy of the statement.

24 NEW SECTION. Sec. 12. A new section is added to chapter 13.32A
25 RCW to read as follows:

26 (1) (a) The administrator of a crisis residential center may
27 convene a multidisciplinary team at the request of a child placed at
28 the center or the child's parent.

29 (b) If the administrator has reasonable cause to believe that a
30 child is a child in need of services and the parent is unavailable or
31 unwilling to continue efforts to maintain the family structure, the
32 administrator shall immediately convene a multidisciplinary team.

33 (c) A parent may disband a team twenty-four hours, excluding
34 weekends and holidays, after receiving notice of formation of the team
35 under (b) of this subsection unless a petition has been filed under RCW
36 13.32A.140. If a petition has been filed the parent may not disband
37 the team until the hearing is held under section 18 of this act. The
38 court may allow the team to continue if an out-of-home placement is

1 ordered under section 18(3) of this act.

2 Upon the filing of an at-risk youth or dependency petition, the
3 team shall cease to exist unless the parent requests continuation of
4 the team.

5 (2) The secretary shall request participation of appropriate state
6 agencies in the multidisciplinary teams. Those agencies that agree to
7 participate shall provide the secretary all information necessary to
8 facilitate forming a multidisciplinary team and the secretary shall
9 provide this information to the administrator of each crisis
10 residential center.

11 (3) The secretary shall designate within each region a department
12 employee who shall have responsibility for coordination of the state
13 response to a request for creation of a multidisciplinary team. The
14 secretary shall advise the administrator of each crisis residential
15 center of the name of the appropriate employee. Upon a request of the
16 administrator to form a multidisciplinary team the employee shall
17 provide a list of the agencies that have agreed to participate in the
18 multidisciplinary team.

19 (4) The administrator shall also seek participation from
20 representatives of mental health and drug and alcohol treatment
21 providers as appropriate.

22 (5) A parent shall be advised of the request to form a
23 multidisciplinary team and may select additional members of the
24 multidisciplinary team. The parent or child may request any person or
25 persons to participate including, but not limited to, educators, law
26 enforcement personnel, court personnel, family therapists, licensed
27 health care practitioners, social service providers, youth residential
28 placement providers, other family members, church representatives, and
29 members of their own community. The administrator shall assist in
30 obtaining the prompt participation of persons requested by the parent
31 or child.

32 (6) When an administrator of a crisis residential center requests
33 the formation of a team, the state agencies must respond as soon as
34 possible. The team shall have the authority to evaluate the juvenile,
35 and family members, if appropriate and agreed to by the parent, and
36 shall:

37 (a) With parental input, develop a plan of appropriate available
38 services and assist the family in obtaining those services;

39 (b) Make a referral to the designated chemical dependency

1 specialist or the county designated mental health professional, if
2 appropriate;

3 (c) Recommend no further intervention because the juvenile and his
4 or her family have resolved the problem causing the family conflict; or

5 (d) With the parent's consent, work with them to achieve
6 reconciliation of the child and family.

7 (7) The purpose of the multidisciplinary team is to assist in a
8 coordinated referral of the family to available social and health-
9 related services.

10 (8) At the first meeting of the multidisciplinary team, it shall
11 choose a member to coordinate the team's efforts. The parent member of
12 the multidisciplinary team must agree with the choice of coordinator.
13 The team shall meet or communicate as often as necessary to assist the
14 family.

15 (9) The coordinator of the multidisciplinary team may assist in
16 filing a child in need of services petition when requested by the
17 parent or child or an at-risk youth petition when requested by the
18 parent. The multidisciplinary team shall have no standing as a party
19 in any action under this title.

20 (10) If the administrator is unable to contact the child's parent,
21 the multidisciplinary team may be used for assistance. If the parent
22 has not been contacted within five days the administrator shall contact
23 the department and request the case be reviewed for a dependency filing
24 under chapter 13.34 RCW.

25 **Sec. 13.** RCW 13.32A.140 and 1990 c 276 s 9 are each amended to
26 read as follows:

27 The department shall file a child in need of services petition to
28 approve an (~~alternative residential~~) out-of-home placement on behalf
29 of a child under any of the following sets of circumstances:

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

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

35 (b) Seventy-two hours, including Saturdays, Sundays, and holidays,
36 have passed since such notification;

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

1 (d) No child in need of services petition (~~requesting approval of~~
2 ~~an alternative residential placement~~) has been filed by either the
3 child or parent (~~or legal custodian~~);

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

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

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

8 (a) Seventy-two hours, including Saturdays, Sundays, and holidays,
9 have passed since such placement;

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

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

14 (3) An agreement between parent and child made pursuant to RCW
15 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer
16 acceptable to parent or child, and:

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

19 (b) Seventy-two hours, including Saturdays, Sundays, and holidays,
20 have passed since such notification;

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

23 (d) No child in need of services petition (~~requesting approval of~~
24 ~~an alternative residential placement~~) has been filed by either the
25 child or the parent;

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

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

29 Under the circumstances of subsections (1), (2), or (3) of this
30 section, the child shall remain in (~~a licensed child care facility,~~
31 ~~including but not limited to a crisis residential center, or in any~~
32 ~~other suitable residence to be determined by the department until~~) an
33 (~~alternative residential~~) out-of-home placement until a child in need
34 of services petition filed by the department on behalf of the child is
35 reviewed by the juvenile court and is resolved by such court. The
36 department may authorize emergency medical or dental care for a child
37 placed under this section. The state, when the department files a
38 child in need of services petition (~~for alternative residential~~
39 ~~placement~~) under this section, shall be represented as provided for in

1 RCW 13.04.093.

2 If the department files a petition under this section, the
3 department shall submit in a supporting affidavit any information
4 provided under section 29 of this act.

5 **Sec. 14.** RCW 13.32A.150 and 1992 c 205 s 208 are each amended to
6 read as follows:

7 (1) Except as otherwise provided in this ~~((section))~~ chapter, the
8 juvenile court shall not accept the filing of ~~((an alternative~~
9 ~~residential placement))~~ a child in need of services petition by the
10 child or the parents or the filing of an at-risk youth petition by the
11 parent, unless verification is provided that a family assessment has
12 been completed by the department. The family assessment shall be aimed
13 at family reconciliation and avoidance of the out-of-home placement of
14 the child. If the department is unable to complete an assessment
15 within two working days following a request for assessment the child or
16 the parents may proceed under subsection (2) of this section or the
17 parent may proceed under ~~((subsection (3) of this))~~ section 22 of this
18 act.

19 (2) A child or a child's parent may file with the juvenile court a
20 child in need of services petition to approve an ~~((alternative~~
21 ~~residential))~~ out-of-home placement for the child ~~((outside the~~
22 ~~parent's home))~~. The department shall, when requested, assist either
23 a parent or child in the filing of the petition. The petition shall
24 only ask that the placement of a child outside the home of his or her
25 parent be approved. The filing of a petition to approve ~~((such))~~ the
26 placement is not dependent upon the court's having obtained any prior
27 jurisdiction over the child or his or her parent, and confers upon the
28 court a special jurisdiction to approve or disapprove an ~~((alternative~~
29 ~~residential))~~ out-of-home placement.

30 ~~((3) A child's parent may file with the juvenile court a petition~~
31 ~~in the interest of a child alleged to be an at risk youth. The~~
32 ~~department shall, when requested, assist the parent in filing the~~
33 ~~petition. The petition shall be filed in the county where the~~
34 ~~petitioning parent resides. The petition shall set forth the name,~~
35 ~~age, and residence of the child and the names and residence of the~~
36 ~~child's parents and shall allege that:~~

37 (a) ~~The child is an at risk youth as defined in this chapter;~~

38 (b) ~~The petitioning parent has the right to legal custody of the~~

1 child;

2 ~~(c) Court intervention and supervision are necessary to assist the~~
3 ~~parent to maintain the care, custody, and control of the child; and~~

4 ~~(d) Alternatives to court intervention have been attempted or there~~
5 ~~is good cause why such alternatives have not been attempted.~~

6 ~~The petition shall set forth facts that support the allegations in~~
7 ~~this subsection and shall generally request relief available under this~~
8 ~~chapter. The petition need not specify any proposed disposition~~
9 ~~following adjudication of the petition. The filing of an at-risk youth~~
10 ~~petition is not dependent upon the court's having obtained any prior~~
11 ~~jurisdiction over the child or his or her parent and confers upon the~~
12 ~~court the special jurisdiction to assist the parent in maintaining~~
13 ~~parental authority and responsibility for the child. An at-risk youth~~
14 ~~petition may not be filed if the court has approved an alternative~~
15 ~~residential placement petition regarding the child or if the child is~~
16 ~~the subject of a proceeding under chapter 13.34 RCW. A petition may be~~
17 ~~accepted for filing only if alternatives to court intervention have~~
18 ~~been attempted. Juvenile court personnel may screen all at-risk youth~~
19 ~~petitions and may refuse to allow the filing of any petition that lacks~~
20 ~~merit, fails to comply with the requirements of this section, or fails~~
21 ~~to allege sufficient facts in support of allegations in the petition.))~~

22 **Sec. 15.** RCW 13.32A.160 and 1990 c 276 s 11 are each amended to
23 read as follows:

24 (1) When a proper child in need of services petition to approve an
25 ~~((alternative residential))~~ out-of-home placement is filed under RCW
26 13.32A.120, 13.32A.140, or 13.32A.150 the juvenile court shall: (a)
27 Schedule a ~~((date for a))~~ fact-finding hearing to be held within three
28 judicial days; notify the parent, child, and the department of such
29 date; (b) notify the parent of the right to be represented by counsel
30 and, if indigent, to have counsel appointed for him or her by the
31 court; (c) appoint legal counsel for the child; (d) inform the child
32 and his or her parent of the legal consequences of the court approving
33 or disapproving an ~~((alternative residential))~~ out-of-home placement
34 petition; (e) notify the parents of their rights under this chapter and
35 chapters 11.88, 13.34, 70.96A, and 71.34 RCW, including the right to
36 file an at-risk youth petition, the right to submit on application for
37 admission of their child to a treatment facility for alcohol, chemical
38 dependency, or mental health treatment, and the right to file a

1 guardianship petition; and ~~((e))~~ (f) notify all parties, including
2 the department, of their right to present evidence at the fact-finding
3 hearing.

4 (2) Upon filing of ~~((an alternative residential placement))~~ a child
5 in need of services petition, the child may be placed, if not already
6 placed, by the department in a crisis residential center, foster family
7 home, group home facility licensed under chapter 74.15 RCW, or any
8 other suitable residence to be determined by the department.

9 (3) If the child has been placed in a foster family home or group
10 care facility under chapter 74.15 RCW, the child shall remain there, or
11 in any other suitable residence as determined by the department,
12 pending resolution of the ~~((alternative residential placement))~~
13 petition by the court. Any placement may be reviewed by the court
14 within three ~~((court))~~ judicial days upon the request of the juvenile
15 or the juvenile's parent.

