

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

3 By Senators Hargrove, Long and Franklin

4

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, welfare, legal,
8 educational, or other social services, as appropriate to the needs of
9 the child and the family. (~~Upon a referral by a school or other~~
10 ~~appropriate agency,~~) Family reconciliation services may also include
11 training in parenting, conflict management, and dispute resolution
12 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, or in releasing a child to a person ((other than)) at the
12 request of a parent ((of such child)) is immune from civil or criminal
13 liability for such action.

14 ((3)) (2) A person ((other than a parent of such child who
15 receives)) with whom a child is placed pursuant to this chapter and who
16 acts reasonably and in good faith ((in doing so)) is immune from civil
17 or criminal liability for the act of receiving ((such)) the child.
18 ((Such)) The immunity does not release ((such)) the person from
19 liability under any other law ((including the laws regulating licensed
20 child care and prohibiting child abuse)).

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

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

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

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

36 (a) Upon admitting a child who has been brought to the center by a
37 law enforcement officer under RCW 13.32A.060;

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

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

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

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

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

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

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

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

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

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

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

36 (1) Where either a child or the child's parent or the person or
37 facility currently providing shelter to the child notifies the center
38 that such individual or individuals cannot agree to the continuation of

1 an (~~alternative residential~~) out-of-home placement arrived at
2 pursuant to RCW 13.32A.090(2)(e), the center shall immediately contact
3 the remaining party or parties to the agreement and shall attempt to
4 bring about the child's return home or to an alternative living
5 arrangement agreeable to the child and the parent as soon as
6 practicable.

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

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

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

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

37 (2) Crisis residential center staff shall make (~~a concerted~~)
38 every reasonable effort to protect the child and achieve a

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

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

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

25 (1) The administrator of a crisis residential center may convene a
26 multidisciplinary team at the request of a child placed at the center
27 or the child's parent. If the administrator has reasonable cause to
28 believe that a child is a child in need of services and the parent is
29 unavailable or unwilling to continue efforts to maintain the family
30 structure, the administrator shall immediately convene a
31 multidisciplinary team. The parent may disband the team at any time
32 unless the court has ordered an out-of-home placement pursuant to
33 section 18(3) of this act. Upon the filing of an at-risk youth or
34 dependency petition, the team shall cease to exist unless the parent
35 requests continuation of the team.

36 (2) The secretary shall request participation of appropriate state
37 agencies in the multidisciplinary teams. Those agencies that agree to
38 participate shall provide the secretary all information necessary to

1 facilitate forming a multidisciplinary team and the secretary shall
2 provide this information to the administrator of each crisis
3 residential center.

4 (3) The secretary shall designate within each region a department
5 employee who shall have responsibility for coordination of the state
6 response to a request for creation of a multidisciplinary team. The
7 secretary shall advise the administrator of each crisis residential
8 center of the name of the appropriate employee. Upon a request of the
9 administrator to form a multidisciplinary team the employee shall
10 provide a list of the agencies that have agreed to participate in the
11 multidisciplinary team.

12 (4) The administrator shall also seek participation from
13 representatives of mental health and drug and alcohol treatment
14 providers as appropriate.

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

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

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

32 (b) Make a referral to the designated chemical dependency
33 specialist or the county designated mental health professional, if
34 appropriate;

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

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

39 (7) The purpose of the multidisciplinary team is to assist in a

1 coordinated referral of the family to available social and health-
2 related services.

3 (8) At the first meeting of the multidisciplinary team, it shall
4 choose a member to coordinate the team's efforts. The parent member of
5 the multidisciplinary team must agree with the choice of coordinator.
6 The team shall meet or communicate as often as necessary to assist the
7 family.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (3) An agreement between parent and child made pursuant to RCW
8 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer
9 acceptable to parent or child, and:

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

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

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

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

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

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

22 Under the circumstances of subsections (1), (2), or (3) of this
23 section, the child shall remain in (~~((a licensed child care facility,~~
24 ~~including but not limited to a crisis residential center, or in any~~
25 ~~other suitable residence to be determined by the department until))~~) an
26 (~~(alternative residential))~~ out-of-home placement until a child in need
27 of services petition filed by the department on behalf of the child is
28 reviewed by the juvenile court and is resolved by such court. The
29 department may authorize emergency medical or dental care for a child
30 placed under this section. The state, when the department files a
31 child in need of services petition (~~((for alternative residential~~
32 ~~placement))~~) under this section, shall be represented as provided for in
33 RCW 13.04.093.

34 If the department files a petition under this section, the
35 department shall submit in a supporting affidavit any information
36 provided under section 29 of this act.