16 **Sec. 16.** RCW 13.32A.170 and 1989 c 269 s 3 are each amended to
17 read as follows:

18 (1) The court shall hold a fact-finding hearing to consider a
19 proper child in need of services petition ~~((and may approve or deny~~
20 ~~alternative residential placement))~~, giving due weight to the intent of
21 the legislature that families have the right to place reasonable
22 restrictions and rules upon their children, appropriate to the
23 individual child's developmental level. The court may appoint legal
24 counsel and/or a guardian ad litem to represent the child and advise
25 parents of their right to be represented by legal counsel. The court
26 may approve an order stating that the child shall be placed in a
27 residence other than the home of his or her parent only if it is
28 established by a preponderance of the evidence, including a
29 departmental recommendation for approval or dismissal of the petition,
30 that:

31 (a) The petition is not capricious;

32 (b) The petitioner, if a ~~((parent or the))~~ child, has made a
33 reasonable effort to resolve the conflict;

34 (c) The conflict ~~((which exists))~~ cannot be resolved by delivery of
35 services to the family during continued placement of the child in the
36 parental home;

37 (d) Reasonable efforts have been made to prevent or eliminate the
38 need for removal of the child from the child's home and to make it

1 possible for the child to return home; and

2 (e) A suitable out-of-home placement resource is available.

3 The court may not grant a petition filed by the child or the
4 department if it is established that the petition is based only upon a
5 dislike of reasonable rules or reasonable discipline established by the
6 parent.

7 (2) ~~((The order approving out of home placement shall direct the
8 department to submit a disposition plan for a three month placement of
9 the child that is designed to reunite the family and resolve the family
10 conflict. Such plan shall delineate any conditions or limitations on
11 parental involvement. In making the order, the court shall further
12 direct the department to make recommendations, as to which agency or
13 person should have physical custody of the child, as to which parental
14 powers should be awarded to such agency or person, and as to parental
15 visitation rights. The court may direct the department to consider the
16 cultural heritage of the child in making its recommendations.~~

17 (3) ~~The hearing to consider the recommendations of the department
18 for a three month disposition plan shall be set no later than fourteen
19 days after the approval of the court of a petition to approve
20 alternative residential placement. Each party shall be notified of the
21 time and place of such disposition hearing.~~

22 (4) ~~If the court approves or denies a petition for an alternative
23 residential placement, a written statement of the reasons shall be
24 filed. If the court denies a petition requesting that a child be
25 placed in a residence other than the home of his or her parent, the
26 court shall enter an order requiring the child to remain at or return
27 to the home of his or her parent.~~

28 (5) ~~If the court denies the petition, the court shall impress upon
29 the party filing the petition of the legislative intent to restrict the
30 proceedings to situations where a family conflict is so great that it
31 cannot be resolved by the provision of in home services.~~

32 (6) ~~A child who fails to comply with a court order directing that
33 the child remain at or return to the home of his or her parent shall be
34 subject to contempt proceedings, as provided in this chapter, but only
35 if the noncompliance occurs within ninety calendar days after the day
36 of the order.~~

37 (7) ~~The department may request, and the juvenile court may grant,
38 dismissal of an alternative residential placement order when it is not
39 feasible for the department to provide services due to one or more of~~

1 ~~the following circumstances:~~

2 ~~(a) The child has been absent from court approved placement for~~
3 ~~thirty consecutive days or more;~~

4 ~~(b) The parents or the child, or all of them, refuse to cooperate~~
5 ~~in available, appropriate intervention aimed at reunifying the family;~~
6 ~~or~~

7 ~~(c) The department has exhausted all available and appropriate~~
8 ~~resources that would result in reunification.))~~

9 Following the fact-finding hearing the court shall: (a) Enter a
10 temporary out-of-home placement for a period not to exceed fourteen
11 days pending approval of a disposition decision to be made under
12 section 18(2) of this act; (b) approve an at-risk youth petition filed
13 by the parents; (c) dismiss the petition; or (d) order the department
14 to review the case to determine whether the case is appropriate for a
15 dependency petition under chapter 13.34 RCW.

16 **Sec. 17.** RCW 13.32A.175 and 1987 c 435 s 13 are each amended to
17 read as follows:

18 In any proceeding in which the court approves an ((~~alternative~~
19 ~~residential~~)) out-of-home placement, the court shall inquire into the
20 ability of parents to contribute to the child's support. If the court
21 finds that the parents are able to contribute to the support of the
22 child, the court shall order them to make such support payments as the
23 court deems equitable. The court may enforce such an order by
24 execution or in any way in which a court of equity may enforce its
25 orders. However, payments shall not be required of a parent who has
26 both opposed the placement and continuously sought reconciliation with,
27 and the return of, the child. All orders entered in a proceeding
28 approving ((~~alternative residential~~)) out-of-home placement shall be in
29 compliance with the provisions of RCW 26.23.050.

30 NEW SECTION. **Sec. 18.** A new section is added to chapter 13.32A
31 RCW to read as follows:

32 (1) A hearing shall be held no later than fourteen days after the
33 approval of the temporary out-of-home placement. The parents, child,
34 and department shall be notified of the time and place of the hearing.

35 (2) At the commencement of the hearing the court shall advise the
36 parents of their rights as set forth in RCW 13.32A.160(1)(e). If the
37 court approves or denies a child in need of services petition, a

1 written statement of the reasons shall be filed. At the conclusion of
2 the hearing the court may: (a) Reunite the family and dismiss the
3 petition; (b) approve an at-risk youth petition filed by the parents;
4 (c) approve a voluntary out-of-home placement requested by the parents;
5 (d) order any conditions set forth in RCW 13.32A.196(2); or (e) order
6 the department to file a petition for dependency under chapter 13.34
7 RCW.

8 (3) At the conclusion of the hearing, if the court has not taken
9 action under subsection (2) of this section it may, at the request of
10 the child or department, enter an order for out-of-home placement for
11 not more than ninety days. The court may only enter an order under
12 this subsection if it finds by clear, cogent, and convincing evidence
13 that: (a)(i) The order is in the best interest of the family; (ii) the
14 parents have not requested an out-of-home placement; (iii) the parents
15 have not exercised any other right listed in RCW 13.32A.160(1)(e); (iv)
16 the child has made reasonable efforts to resolve the conflict; (v) the
17 conflict cannot be resolved by delivery of services to the family
18 during continued placement of the child in the parental home; (vi)
19 reasonable efforts have been made to prevent or eliminate the need for
20 removal of the child from the child's home and to make it possible for
21 the child to return home; and (vii) a suitable out-of-home placement
22 resource is available; (b)(i) the order is in the best interest of the
23 child; and (ii) the parents are unavailable; or (c) the parent's
24 actions cause an imminent threat to the child's health or safety.

25 (4) A child who fails to comply with a court order issued under
26 this section shall be subject to contempt proceedings, as provided in
27 this chapter, but only if the noncompliance occurs within one year
28 after the entry of the order.

29 (5) The parents or the department may request, and the court may
30 grant, dismissal of a placement order when it is not feasible for the
31 department to provide services due to one or more of the following
32 circumstances:

33 (a) The child has been absent from court approved placement for
34 thirty consecutive days or more;

35 (b) The parents or the child, or all of them, refuse to cooperate
36 in available, appropriate intervention aimed at reunifying the family;
37 or

38 (c) The department has exhausted all available and appropriate
39 resources that would result in reunification.

1 (6) The court shall dismiss a placement made under subsection
2 (2)(c) of this section upon the request of the parents.

3 **Sec. 19.** RCW 13.32A.177 and 1988 c 275 s 14 are each amended to
4 read as follows:

5 A determination of ((child)) support payments ordered under RCW
6 13.32A.175 shall be based upon ((the child support schedule and
7 ~~standards adopted under~~)) chapter 26.19 RCW ((26.19.040)).

8 **Sec. 20.** RCW 13.32A.180 and 1979 c 155 s 32 are each amended to
9 read as follows:

10 (1) ((At a dispositional hearing held to consider the three month
11 dispositional plan presented by the department the court shall consider
12 all such recommendations included therein. The court, consistent with
13 the stated goal of resolving the family conflict and reuniting the
14 family, may modify such plan and shall make its dispositional order
15 for)) If the court orders a three-month out-of-home placement for the
16 child((-)), the court ((dispositional order)) shall specify the person
17 or agency with whom the child shall be placed, those parental powers
18 which will be temporarily awarded to such agency or person including
19 but not limited to the right to authorize medical, dental, and optical
20 treatment, and parental visitation rights. Any agency or residence at
21 which the child is placed must, at a minimum, comply with minimum
22 standards for licensed family foster homes.

23 (2) No placement made pursuant to this section may be in a secure
24 residence as defined by the federal Juvenile Justice and Delinquency
25 Prevention Act of 1974 ((and clarifying interpretations and regulations
26 promulgated thereunder)).

27 **Sec. 21.** RCW 13.32A.190 and 1989 c 269 s 5 are each amended to
28 read as follows:

29 (1) Upon making a dispositional order under ((RCW 13.32A.180))
30 section 18 of this act, the court shall schedule the matter on the
31 calendar for review within three months, advise the parties of the date
32 thereof, appoint legal counsel and/or a guardian ad litem to represent
33 the child at the review hearing, advise parents of their right to be
34 represented by legal counsel at the review hearing, and notify the
35 parties of their rights to present evidence at the hearing. Where

1 resources are available, the court shall encourage the parent and child
2 to participate in (~~mediation~~) programs for reconciliation of their
3 conflict.

4 (2) At the review hearing, the court shall approve or disapprove
5 the continuation of the dispositional plan in accordance with (~~the~~
6 ~~goal of resolving the conflict and reuniting the family which governed~~
7 ~~the initial approval~~) this chapter. The court shall determine whether
8 reasonable efforts have been made to reunify the family and make it
9 possible for the child to return home. The court (~~is authorized to~~)
10 shall discontinue the placement and order that the child return home if
11 the court has reasonable grounds to believe that the parents have
12 (~~displayed concerted~~) made reasonable efforts to (~~utilize services~~
13 ~~and~~) resolve the conflict and the court has reason to believe that the
14 child's refusal to return home is capricious. If out-of-home placement
15 is continued, the court may modify the dispositional plan.

16 (3) Out-of-home placement may not be continued past one hundred
17 eighty days from the day the review hearing commenced. The court shall
18 order (~~that~~) the child to return to the home of the parent at the
19 expiration of the placement. If (~~continued~~) an out-of-home placement
20 is disapproved prior to one hundred eighty days, the court shall enter
21 an order requiring (~~that~~) the child to return to the home of the
22 child's parent.

23 (4) The parents and the department may request, and the juvenile
24 court may grant, dismissal of an (~~alternative residential~~) out-of-
25 home placement order when it is not feasible for the department to
26 provide services due to one or more of the following circumstances:

27 (a) The child has been absent from court approved placement for
28 thirty consecutive days or more;

29 (b) The parents or the child, or all of them, refuse to cooperate
30 in available, appropriate intervention aimed at reunifying the family;
31 or

32 (c) The department has exhausted all available and appropriate
33 resources that would result in reunification.

34 (5) The court shall terminate a placement made under this section
35 upon the request of a parent unless the placement is made pursuant to
36 section 18(3) of this act.

37 NEW SECTION. Sec. 22. A new section is added to chapter 13.32A
38 RCW to read as follows:

1 (1) A child's parent may file with the juvenile court a petition in
2 the interest of a child alleged to be an at-risk youth. The department
3 shall, when requested, assist the parent in filing the petition. The
4 petition shall be filed in the county where the petitioner resides.
5 The petition shall set forth the name, age, and residence of the child
6 and the names and residence of the child's parents and shall allege
7 that:

8 (a) The child is an at-risk youth as defined in this chapter;

9 (b) The petitioner has the right to legal custody of the child;

10 (c) Court intervention and supervision are necessary to assist the
11 parent to maintain the care, custody, and control of the child; and

12 (d) Alternatives to court intervention have been attempted or there
13 is good cause why such alternatives have not been attempted.

14 (2) The petition shall set forth facts that support the allegations
15 in this section and shall generally request relief available under this
16 chapter. The petition need not specify any proposed disposition
17 following adjudication of the petition. The filing of an at-risk youth
18 petition is not dependent upon the court's having obtained any prior
19 jurisdiction over the child or his or her parent and confers upon the
20 court the special jurisdiction to assist the parent in maintaining
21 parental authority and responsibility for the child.

22 (3) A petition may not be filed if a dependency petition is pending
23 under chapter 13.34 RCW.

24 **Sec. 23.** RCW 13.32A.192 and 1990 c 276 s 12 are each amended to
25 read as follows:

26 (1) When a proper at-risk youth petition is filed by a child's
27 parent under ((RCW 13.32A.120 or 13.32A.150)) this chapter, the
28 juvenile court shall:

29 (a) Schedule a fact-finding hearing to be held within three
30 judicial days and notify the parent and the child of such date;

31 (b) Notify the parent of the right to be represented by counsel at
32 the parent's own expense;

33 (c) Appoint legal counsel for the child;

34 (d) Inform the child and his or her parent of the legal
35 consequences of the court finding the child to be an at-risk youth; and

36 (e) Notify the parent and the child of their rights to present
37 evidence at the fact-finding hearing.

38 (2) Unless out-of-home placement of the child is otherwise

1 authorized or required by law, the child shall reside in the home of
2 his or her parent or in an (~~alternative residential~~) out-of-home
3 placement requested by the parent or child and approved by the parent.
4 (~~Upon request by the parent, the court may enter a court order~~
5 ~~requiring the child to reside in the home of his or her parent or an~~
6 ~~alternative residential placement approved by the parent.~~)

7 (3) If upon sworn written or oral declaration of the petitioning
8 parent, the court has reason to believe that a child has willfully and
9 knowingly violated a court order issued pursuant to subsection (2) of
10 this section, the court may issue an order directing law enforcement to
11 take the child into custody and place the child in a juvenile detention
12 facility or in a secure crisis residential center (~~licensed by the~~
13 ~~department and established pursuant to chapter 74.13 RCW~~). If the
14 child is placed in detention, a review shall be held as provided in RCW
15 13.32A.065.

16 (4) If both (~~an alternative residential placement~~) a child in
17 need of services petition and an at-risk youth petition have been filed
18 with regard to the same child, the petitions and proceedings shall be
19 consolidated (~~for purposes of fact-finding~~) as an at-risk youth
20 petition. Pending a fact-finding hearing regarding the petition, the
21 child may be placed(~~(7)~~) in the parent's home or in an out-of-home
22 placement if not already placed(~~(7)~~) in (~~an alternative residential~~)
23 a temporary out-of-home placement (~~as provided in RCW 13.32A.160~~
24 ~~unless the court has previously entered an order requiring the child to~~
25 ~~reside in the home of his or her parent~~). The child or the parent may
26 request a review of the child's placement including a review of any
27 court order requiring the child to reside in the parent's home. (~~At~~
28 ~~the review the court, in its discretion, may order the child placed in~~
29 ~~the parent's home or in an alternative residential placement pending~~
30 ~~the hearing.~~)

31 **Sec. 24.** RCW 13.32A.194 and 1990 c 276 s 13 are each amended to
32 read as follows:

33 (1) The court shall hold a fact-finding hearing to consider a
34 proper at-risk youth petition. The court (~~may~~) shall grant the
35 petition and enter an order finding the child to be an at-risk youth if
36 the allegations in the petition are established by a preponderance of
37 the evidence(~~(. The court shall not enter such an order if the court~~
38 ~~has approved an alternative residential placement petition regarding~~

1 ~~the child or if~~)), unless the child is the subject of a proceeding
2 under chapter 13.34 RCW. If the petition is granted, the court shall
3 enter an order requiring the child to reside in the home of his or her
4 parent or ~~((in an alternative residential placement approved by the~~
5 ~~parent))~~ in an out-of-home placement as provided in RCW 13.32A.192(2).

6 (2) The court may order the department to submit a dispositional
7 plan if such a plan would assist the court in ordering a suitable
8 disposition in the case. If the court orders the department to prepare
9 a plan, the department shall provide copies of the plan to the parent,
10 the child, and the court. If the parties or the court desire the
11 department to be involved in any future proceedings or case plan
12 development, the department shall be provided timely notification of
13 all court hearings.

14 (3) A dispositional hearing shall be held no later than fourteen
15 days after the court has granted an at-risk youth petition. Each party
16 shall be notified of the time and date of the hearing.

17 (4) If the court grants or denies an at-risk youth petition, a
18 statement of the written reasons shall be entered into the records. If
19 the court denies an at-risk youth petition, the court shall verbally
20 advise the parties that the child is required to remain within the
21 care, custody, and control of his or her parent.

22 **Sec. 25.** RCW 13.32A.196 and 1991 c 364 s 14 are each amended to
23 read as follows:

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

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

32 (a) Regular school attendance;

33 (b) Counseling;

34 (c) Participation in a substance abuse or mental health outpatient
35 treatment program;

36 (d) Reporting on a regular basis to the department or any other
37 designated person or agency; and

38 (e) Any other condition the court deems an appropriate condition of

1 supervision including but not limited to: Employment, participation in
2 an anger management program, and refraining from using alcohol or
3 drugs.

4 (3) No dispositional order or condition of supervision ordered by
5 a court pursuant to this section shall include involuntary commitment
6 of a child for substance abuse or mental health treatment.

7 (4) The court may order the parent to participate in counseling
8 services or any other services for the child requiring parental
9 participation. The parent shall cooperate with the court-ordered case
10 plan and shall take necessary steps to help implement the case plan.
11 The parent shall be financially responsible for costs related to the
12 court-ordered plan; however, this requirement shall not affect the
13 eligibility of the parent or child for public assistance or other
14 benefits to which the parent or child may otherwise be entitled.

15 (5) The parent may request dismissal of an at-risk youth proceeding
16 or out-of-home placement at any time and upon such a request, the court
17 shall dismiss the matter and cease court supervision of the child
18 unless a contempt action is pending in the case. The court may retain
19 jurisdiction over the matter for the purpose of concluding any pending
20 contempt proceedings, including the full satisfaction of any penalties
21 imposed as a result of a contempt finding.

22 ((+5)) (6) The court may order the department to monitor
23 compliance with the dispositional order, assist in coordinating the
24 provision of court-ordered services, and submit reports at subsequent
25 review hearings regarding the status of the case.

26 **Sec. 26.** RCW 13.32A.250 and 1990 c 276 s 16 are each amended to
27 read as follows:

28 (1) In all (~~alternative residential placement~~) child in need of
29 services proceedings and at-risk youth proceedings, the court shall
30 verbally notify the parents and the child of the possibility of a
31 finding of contempt for failure to comply with the terms of a court
32 order entered pursuant to this chapter. The court shall treat the
33 parents and the child equally for the purposes of applying contempt of
34 court processes and penalties under this section.

35 (2) Failure by a party to comply with an order entered under this
36 chapter is a contempt of court as provided in chapter 7.21 RCW, subject
37 to the limitations of subsection ((+2)) (3) of this section.

38 (3) The court may impose a fine of up to one hundred dollars and

1 ((~~imprisonment~~)) confinement for up to seven days, or both for contempt
2 of court under this section.

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

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

11 NEW SECTION. Sec. 27. A new section is added to chapter 13.32A
12 RCW to read as follows:

13 No superior court may refuse to accept for filing a properly
14 completed and presented child in need of services petition or an at-
15 risk youth petition. To be properly presented, the petitioner shall
16 verify that the family assessment required under RCW 13.32A.150 has
17 been completed. In the event of an improper refusal that is appealed
18 and reversed, the petitioner shall be awarded actual damages, costs,
19 and attorneys' fees.

20 NEW SECTION. Sec. 28. A new section is added to chapter 13.32A
21 RCW to read as follows:

22 (1) Any person who provides shelter to a child for at least six
23 consecutive hours and who has reasonable cause to believe that the
24 child is absent from his or her home without permission shall, not
25 later than the end of the six-hour period:

26 (a) Attempt to notify the parent of the child of the location of
27 the child and return the child to the parent unless there has been a
28 placement ordered under this title;

29 (b) Notify the law enforcement agency of the jurisdiction in which
30 the person lives if (i) the parent cannot be located; (ii) the parent
31 declines to take custody of the child; or (iii) a placement order has
32 been entered under this chapter; or

33 (c) Notify the department.

34 (2) If a person provides the notices required in this section he or
35 she is immune from liability for any cause of action arising from
36 providing shelter to the child. The immunity shall not extend to acts
37 of intentional misconduct or gross negligence by the person providing

1 the shelter.

2 NEW SECTION. **Sec. 29.** A new section is added to chapter 13.32A
3 RCW to read as follows:

4 Upon the admissions of a child to a crisis residential center the
5 administrator of the facility shall request the department to provide:
6 (1) The name of any sibling of the child who has been: (a) Placed
7 under the jurisdiction of the juvenile rehabilitation administration;
8 or (b) subject to a proceeding under chapter 13.34 RCW; and (2)
9 information regarding whether the child has run away multiple times.

10 The department shall provide the information as soon as feasible.
11 The administrator may utilize the information in assessing the needs of
12 the child but a petition filed under this chapter may not be based
13 solely on this information.

14 **Sec. 30.** RCW 13.04.030 and 1994 sp.s. c 7 s 519 are each amended
15 to read as follows:

16 (1) Except as provided in subsection (2) of this section, the
17 juvenile courts in the several counties of this state, shall have
18 exclusive original jurisdiction over all proceedings:

19 (a) Under the interstate compact on placement of children as
20 provided in chapter 26.34 RCW;

21 (b) Relating to children alleged or found to be dependent as
22 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170;

23 (c) Relating to the termination of a parent and child relationship
24 as provided in RCW 13.34.180 through 13.34.210;

25 (d) To approve or disapprove (~~(alternative residential)~~) out-of-
26 home placement as provided in RCW 13.32A.170;

27 (e) Relating to juveniles alleged or found to have committed
28 offenses, traffic infractions, or violations as provided in RCW
29 13.40.020 through 13.40.230, unless:

30 (i) The juvenile court transfers jurisdiction of a particular
31 juvenile to adult criminal court pursuant to RCW 13.40.110; or

32 (ii) The statute of limitations applicable to adult prosecution for
33 the offense, traffic infraction, or violation has expired; or

34 (iii) The alleged offense or infraction is a traffic, fish,
35 boating, or game offense or traffic infraction committed by a juvenile
36 sixteen years of age or older and would, if committed by an adult, be
37 tried or heard in a court of limited jurisdiction, in which instance

1 the appropriate court of limited jurisdiction shall have jurisdiction
2 over the alleged offense or infraction: PROVIDED, That if such an
3 alleged offense or infraction and an alleged offense or infraction
4 subject to juvenile court jurisdiction arise out of the same event or
5 incident, the juvenile court may have jurisdiction of both matters:
6 PROVIDED FURTHER, That the jurisdiction under this subsection does not
7 constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1)
8 or (e)(i) of this subsection: PROVIDED FURTHER, That courts of limited
9 jurisdiction which confine juveniles for an alleged offense or
10 infraction may place juveniles in juvenile detention facilities under
11 an agreement with the officials responsible for the administration of
12 the juvenile detention facility in RCW 13.04.035 and 13.20.060; or

13 (iv) The juvenile is sixteen or seventeen years old and the alleged
14 offense is: (A) A serious violent offense as defined in RCW 9.94A.030
15 committed on or after June 13, 1994; or (B) a violent offense as
16 defined in RCW 9.94A.030 committed on or after June 13, 1994, and the
17 juvenile has a criminal history consisting of: (I) One or more prior
18 serious violent offenses; (II) two or more prior violent offenses; or
19 (III) three or more of any combination of the following offenses: Any
20 class A felony, any class B felony, vehicular assault, or manslaughter
21 in the second degree, all of which must have been committed after the
22 juvenile's thirteenth birthday and prosecuted separately. In such a
23 case the adult criminal court shall have exclusive original
24 jurisdiction.

25 If the juvenile challenges the state's determination of the
26 juvenile's criminal history, the state may establish the offender's
27 criminal history by a preponderance of the evidence. If the criminal
28 history consists of adjudications entered upon a plea of guilty, the
29 state shall not bear a burden of establishing the knowing and
30 voluntariness of the plea;

31 (f) Under the interstate compact on juveniles as provided in
32 chapter 13.24 RCW;

33 (g) Relating to termination of a diversion agreement under RCW
34 13.40.080, including a proceeding in which the divertee has attained
35 eighteen years of age; and

36 (h) Relating to court validation of a voluntary consent to foster
37 care placement under chapter 13.34 RCW, by the parent or Indian
38 custodian of an Indian child, except if the parent or Indian custodian
39 and child are residents of or domiciled within the boundaries of a

1 federally recognized Indian reservation over which the tribe exercises
2 exclusive jurisdiction.

3 (2) The family court shall have concurrent original jurisdiction
4 with the juvenile court over all proceedings under this section if the
5 superior court judges of a county authorize concurrent jurisdiction as
6 provided in RCW 26.12.010.

7 (3) A juvenile subject to adult superior court jurisdiction under
8 subsection (1)(e) (i) through (iv) of this section, who is detained
9 pending trial, may be detained in a county detention facility as
10 defined in RCW 13.40.020 pending sentencing or a dismissal.

11 **Sec. 31.** RCW 13.04.040 and 1983 c 191 s 14 are each amended to
12 read as follows:

13 The administrator shall, in any county or judicial district in the
14 state, appoint or designate one or more persons of good character to
15 serve as probation counselors during the pleasure of the administrator.
16 The probation counselor shall:

17 (1) Receive and examine referrals to the juvenile court for the
18 purpose of considering the filing of a petition or information pursuant
19 to chapter 13.32A or 13.34 RCW (~~(13.34.040, 13.34.180, and)~~) or RCW
20 13.40.070 (~~((as now or hereafter amended, and RCW 13.32A.150))~~);

21 (2) Make recommendations to the court regarding the need for
22 continued detention or shelter care of a child unless otherwise
23 provided in this title;

24 (3) Arrange and supervise diversion agreements as provided in RCW
25 13.40.080, (~~((as now or hereafter amended,))~~) and ensure that the
26 requirements of such agreements are met except as otherwise provided in
27 this title;

28 (4) Prepare predisposition studies as required in RCW 13.34.120 and
29 13.40.130, (~~((as now or hereafter amended,))~~) and be present at the
30 disposition hearing to respond to questions regarding the
31 predisposition study: PROVIDED, That such duties shall be performed by
32 the department (~~((of social and health services))~~) for cases relating to
33 dependency or to the termination of a parent and child relationship
34 which is filed by the department (~~((of social and health services))~~)
35 unless otherwise ordered by the court; and

36 (5) Supervise court orders of disposition to ensure that all
37 requirements of the order are met.

38 All probation counselors shall possess all the powers conferred

1 upon sheriffs and police officers to serve process and make arrests of
2 juveniles under their supervision for the violation of any state law or
3 county or city ordinance.

4 The administrator may, in any county or judicial district in the
5 state, appoint one or more persons who shall have charge of detention
6 rooms or houses of detention.

7 The probation counselors and persons appointed to have charge of
8 detention facilities shall each receive compensation which shall be
9 fixed by the legislative authority of the county, or in cases of joint
10 counties, judicial districts of more than one county, or joint judicial
11 districts such sums as shall be agreed upon by the legislative
12 authorities of the counties affected, and such persons shall be paid as
13 other county officers are paid.

14 The administrator is hereby authorized, and to the extent possible
15 is encouraged to, contract with private agencies existing within the
16 community for the provision of services to youthful offenders and youth
17 who have entered into diversion agreements pursuant to RCW 13.40.080(~~(~~
18 ~~as now or hereafter amended)~~)).

19 The administrator shall establish procedures for the collection of
20 fines assessed under RCW 13.40.080 (2)(d) and (13) and for the payment
21 of the fines into the county general fund.

22 **Sec. 32.** RCW 13.04.093 and 1991 c 363 s 11 are each amended to
23 read as follows:

24 It shall be the duty of the prosecuting attorney to act in
25 proceedings relating to the commission of a juvenile offense as
26 provided in RCW 13.40.070 and 13.40.090 and in proceedings as provided
27 in chapter 71.34 RCW. It shall be the duty of the prosecuting attorney
28 to handle delinquency cases under chapter 13.24 RCW and it shall be the
29 duty of the attorney general to handle dependency cases under chapter
30 13.24 RCW. It shall be the duty of the attorney general in contested
31 cases brought by the department to present the evidence supporting any
32 petition alleging dependency or seeking the termination of a parent and
33 child relationship or any contested case filed under RCW 26.33.100 or
34 approving or disapproving (~~(alternative residential)~~) out-of-home
35 placement: PROVIDED, That in each county with a population of less
36 than two hundred ten thousand, the attorney general may contract with
37 the prosecuting attorney of the county to perform (~~(said)~~) the duties
38 of the attorney general under this section.

1 NEW SECTION. **Sec. 33.** The department of social and health
2 services shall develop a plan for the development of an intensive
3 treatment system for children whose behavior puts them at serious risk
4 of harm to themselves or others. In developing this plan, the
5 department shall work with service providers, community leaders,
6 representatives of different cultural communities, businesses,
7 educational institutions, community public health and safety networks,
8 and others to propose a continuum of services, including placement
9 alternatives, for children who might otherwise be on the street.

10 In developing this plan, the department shall identify existing
11 local and state services and barriers to those services for children.
12 The plan for intensive treatment services, to the extent possible,
13 shall build upon those existing resources.

14 The plan shall be presented to the legislature and the governor no
15 later than December 1, 1995.

16 NEW SECTION. **Sec. 34.** A new section is added to chapter 13.32A
17 RCW to read as follows:

18 Nothing in this chapter shall be construed to create an entitlement
19 to services nor to create judicial authority to order the provision at
20 public expense of services to any person or family where the department
21 has determined that such services are unavailable or unsuitable or that
22 the child or family are not eligible for such services.

23 NEW SECTION. **Sec. 35.** A new section is added to chapter 13.32A
24 RCW to read as follows:

25 In approving a petition under this chapter, a child may be placed
26 in a semi-secure crisis residential center as a temporary out-of-home
27 placement under the following conditions: (1) No other suitable out-
28 of-home placement is available; (2) space is available in the semi-
29 secure crisis residential center; and (3) no child will be denied
30 access for a five-day placement due to this placement.

31 Any child referred to a semi-secure crisis residential center by a
32 law enforcement officer, the department, or himself or herself shall
33 have priority over a temporary out-of-home placement in the facility.
34 Any out-of-home placement order shall be subject to this priority, and
35 the administrator of the semi-secure crisis residential center shall
36 transfer the temporary out-of-home placement youth to a new out-of-home
37 placement as necessary to ensure access for youth needing the semi-

1 secure crisis residential center.

2 **Sec. 36.** RCW 70.96A.090 and 1990 c 151 s 5 are each amended to
3 read as follows:

4 (1) The department shall adopt rules establishing standards for
5 approved treatment programs, the process for the review and inspection
6 program applying to the department for certification as an approved
7 treatment program, and fixing the fees to be charged by the department
8 for the required inspections. The standards may concern the health
9 standards to be met and standards of services and treatment to be
10 afforded patients.

11 (2) The department may suspend, revoke, limit, restrict, or modify
12 an approval, or refuse to grant approval, for failure to meet the
13 provisions of this chapter, or the standards adopted under this
14 chapter. RCW 43.20A.205 governs notice of a license denial,
15 revocation, suspension, or modification and provides the right to an
16 adjudicative proceeding.

17 (3) No treatment program may advertise or represent itself as an
18 approved treatment program if approval has not been granted, has been
19 denied, suspended, revoked, or canceled.

20 (4) Certification as an approved treatment program is effective for
21 one calendar year from the date of issuance of the certificate. The
22 certification shall specify the types of services provided by the
23 approved treatment program that meet the standards adopted under this
24 chapter. Renewal of certification shall be made in accordance with
25 this section for initial approval and in accordance with the standards
26 set forth in rules adopted by the secretary.

27 (5) Approved treatment programs shall not provide alcoholism or
28 other drug addiction treatment services for which the approved
29 treatment program has not been certified. Approved treatment programs
30 may provide services for which approval has been sought and is pending,
31 if approval for the services has not been previously revoked or denied.

32 (6) The department periodically shall inspect approved public and
33 private treatment programs at reasonable times and in a reasonable
34 manner.

35 (7) The department shall maintain and periodically publish a
36 current list of approved treatment programs.

37 (8) Each approved treatment program shall file with the department
38 on request, data, statistics, schedules, and information the department

1 reasonably requires. An approved treatment program that without good
2 cause fails to furnish any data, statistics, schedules, or information
3 as requested, or files fraudulent returns thereof, may be removed from
4 the list of approved treatment programs, and its certification revoked
5 or suspended.

6 (9) The department shall use the data provided in subsection (8) of
7 this section to evaluate each program in terms of rates of successful
8 treatment of drug or alcohol abuse. The evaluation shall be done at
9 least once every twelve months. In addition, the department shall
10 randomly select and review the information on individual children who
11 are admitted on application of the child's parent for the purpose of
12 determining whether the child was appropriately placed into treatment
13 based on an objective evaluation of the child's condition and the
14 success of the child's treatment.

15 (10) Upon petition of the department and after a hearing held upon
16 reasonable notice to the facility, the superior court may issue a
17 warrant to an officer or employee of the department authorizing him or
18 her to enter and inspect at reasonable times, and examine the books and
19 accounts of, any approved public or private treatment program refusing
20 to consent to inspection or examination by the department or which the
21 department has reasonable cause to believe is operating in violation of
22 this chapter.

23 **Sec. 37.** RCW 70.96A.095 and 1991 c 364 s 9 are each amended to
24 read as follows:

25 (1) Any person (~~fourteen~~) thirteen years of age or older may give
26 consent for himself or herself to the furnishing of counseling, care,
27 treatment, or rehabilitation by a treatment program or by any person.
28 Consent of the parent, parents, or legal guardian of a person less than
29 eighteen years of age is not necessary to authorize the care, except
30 that the person shall not become a resident of the treatment program
31 without such permission except as provided in RCW 70.96A.120 or
32 70.96A.140. The parent, parents, or legal guardian of a person less
33 than eighteen years of age are not liable for payment of care for such
34 persons pursuant to this chapter, unless they have joined in the
35 consent to the counseling, care, treatment, or rehabilitation.

36 (2) The parent of any minor child may apply to an approved
37 treatment program for the admission of his or her minor child for
38 purposes authorized in this chapter. The consent of the minor child

1 shall not be required for the application or admission. The approved
2 treatment program shall accept the application and evaluate the child
3 for admission. The ability of a parent to apply to an approved
4 treatment program for the involuntary admission of his or her minor
5 child does not create a right to obtain or benefit from any funds or
6 resources of the state. However, the state may provide services for
7 indigent minors to the extent that funds are available therefor.

8 **Sec. 38.** RCW 71.34.030 and 1985 c 354 s 3 are each amended to read
9 as follows:

10 (1) Any minor thirteen years or older may request and receive
11 outpatient treatment without the consent of the minor's parent.
12 Parental authorization is required for outpatient treatment of a minor
13 under the age of thirteen.

14 (2) When in the judgment of the professional person in charge of an
15 evaluation and treatment facility there is reason to believe that a
16 minor is in need of inpatient treatment because of a mental disorder,
17 and the facility provides the type of evaluation and treatment needed
18 by the minor, and it is not feasible to treat the minor in any less
19 restrictive setting or the minor's home, the minor may be admitted to
20 an evaluation and treatment facility in accordance with the following
21 requirements:

22 ~~(a) ((A minor under thirteen years of age may only be admitted on~~
23 ~~the application of the minor's parent.~~

24 ~~(b))~~ A minor ~~((thirteen years or older))~~ may be voluntarily
25 admitted by application of the parent. ~~((Such application must be~~
26 ~~accompanied by the written consent, knowingly and voluntarily given, of~~
27 ~~the minor.))~~ The consent of the minor is not required for the minor to
28 be evaluated and admitted as appropriate.

29 ~~((e))~~ (b) A minor thirteen years or older may, with the
30 concurrence of the professional person in charge of an evaluation and
31 treatment facility, admit himself or herself without parental consent
32 to the evaluation and treatment facility, provided that notice is given
33 by the facility to the minor's parent in accordance with the following
34 requirements:

35 (i) Notice of the minor's admission shall be in the form most
36 likely to reach the parent within twenty-four hours of the minor's
37 voluntary admission and shall advise the parent that the minor has been
38 admitted to inpatient treatment; the location and telephone number of

1 the facility providing such treatment; and the name of a professional
2 person on the staff of the facility providing treatment who is
3 designated to discuss the minor's need for inpatient treatment with the
4 parent.

5 (ii) The minor shall be released to the parent at the parent's
6 request for release unless the facility files a petition with the
7 superior court of the county in which treatment is being provided
8 setting forth the basis for the facility's belief that the minor is in
9 need of inpatient treatment and that release would constitute a threat
10 to the minor's health or safety.

11 (iii) The petition shall be signed by the professional person in
12 charge of the facility or that person's designee.

13 (iv) The parent may apply to the court for separate counsel to
14 represent the parent if the parent cannot afford counsel.

15 (v) There shall be a hearing on the petition, which shall be held
16 within three judicial days from the filing of the petition.

17 (vi) The hearing shall be conducted by a judge, court commissioner,
18 or licensed attorney designated by the superior court as a hearing
19 officer for such hearing. The hearing may be held at the treatment
20 facility.

21 (vii) At such hearing, the facility must demonstrate by a
22 preponderance of the evidence presented at the hearing that the minor
23 is in need of inpatient treatment and that release would constitute a
24 threat to the minor's health or safety. The hearing shall not be
25 conducted using the rules of evidence, and the admission or exclusion
26 of evidence sought to be presented shall be within the exercise of
27 sound discretion by the judicial officer conducting the hearing.

28 ~~((d))~~ (c) Written renewal of voluntary consent must be obtained
29 from the applicant ~~((and the minor thirteen years or older))~~ no less
30 than once every twelve months.

31 ~~((e))~~ (d) The minor's need for continued inpatient treatments
32 shall be reviewed and documented no less than every one hundred eighty
33 days.

34 (3) A notice of intent to leave shall result in the following:

35 (a) Any minor under the age of thirteen must be discharged
36 immediately upon written request of the parent.

37 (b) Any minor thirteen years or older voluntarily admitted may give
38 notice of intent to leave at any time. The notice need not follow any
39 specific form so long as it is written and the intent of the minor can

1 be discerned.

2 (c) The staff member receiving the notice shall date it
3 immediately, record its existence in the minor's clinical record, and
4 send copies of it to the minor's attorney, if any, the county-
5 designated mental health professional, and the parent.

6 (d) The professional person in charge of the evaluation and
7 treatment facility shall discharge the minor, thirteen years or older,
8 from the facility within twenty-four hours after receipt of the minor's
9 notice of intent to leave, unless the county-designated mental health
10 professional or a parent or legal guardian files a petition or an
11 application for initial detention within the time prescribed by this
12 chapter.

13 (4) The ability of a parent to apply to a certified evaluation and
14 treatment program for the involuntary admission of his or her minor
15 child does not create a right to obtain or benefit from any funds or
16 resources of the state. However, the state may provide services for
17 indigent minors to the extent that funds are available therefor.

18 NEW SECTION. Sec. 39. A new section is added to chapter 71.34 RCW
19 to read as follows:

20 The department shall randomly select and review the information on
21 children who are admitted to in-patient treatment on application of the
22 child's parent. The review shall determine whether the children
23 reviewed were appropriately admitted into treatment based on an
24 objective evaluation of the child's condition and the success of the
25 child's treatment.

26 **Sec. 40.** RCW 74.13.031 and 1990 c 146 s 9 are each amended to read
27 as follows:

28 The department shall have the duty to provide child welfare
29 services as defined in RCW 74.13.020, and shall:

30 (1) Develop, administer, supervise, and monitor a coordinated and
31 comprehensive plan that establishes, aids, and strengthens services for
32 the protection and care of homeless, runaway, dependent, or neglected
33 children.

34 (2) Develop a recruiting plan for recruiting an adequate number of
35 prospective adoptive and foster homes, both regular and specialized,
36 ~~((i.e.))~~ including homes for children of ethnic minority, ~~((including))~~
37 Indian homes for Indian children, sibling groups, handicapped and

1 emotionally disturbed, and annually submit the plan for review to the
2 (~~house and senate committees on social and health services~~)
3 legislature. The plan shall include a section entitled "Foster Home
4 Turn-Over, Causes and Recommendations."

5 (3) Investigate complaints of neglect, abuse, or abandonment of
6 children, and on the basis of the findings of such investigation, offer
7 child welfare services in relation to the problem to such parents,
8 legal custodians, or persons serving in loco parentis, and/or bring the
9 situation to the attention of an appropriate court, or another
10 community agency(~~(: PROVIDED, That an)~~). No investigation is (~~not~~)
11 required of nonaccidental injuries which are clearly not the result of
12 a lack of care or supervision by the child's parents, legal custodians,
13 or persons serving in loco parentis. If (~~the~~) an investigation
14 reveals that a crime may have been committed, the department shall
15 notify the appropriate law enforcement agency.

16 (4) Offer, on a voluntary basis, family reconciliation services to
17 families who are in conflict.

18 (5) Monitor out-of-home placements, on a timely and routine basis,
19 to assure the safety, well-being, and quality of care being provided is
20 within the scope of the intent of the legislature as defined in RCW
21 74.13.010 and 74.15.010, and annually submit a report delineating the
22 results to the (~~house and senate committees on social and health~~
23 ~~services~~) legislature.

24 (6) Have authority to accept custody of children from parents and
25 (~~to accept custody of children from~~) juvenile courts, where
26 authorized to do so under law, to provide child welfare services
27 including placement for adoption, and to provide for the physical care
28 of such children and make payment of maintenance costs if needed.
29 Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no
30 private adoption agency which receives children for adoption from the
31 department shall discriminate on the basis of race, creed, or color
32 when considering applications in their placement for adoption.

33 (7) Have authority to provide temporary shelter to children who
34 have run away from home and who are admitted to crisis residential
35 centers.

36 (8) Have authority to purchase care for children(~~(:)~~) and (~~shall~~
37 ~~follow in general the policy of using~~) use properly approved private
38 agency services for the (~~actual~~) care and supervision of such
39 children insofar as they are available, paying for care of such

1 children as are accepted by the department as eligible for support at
2 reasonable rates established by the department.

3 (9) Establish a children's services advisory committee which shall
4 assist the secretary in the development of a partnership plan for
5 utilizing resources of the public and private sectors, and advise on
6 all matters pertaining to child welfare, day care, licensing of child
7 care agencies, adoption, and related services (~~((related thereto))~~). At
8 least one-third of the membership shall be (~~((composed of))~~) child care
9 providers, and at least one member shall represent the adoption
10 community.

11 (10) Have authority to provide continued foster care or group care
12 for individuals from eighteen through twenty years of age to enable
13 them to complete their high school or vocational school program.

14 (11) Have authority within funds appropriated for foster care
15 services to purchase care for Indian children who are in the custody of
16 a federally recognized Indian tribe or tribally licensed child-placing
17 agency pursuant to parental consent, tribal court order, or state
18 juvenile court order(~~(/and)~~). The purchase of such care (~~((shall be))~~)
19 is subject to the same eligibility standards and rates of support
20 applicable to other children for whom the department purchases care.

21 Notwithstanding any other provision of RCW 13.32A.170 through
22 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
23 services to be provided by the department of social and health services
24 under subsections (4)(~~(7)~~) and (6)(~~(7 and (7))~~) of this section,
25 subject to the limitations of these subsections, may be provided by any
26 program offering such services funded pursuant to Titles II and III of
27 the federal juvenile justice and delinquency prevention act of 1974.

28 **Sec. 41.** RCW 74.13.032 and 1979 c 155 s 78 are each amended to
29 read as follows:

30 (1) The department shall establish, by contracts with private
31 vendors, (~~((not less than eight))~~) regional semi-secure crisis
32 residential centers, which shall be structured group care facilities
33 licensed under rules adopted by the department. Each regional center
34 shall have an average of at least four adult staff members and in no
35 event less than three adult staff members to every eight children.
36 (~~((The staff shall be trained so that they may effectively counsel~~
37 ~~juveniles admitted to the centers, provide treatment, supervision, and~~
38 ~~structure to the juveniles, and carry out the responsibilities outlined~~

1 in RCW 13.32A.090.))

2 (2) Within available funds appropriated for this purpose, the
3 department shall establish, by contracts with private vendors, secure
4 crisis residential centers which shall be facilities licensed under
5 rules adopted by the department.

6 (3) The department shall, in addition to the ~~((regional))~~
7 facilities established under subsections (1) and (2) of this section,
8 establish ~~((not less than thirty))~~ additional crisis residential
9 centers pursuant to contract with licensed private group care ~~((or~~
10 ~~specialized foster home))~~ facilities.

11 (4) The staff at the facilities established under this section
12 shall be trained so that they may effectively counsel juveniles
13 admitted to the centers, provide treatment, supervision, and structure
14 to the juveniles that recognize the need for support and the varying
15 circumstances that cause children to leave their families, and carry
16 out the responsibilities stated in RCW 13.32A.090. The
17 responsibilities stated in RCW 13.32A.090 may, in any of the centers,
18 be carried out by the department.

19 (5) Secure crisis residential facilities shall be operated as
20 ~~((semi-secure))~~ secure facilities as defined in RCW 13.32A.030. The
21 facilities shall have an average of no more than three adult staff
22 members to every eight children. The staffing ratio shall continue to
23 ensure the safety of the children.

24 (6) A secure center created under this section may not be located
25 within, or on the same grounds as, other secure facilities including
26 jails, juvenile detention facilities operated by the state, or units of
27 local government. However, the secretary may, following consultation
28 with the appropriate county legislative authority, make a written
29 finding that location of a secure center on the same grounds as another
30 secure facility is the only practical location for a secure center.
31 Upon the written finding a secure center may be located on the same
32 grounds as a secure facility.

33 NEW SECTION. Sec. 42. A new section is added to chapter 74.13 RCW
34 to read as follows:

35 No contract may provide reimbursement or compensation to a center
36 for any service delivered or provided to a resident child after five
37 consecutive days of residence.

1 **Sec. 43.** RCW 74.13.033 and 1992 c 205 s 213 are each amended to
2 read as follows:

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

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

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

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

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

30 (d) Provide additional crisis counseling as needed, to the end that
31 placement of the child in the crisis residential center will be
32 required for the shortest time possible, but not to exceed five
33 consecutive days.

34 (3) A juvenile taking unauthorized leave from this residence may be
35 apprehended and returned to it by law enforcement officers or other
36 persons designated as having this authority as provided in RCW
37 13.32A.050. If returned to the facility after having taken
38 unauthorized leave for a period of more than twenty-four hours a
39 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 five consecutive days on the premises. Costs of housing juveniles
3 admitted to crisis residential centers shall be assumed by the
4 department for a period not to exceed five consecutive days.

5 **Sec. 44.** RCW 74.13.034 and 1992 c 205 s 214 are each amended to
6 read as follows:

7 (1) A child taken into custody and taken to a crisis residential
8 center established pursuant to RCW 74.13.032(~~((+2))~~) (3) may, if the
9 center is unable to provide appropriate treatment, supervision, and
10 structure to the child, be taken at department expense to another
11 crisis residential center (~~((or))~~), the nearest regional secure crisis
12 residential center, or a secure facility with which it is collocated
13 under RCW 74.13.032. Placement in both (~~((centers))~~) locations shall not
14 (~~((exceed))~~) be less than three nor more than five consecutive days from
15 the point of intake as provided in RCW 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 hours, including Saturdays, Sundays, and holidays, if the child has
22 taken unauthorized leave from the center and the person in charge of
23 the center determines that the center cannot provide supervision and
24 structure adequate to ensure that the child will not again take
25 unauthorized leave. Juveniles placed in such a facility pursuant to
26 this section may not, to the extent possible, come in contact with
27 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
30 treatment by the department or the department's designee, which shall
31 include the services defined in RCW 74.13.033(2). If the child placed
32 in secure detention is not returned home or if an alternative living
33 arrangement agreeable to the parent and the child is not made within
34 twenty-four hours after the child's admission, the child shall be taken
35 at the department's expense to a crisis residential center. Placement
36 in the crisis residential center or centers plus placement in juvenile
37 detention shall not exceed five consecutive days from the point of
38 intake as provided in RCW 13.32A.130.

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

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

14 **Sec. 45.** RCW 74.13.035 and 1979 c 155 s 81 are each amended to
15 read as follows:

16 Crisis residential centers shall compile ~~((yearly))~~ quarterly
17 records which shall be transmitted to the department and which shall
18 contain information regarding population profiles of the children
19 admitted to the centers during each past calendar year. Such
20 information shall include but shall not be limited to the following:

21 (1) The number, county of residency, age, and sex of children
22 admitted to custody;

23 (2) Who brought the children to the center;

24 (3) Services provided to children admitted to the center;

25 (4) The circumstances which necessitated the children being brought
26 to the center;

27 (5) The ultimate disposition of cases;

28 (6) The number of children admitted to custody who ran away from
29 the center and their ultimate disposition, if any;

30 (7) Length of stay.

31 The department may require the provision of additional information and
32 may require each center to provide all such necessary information in a
33 uniform manner.

34 The department shall report to the legislature within one year of
35 the initial contracts establishing secure crisis residential centers.
36 The report shall evaluate and compare the information required to be
37 compiled in this section for the secure and semi-secure crisis
38 residential centers and shall include plans for establishing secure

1 crisis residential centers as funds are appropriated.

2 A center may, in addition to being licensed as such, also be
3 licensed as a ~~((family foster home or))~~ group care facility and may
4 house on the premises juveniles assigned for temporary out-of-home
5 placement or foster or group care.

6 **Sec. 46.** RCW 74.13.036 and 1989 c 175 s 147 are each amended to
7 read as follows:

8 (1) The department of social and health services shall oversee
9 implementation of chapter 13.34 RCW and chapter 13.32A RCW. The
10 oversight shall be comprised of working with affected parts of the
11 criminal justice and child care systems as well as with local
12 government, legislative, and executive authorities to effectively carry
13 out these chapters. The department shall work with all such entities
14 to ensure that chapters 13.32A and 13.34 RCW are implemented in a
15 uniform manner throughout the state.

16 (2) The department shall ~~((, by January 1, 1986,))~~ develop a plan
17 and procedures, in cooperation with the state-wide advisory committee,
18 to insure the full implementation of the provisions of chapter 13.32A
19 RCW. Such plan and procedures shall include but are not limited to:

20 (a) Procedures defining and delineating the role of the department
21 and juvenile court with regard to the execution of the ~~((alternative~~
22 ~~residential))~~ child in need of services placement process;

23 (b) Procedures for designating department staff responsible for
24 family reconciliation services;

25 (c) Procedures assuring enforcement of contempt proceedings in
26 accordance with RCW 13.32A.170 and 13.32A.250; and

27 (d) Procedures for the continued education of all individuals in
28 the criminal juvenile justice and child care systems who are affected
29 by chapter 13.32A RCW, as well as members of the legislative and
30 executive branches of government.

31 ~~((The plan and procedures required under this subsection shall be~~
32 ~~submitted to the appropriate standing committees of the legislature by~~
33 ~~January 1, 1986.))~~

34 There shall be uniform application of the procedures developed by
35 the department and juvenile court personnel, to the extent practicable.
36 Local and regional differences shall be taken into consideration in the
37 development of procedures required under this subsection.

38 (3) In addition to its other oversight duties, the department

1 shall:

2 (a) Identify and evaluate resource needs in each region of the
3 state;

4 (b) Disseminate information collected as part of the oversight
5 process to affected groups and the general public;

6 (c) Educate affected entities within the juvenile justice and child
7 care systems, local government, and the legislative branch regarding
8 the implementation of chapters 13.32A and 13.34 RCW;

9 (d) Review complaints concerning the services, policies, and
10 procedures of those entities charged with implementing chapters 13.32A
11 and 13.34 RCW; and

12 (e) Report any violations and misunderstandings regarding the
13 implementation of chapters 13.32A and 13.34 RCW.

14 (4) The secretary shall submit a quarterly report to the
15 appropriate local government entities.

16 (5) Where appropriate, the department shall request opinions from
17 the attorney general regarding correct construction of these laws.

18 **Sec. 47.** RCW 82.14.300 and 1990 2nd ex.s. c 1 s 1 are each amended
19 to read as follows:

20 The legislature finds and declares that local government criminal
21 justice systems are in need of assistance. Many counties and cities
22 are unable to provide sufficient funding for additional police
23 protection, mitigation of congested court systems, public safety
24 education, and relief of overcrowded jails.

25 In order to ensure public safety, it is necessary to provide fiscal
26 assistance to help local governments to respond immediately to these
27 criminal justice problems, while initiating a review of the criminal
28 justice needs of cities and counties and the resources available to
29 address those needs.

30 To provide for a more efficient and effective response to these
31 problems, the legislature encourages cities and counties to coordinate
32 strategies against crime and use multijurisdictional and innovative
33 approaches in addressing criminal justice problems.

34 ~~((The legislature intends to provide fiscal assistance to counties
35 and cities in the manner provided in this act until the report of the
36 task force created under RCW 82.14.301 is available for consideration
37 by the legislature.))~~

1 **Sec. 48.** RCW 82.14.320 and 1993 sp.s. c 21 s 2 are each amended to
2 read as follows:

3 (1) The municipal criminal justice assistance account is created in
4 the state treasury.

5 (2) No city may receive a distribution under this section from the
6 municipal criminal justice assistance account unless:

7 (a) The city has a crime rate in excess of one hundred twenty-five
8 percent of the state-wide average as calculated in the most recent
9 annual report on crime in Washington state as published by the
10 Washington association of sheriffs and police chiefs;

11 (b) The city has levied the tax authorized in RCW 82.14.030(2) at
12 the maximum rate or the tax authorized in RCW 82.46.010(3) at the
13 maximum rate; and

14 (c) The city has a per capita yield from the tax imposed under RCW
15 82.14.030(1) at the maximum rate of less than one hundred fifty percent
16 of the state-wide average per capita yield for all cities from such
17 local sales and use tax.

18 (3) The moneys deposited in the municipal criminal justice
19 assistance account for distribution under this section shall be
20 distributed at such times as distributions are made under RCW
21 82.44.150. The distributions shall be made as follows:

22 (a) Unless reduced by this subsection, thirty percent of the moneys
23 shall be distributed ratably based on population as last determined by
24 the office of financial management to those cities eligible under
25 subsection (2) of this section that have a crime rate determined under
26 subsection (2)(a) of this section which is greater than one hundred
27 seventy-five percent of the state-wide average crime rate. No city may
28 receive more than fifty percent of any moneys distributed under this
29 subsection (a) but, if a city distribution is reduced as a result of
30 exceeding the fifty percent limitation, the amount not distributed
31 shall be distributed under (b) of this subsection.

32 (b) The remainder of the moneys, including any moneys not
33 distributed in subsection (2)(a) of this section, shall be distributed
34 to all cities eligible under subsection (2) of this section ratably
35 based on population as last determined by the office of financial
36 management.

37 (4) No city may receive more than thirty percent of all moneys
38 distributed under subsection (3) of this section.

39 (5) Notwithstanding other provisions of this section, the

1 distributions to any city that substantially decriminalizes or repeals
2 its criminal code after July 1, 1990, and that does not reimburse the
3 county for costs associated with criminal cases under RCW 3.50.800 or
4 3.50.805(2), shall be made to the county in which the city is located.

5 (6) Moneys distributed under this section shall be expended
6 exclusively for criminal justice purposes and shall not be used to
7 replace or supplant existing funding. Criminal justice purposes are
8 defined as activities that substantially assist the criminal justice
9 system, which may include circumstances where ancillary benefit to the
10 civil justice system occurs, and which includes domestic violence
11 services such as those provided by domestic violence programs,
12 community advocates, and legal advocates, as defined in RCW 70.123.020,
13 and publications and public educational efforts designed to provide
14 information and assistance to parents in dealing with runaway or at-
15 risk youth. Existing funding for purposes of this subsection is
16 defined as calendar year 1989 actual operating expenditures for
17 criminal justice purposes. Calendar year 1989 actual operating
18 expenditures for criminal justice purposes exclude the following:
19 Expenditures for extraordinary events not likely to reoccur, changes in
20 contract provisions for criminal justice services, beyond the control
21 of the local jurisdiction receiving the services, and major
22 nonrecurring capital expenditures.

23 NEW SECTION. **Sec. 49.** A new section is added to chapter 28A.225
24 RCW to read as follows:

25 For purposes of this chapter, "community truancy board" means a
26 board composed of members of the local community in which the child
27 attends school. The local school district boards of directors may
28 create a community truancy board. Members of the board shall be
29 selected from representatives of the community. Duties of a community
30 truancy board shall include, but not be limited to, recommending
31 methods for improving school attendance.

32 **Sec. 50.** RCW 28A.225.020 and 1992 c 205 s 202 are each amended to
33 read as follows:

34 If a ((juvenile)) child required to attend school under the laws of
35 the state of Washington fails to attend school without valid
36 justification, the ((juvenile's)) child's school shall:

37 (1) Inform the ((juvenile's)) child's custodial parent, parents, or

1 guardian by a notice in writing or by telephone (~~((that))~~) whenever the
2 (~~((juvenile))~~) child has failed to attend school (~~((without valid~~
3 ~~justification))~~) after one unexcused absence within any month during the
4 current school year;

5 (2) Schedule a conference or conferences with the custodial parent,
6 parents, or guardian and (~~((juvenile))~~) child at a time and place
7 reasonably convenient for all persons included for the purpose of
8 analyzing the causes of the (~~((juvenile's))~~) child's absences after two
9 unexcused absences within any month during the current school year. If
10 a regularly scheduled parent-teacher conference day is to take place
11 within thirty days of the second unexcused absence, then the school
12 district may schedule this conference on that day; and

13 (3) Take steps to eliminate or reduce the (~~((juvenile's))~~) child's
14 absences. These steps shall include, where appropriate, adjusting the
15 (~~((juvenile's))~~) child's school program or school or course assignment,
16 providing more individualized or remedial instruction, (~~((preparing the~~
17 ~~juvenile for employment with specific))~~) providing appropriate
18 vocational courses or work experience, or (~~((both))~~) refer the child to
19 a community truancy board, (~~((and))~~) or assisting the parent or
20 (~~((student))~~) child to obtain supplementary services that might eliminate
21 or ameliorate the cause or causes for the absence from school.

22 **Sec. 51.** RCW 28A.225.030 and 1992 c 205 s 203 are each amended to
23 read as follows:

24 If the actions taken by a school (~~((pursuant to))~~) district under RCW
25 28A.225.020 (~~((is))~~) are not successful in substantially reducing ((a))
26 an enrolled student's absences from school, (~~((any of the following~~
27 ~~actions may be taken after five or more))~~) upon the fifth unexcused
28 absence(~~((s))~~) by a child within any month during the current school year
29 or upon the tenth unexcused absence during the current school year(~~((:~~
30 ~~1) The attendance officer of))~~) the school district (~~((through its~~
31 ~~attorney may))~~) shall file a petition with the juvenile court (~~((to~~
32 ~~assume jurisdiction under RCW 28A.200.010, 28A.200.020, and 28A.225.010~~
33 ~~through 28A.225.150 for the purpose of))~~) alleging a violation of RCW
34 28A.225.010: (1) By the parent; ((or)) (2) ((a petition alleging a
35 violation of RCW 28A.225.010 by a)) by the child (~~((may be filed with~~
36 ~~the juvenile court by the parent of such child or by the attendance~~
37 ~~officer of the school district through its attorney at the request of~~
38 ~~the parent. If the court assumes jurisdiction in such an instance, the~~

1 ~~provisions of RCW 28A.200.010, 28A.200.020, and 28A.225.010 through~~
2 ~~28A.225.150, except where otherwise stated, shall apply))~~; or (3) by
3 the parent and the child.

4 If the school district fails to file a petition under this section,
5 the parent of a child with five or more unexcused absences in any month
6 during the current school year or upon the tenth unexcused absence
7 during the current school year may file a petition with the juvenile
8 court alleging a violation of RCW 28A.225.010.

9 NEW SECTION. Sec. 52. A new section is added to chapter 28A.225
10 RCW to read as follows:

11 (1) A petition under RCW 28A.225.030 shall consist of a written
12 notification to the court alleging that:

13 (a) The child has five or more unexcused absences within any month
14 during the current school year or ten or more unexcused absences in the
15 current school year;

16 (b) Actions taken by the school district have not been successful
17 in substantially reducing the child's absences from school; and

18 (c) Court intervention and supervision are necessary to assist the
19 school district or parent to reduce the child's absences from school.

20 (2) The petition shall set forth the name, age, school, and
21 residence of the child and the names and residence of the child's
22 parents.

23 (3) The petition shall set forth facts that support the allegations
24 in this section and shall generally request relief available under this
25 chapter.

26 (4) When a petition is filed under RCW 28A.225.030, the juvenile
27 court may:

28 (a) Schedule a fact-finding hearing at which the court shall
29 consider the petition;

30 (b) Separately notify the child, the parent of the child, and the
31 school district of the fact-finding hearing;

32 (c) Notify the parent and the child of their rights to present
33 evidence at the fact-finding hearing; and

34 (d) Notify the parent and the child of the options and rights
35 available under chapter 13.32A RCW.

36 (5) The court may require the attendance of both the child and the
37 parents at any hearing on a petition filed under RCW 28A.225.030.

38 (6) The court shall grant the petition and enter an order assuming

1 jurisdiction to intervene for the remainder of the school year, if the
2 allegations in the petition are established by a preponderance of the
3 evidence.

4 (7) If the court assumes jurisdiction, the school district shall
5 regularly report to the court any additional unexcused absences by the
6 child.

7 **Sec. 53.** RCW 36.18.020 and 1993 c 435 s 1 are each amended to read
8 as follows:

9 Clerks of superior courts shall collect the following fees for
10 their official services:

11 (1) The party filing the first or initial paper in any civil
12 action, including an action for restitution, or change of name, shall
13 pay, at the time said paper is filed, a fee of one hundred ten dollars
14 except in proceedings filed under RCW 26.50.030 or 49.60.227 where the
15 petitioner shall pay a filing fee of twenty dollars, or in proceedings
16 filed under RCW 28A.225.030 alleging a violation of the compulsory
17 attendance laws where the petitioner shall not pay a filing fee, or an
18 unlawful detainer action under chapter 59.18 or 59.20 RCW where the
19 plaintiff shall pay a filing fee of thirty dollars. If the defendant
20 serves or files an answer to an unlawful detainer complaint under
21 chapter 59.18 or 59.20 RCW, the plaintiff shall pay, prior to
22 proceeding with the unlawful detainer action, an additional eighty
23 dollars which shall be considered part of the filing fee. The thirty
24 dollar filing fee under this subsection for an unlawful detainer action
25 shall not include an order to show cause or any other order or judgment
26 except a default order or default judgment in an unlawful detainer
27 action.

28 (2) Any party, except a defendant in a criminal case, filing the
29 first or initial paper on an appeal from a court of limited
30 jurisdiction or any party on any civil appeal, shall pay, when said
31 paper is filed, a fee of one hundred ten dollars.

32 (3) The party filing a transcript or abstract of judgment or
33 verdict from a United States court held in this state, or from the
34 superior court of another county or from a district court in the county
35 of issuance, shall pay at the time of filing, a fee of fifteen dollars.

36 (4) For the filing of a tax warrant by the department of revenue of
37 the state of Washington, a fee of five dollars shall be paid.

38 (5) For the filing of a petition for modification of a decree of

1 dissolution, a fee of twenty dollars shall be paid.

2 (6) The party filing a demand for jury of six in a civil action,
3 shall pay, at the time of filing, a fee of fifty dollars; if the demand
4 is for a jury of twelve the fee shall be one hundred dollars. If,
5 after the party files a demand for a jury of six and pays the required
6 fee, any other party to the action requests a jury of twelve, an
7 additional fifty-dollar fee will be required of the party demanding the
8 increased number of jurors.

9 (7) For filing any paper, not related to or a part of any
10 proceeding, civil or criminal, or any probate matter, required or
11 permitted to be filed in the clerk's office for which no other charge
12 is provided by law, or for filing a petition, written agreement, or
13 memorandum as provided in RCW 11.96.170, the clerk shall collect twenty
14 dollars.

15 (8) For preparing, transcribing or certifying any instrument on
16 file or of record in the clerk's office, with or without seal, for the
17 first page or portion thereof, a fee of two dollars, and for each
18 additional page or portion thereof, a fee of one dollar. For
19 authenticating or exemplifying any instrument, a fee of one dollar for
20 each additional seal affixed.

21 (9) For executing a certificate, with or without a seal, a fee of
22 two dollars shall be charged.

23 (10) For each garnishee defendant named in an affidavit for
24 garnishment and for each writ of attachment, a fee of twenty dollars
25 shall be charged.

26 (11) For approving a bond, including justification thereon, in
27 other than civil actions and probate proceedings, a fee of two dollars
28 shall be charged.

29 (12) In probate proceedings, the party instituting such
30 proceedings, shall pay at the time of filing the first paper therein,
31 a fee of one hundred ten dollars: PROVIDED, HOWEVER, A fee of twenty
32 dollars shall be charged for filing a will only, when no probate of the
33 will is contemplated. Except as provided for in subsection (13) of
34 this section a fee of two dollars shall be charged for filing a
35 petition, written agreement, or memorandum as provided in RCW
36 11.96.170.

37 (13) For filing any petition to contest a will admitted to probate
38 or a petition to admit a will which has been rejected, or a petition
39 objecting to a written agreement or memorandum as provided in RCW

1 11.96.170, there shall be paid a fee of one hundred ten dollars.

2 (14) For the issuance of each certificate of qualification and each
3 certified copy of letters of administration, letters testamentary or
4 letters of guardianship there shall be a fee of two dollars.

5 (15) For the preparation of a passport application the clerk may
6 collect an execution fee as authorized by the federal government.

7 (16) For clerks' special services such as processing ex parte
8 orders by mail, performing historical searches, compiling statistical
9 reports, and conducting exceptional record searches the clerk may
10 collect a fee not to exceed twenty dollars per hour or portion of an
11 hour.

12 (17) For duplicated recordings of court's proceedings there shall
13 be a fee of ten dollars for each audio tape and twenty-five dollars for
14 each video tape.

15 (18) Upon conviction or plea of guilty, upon failure to prosecute
16 an appeal from a court of limited jurisdiction as provided by law, or
17 upon affirmance of a conviction by a court of limited jurisdiction, a
18 defendant in a criminal case shall be liable for a fee of one hundred
19 ten dollars.

20 (19) With the exception of demands for jury hereafter made and
21 garnishments hereafter issued, civil actions and probate proceedings
22 filed prior to midnight, July 1, 1972, shall be completed and governed
23 by the fee schedule in effect as of January 1, 1972: PROVIDED, That no
24 fee shall be assessed if an order of dismissal on the clerk's record be
25 filed as provided by rule of the supreme court.

26 (20) No fee shall be collected when a petition for relinquishment
27 of parental rights is filed pursuant to RCW 26.33.080 or for forms and
28 instructional brochures provided under RCW 26.50.030.

29 NEW SECTION. **Sec. 54.** A new section is added to chapter 28A.225
30 RCW to read as follows:

31 In any judicial district having a court commissioner, the court
32 commissioner shall have the power, authority, and jurisdiction,
33 concurrent with a juvenile court judge, to hear all cases under RCW
34 28A.225.030, 28A.225.090, and section 52 of this act and to enter
35 judgment and make orders with the same power, force, and effect as any
36 judge of the juvenile court, subject to motion or demand by any party
37 within ten days from the entry of the order or judgment by the court
38 commissioner as provided in RCW 2.24.050. In any judicial district

1 having a family law commissioner appointed pursuant to chapter 26.12
2 RCW, the family law commissioner shall have the power, authority, and
3 jurisdiction, concurrent with a juvenile court judge, to hear cases
4 under RCW 28A.225.030, 28A.225.090, and section 52 of this act and to
5 enter judgment and make orders with the same power, force, and effect
6 as any judge of the juvenile court, subject to motion or demand by any
7 party within ten days from the entry of the order or judgment by the
8 court commissioner as provided in RCW 2.24.050.

9 NEW SECTION. **Sec. 55.** A new section is added to chapter 28A.225
10 RCW to read as follows:

11 (1) Each school shall document the actions taken under RCW
12 28A.225.020 and 28A.225.030 and report this information at the end of
13 each grading period to the school district superintendent who shall
14 compile the data for all the schools in the district and prepare an
15 annual school district report for each school year and submit the
16 report to the superintendent of public instruction. The reports shall
17 be made upon forms furnished by the superintendent of public
18 instruction and shall be transmitted as determined by the
19 superintendent of public instruction.

20 (2) The reports under subsection (1) of this section shall include:

21 (a) The number of enrolled students and the number of excused and
22 unexcused absences;

23 (b) Documentation of the steps taken by the school district under
24 each subsection of RCW 28A.225.020;

25 (c) The number of enrolled students with ten or more unexcused
26 absences in a school year or five or more unexcused absences in a month
27 during a school year;

28 (d) Documentation of success by the school district in
29 substantially reducing enrolled student absences for students with five
30 or more absences in any month or ten or more unexcused absences in any
31 school year;

32 (e) The number of petitions filed by a school district or a parent
33 with the juvenile court; and

34 (f) The disposition of cases filed with the juvenile court,
35 including the frequency of contempt orders issued to enforce a court's
36 order under RCW 28A.225.090.

37 (3) A report required under this section shall not disclose the
38 name or other identification of a child or parent.

1 (4) The superintendent of public instruction shall collect these
2 reports from all school districts and prepare an annual report for each
3 school year to be submitted to the legislature no later than December
4 15th of each year.

5 NEW SECTION. **Sec. 56.** A new section is added to chapter 28A.225
6 RCW to read as follows:

7 A school district that fails to make a report, makes a false
8 report, or fails to substantially comply with its responsibilities and
9 duties under RCW 28A.225.010 through 28A.225.030 and section 55 of this
10 act, shall be subject to a fine in superior court of not more than ten
11 thousand dollars. A county or municipal prosecutor or the office of
12 the attorney general may file a petition in superior court alleging a
13 violation under this section.

14 **Sec. 57.** RCW 28A.225.060 and 1990 c 33 s 223 are each amended to
15 read as follows:

16 Any (~~attendance officer~~) school district official, sheriff,
17 deputy sheriff, marshal, police officer, or any other officer
18 authorized to make arrests, (~~shall~~) may take into custody without a
19 warrant a child who is required under the provisions of RCW 28A.225.010
20 through 28A.225.140 to attend school (~~(, such child then being a truant~~
21 ~~from instruction at the school which he or she is lawfully required to~~
22 ~~attend)) and is absent from school without an approved excuse, and
23 shall (~~forthwith~~) deliver (~~a child so detained either~~) the child
24 to: (1) (~~to~~) The custody of a person in parental relation to the
25 child (~~or~~); (2) (~~to~~) the school from which the child is (~~then a~~
26 ~~truant)) absent; or (3) a program designated by the school district.~~~~

27 **Sec. 58.** RCW 28A.225.090 and 1992 c 205 s 204 are each amended to
28 read as follows:

29 Any person violating any of the provisions of either RCW
30 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five
31 dollars for each day of unexcused absence from school. However, a
32 child found to be in violation of RCW 28A.225.010 shall be required to
33 attend school and shall not be fined. If the child fails to comply
34 with the court order to attend school, the court may: (1) Order the
35 child be punished by detention; or (may) (2) impose alternatives to
36 detention such as community service hours or participation in dropout

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

18 ~~((Attendance officers))~~ School districts shall make complaint for
19 violation of the provisions of RCW 28A.225.010 through 28A.225.140 to
20 a judge of the ~~((superior or district))~~ juvenile court.

21 **Sec. 59.** RCW 28A.225.110 and 1990 c 33 s 228 are each amended to
22 read as follows:

23 Notwithstanding the provisions of RCW 10.82.070, all fines except
24 as otherwise provided in RCW 28A.225.010 through 28A.225.140 shall
25 ~~((inure and be applied to the support of the public schools in the~~
26 ~~school district where such offense was committed: PROVIDED, That all~~
27 ~~fees, fines, forfeitures and penalties collected or assessed by a~~
28 ~~district court because of the violation of a state law shall be~~
29 ~~remitted as provided in chapter 3.62 RCW as now exists or is later~~
30 ~~amended))~~ be paid to the county treasurer who shall deposit the fine to
31 the credit of the courts in the county for the exclusive purpose of
32 enforcing the provisions of RCW 28A.225.010 through 28A.225.140.

33 NEW SECTION. **Sec. 60.** A new section is added to chapter 28A.600
34 RCW to read as follows:

35 School district boards of directors shall review school district
36 policies regarding access and egress by students from secondary school
37 grounds during school hours. Each school district board of directors

1 shall adopt a policy specifying any restrictions on students leaving
2 secondary school grounds during school hours.

3 NEW SECTION. **Sec. 61.** (1) Section 54 of this act shall take
4 effect September 1, 1995.

5 (2) Section 60 of this act shall take effect September 1, 1996.

6 NEW SECTION. **Sec. 62.** The following acts or parts of acts are
7 each repealed:

8 (1) RCW 28A.225.040 and 1990 c 33 s 221 & 1969 ex.s. c 223 s
9 28A.27.030;

10 (2) RCW 28A.225.050 and 1990 c 33 s 222, 1986 c 132 s 4, 1975 1st
11 ex.s. c 275 s 56, 1971 c 48 s 9, 1969 ex.s. c 176 s 105, & 1969 ex.s.
12 c 223 s 28A.27.040;

13 (3) RCW 28A.225.070 and 1990 c 33 s 224, 1975 1st ex.s. c 275 s 57,
14 1969 ex.s. c 176 s 106, & 1969 ex.s. c 223 s 28A.27.080;

15 (4) RCW 28A.225.100 and 1990 c 33 s 227, 1987 c 202 s 190, 1975 1st
16 ex.s. c 275 s 58, & 1970 ex.s. c 15 s 14;

17 (5) RCW 28A.225.120 and 1990 c 33 s 229, 1986 c 132 s 6, 1979 ex.s.
18 c 201 s 7, & 1969 ex.s. c 223 s 28A.27.110;

19 (6) RCW 28A.225.130 and 1990 c 33 s 230, 1987 c 202 s 192, & 1969
20 ex.s. c 223 s 28A.27.120; and

21 (7) RCW 28A.225.150 and 1992 c 205 s 205, 1990 c 33 s 232, & 1986
22 c 132 s 7.

23 NEW SECTION. **Sec. 63.** If specific funding for the purposes of
24 this act, referencing this act by bill number, is not provided by June
25 30, 1995, in the omnibus appropriations act, this act is null and
26 void."

27 **2SSB 5439** - S AMD - 219

28 By Senators Hargrove, Long and Franklin

29 ADOPTED AS AMENDED 3/15/95

30 On page 1, line 2 of the title, after "families;" strike the
31 remainder of the title and insert "amending RCW 13.32A.010, 13.32A.030,
32 13.32A.040, 13.32A.050, 13.32A.060, 13.32A.070, 13.32A.090, 13.32A.120,
33 13.32A.130, 13.32A.140, 13.32A.150, 13.32A.160, 13.32A.170, 13.32A.175,
34 13.32A.177, 13.32A.180, 13.32A.190, 13.32A.192, 13.32A.194, 13.32A.196,

1 13.32A.250, 13.04.030, 13.04.040, 13.04.093, 70.96A.090, 70.96A.095,
2 71.34.030, 74.13.031, 74.13.032, 74.13.033, 74.13.034, 74.13.035,
3 74.13.036, 82.14.300, 82.14.320, 28A.225.020, 28A.225.030, 36.18.020,
4 28A.225.060, 28A.225.090, and 28A.225.110; adding new sections to
5 chapter 13.32A RCW; adding a new section to chapter 71.34 RCW; adding
6 a new section to chapter 74.13 RCW; adding new sections to chapter
7 28A.225 RCW; adding a new section to chapter 28A.600 RCW; creating new
8 sections; repealing RCW 28A.225.040, 28A.225.050, 28A.225.070,
9 28A.225.100, 28A.225.120, 28A.225.130, and 28A.225.150; prescribing
10 penalties; and providing effective dates."

--- END ---