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

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

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

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

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

32 (b) ~~The petitioning parent has the right to legal custody of the~~
33 ~~child;~~

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

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

38 ~~The petition shall set forth facts that support the allegations in~~
39 ~~this subsection and shall generally request relief available under this~~

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

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

17 (1) When a proper child in need of services petition to approve an
18 (~~(alternative residential)~~) out-of-home placement is filed under RCW
19 13.32A.120, 13.32A.140, or 13.32A.150 the juvenile court shall: (a)
20 Schedule a (~~(date for a)~~) fact-finding hearing to be held within three
21 judicial days; notify the parent, child, and the department of such
22 date; (b) notify the parent of the right to be represented by counsel
23 and, if indigent, to have counsel appointed for him or her by the
24 court; (c) appoint legal counsel for the child; (d) inform the child
25 and his or her parent of the legal consequences of the court approving
26 or disapproving an (~~(alternative residential)~~) out-of-home placement
27 petition; (e) notify the parents of their rights under this chapter and
28 chapters 11.88, 13.34, 70.96A, and 71.34 RCW, including the right to
29 file an at-risk youth petition, the right to submit on application for
30 admission of their child to a treatment facility for alcohol, chemical
31 dependency, or mental health treatment, and the right to file a
32 guardianship petition; and (~~(+e)~~) (f) notify all parties, including
33 the department, of their right to present evidence at the fact-finding
34 hearing.

35 (2) Upon filing of (~~(an alternative residential placement)~~) a child
36 in need of services petition, the child may be placed, if not already
37 placed, by the department in a crisis residential center, foster family
38 home, group home facility licensed under chapter 74.15 RCW, or any

1 other suitable residence to be determined by the department.

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

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

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

24 (a) The petition is not capricious;

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

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

30 (d) Reasonable efforts have been made to prevent or eliminate the
31 need for removal of the child from the child's home and to make it
32 possible for the child to return home; and

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

34 The court may not grant a petition filed by the child or the
35 department if it is established that the petition is based only upon a
36 dislike of reasonable rules or reasonable discipline established by the
37 parent.

38 (2) ~~((The order approving out of home placement shall direct the~~

1 department to submit a disposition plan for a three-month placement of
2 the child that is designed to reunite the family and resolve the family
3 conflict. Such plan shall delineate any conditions or limitations on
4 parental involvement. In making the order, the court shall further
5 direct the department to make recommendations, as to which agency or
6 person should have physical custody of the child, as to which parental
7 powers should be awarded to such agency or person, and as to parental
8 visitation rights. The court may direct the department to consider the
9 cultural heritage of the child in making its recommendations.

10 (3) The hearing to consider the recommendations of the department
11 for a three-month disposition plan shall be set no later than fourteen
12 days after the approval of the court of a petition to approve
13 alternative residential placement. Each party shall be notified of the
14 time and place of such disposition hearing.

15 (4) If the court approves or denies a petition for an alternative
16 residential placement, a written statement of the reasons shall be
17 filed. If the court denies a petition requesting that a child be
18 placed in a residence other than the home of his or her parent, the
19 court shall enter an order requiring the child to remain at or return
20 to the home of his or her parent.

21 (5) If the court denies the petition, the court shall impress upon
22 the party filing the petition of the legislative intent to restrict the
23 proceedings to situations where a family conflict is so great that it
24 cannot be resolved by the provision of in-home services.

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

30 (7) The department may request, and the juvenile court may grant,
31 dismissal of an alternative residential placement order when it is not
32 feasible for the department to provide services due to one or more of
33 the following circumstances:

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

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

39 (c) The department has exhausted all available and appropriate

1 ~~resources that would result in reunification.~~)

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

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

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

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

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

28 (2) At the commencement of the hearing the court shall advise the
29 parents of their rights as set forth in RCW 13.32A.160(1)(e). If the
30 court approves or denies a child in need of services petition, a
31 written statement of the reasons shall be filed. At the conclusion of
32 the hearing the court may: (a) Reunite the family and dismiss the
33 petition; (b) approve an at-risk youth petition filed by the parents;
34 (c) approve a voluntary out-of-home placement requested by the parents;
35 (d) order any conditions set forth in RCW 13.32A.196(2); or (e) order
36 the department to file a petition for dependency under chapter 13.34
37 RCW.

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

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

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

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

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

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

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

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

37 A determination of ((child)) support payments ordered under RCW

1 13.32A.175 shall be based upon (~~the child support schedule and~~
2 ~~standards adopted under~~) chapter 26.19 RCW (~~(26.19.040)~~).

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

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

18 (2) No placement made pursuant to this section may be in a secure
19 residence as defined by the federal Juvenile Justice and Delinquency
20 Prevention Act of 1974 (~~(and clarifying interpretations and regulations~~
21 ~~promulgated thereunder)~~).

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

24 (1) Upon making a dispositional order under (~~(RCW 13.32A.180)~~)
25 section 18 of this act, the court shall schedule the matter on the
26 calendar for review within three months, advise the parties of the date
27 thereof, appoint legal counsel and/or a guardian ad litem to represent
28 the child at the review hearing, advise parents of their right to be
29 represented by legal counsel at the review hearing, and notify the
30 parties of their rights to present evidence at the hearing. Where
31 resources are available, the court shall encourage the parent and child
32 to participate in (~~(mediation)~~) programs for reconciliation of their
33 conflict.

34 (2) At the review hearing, the court shall approve or disapprove
35 the continuation of the dispositional plan in accordance with (~~the~~
36 ~~goal of resolving the conflict and reuniting the family which governed~~
37 ~~the initial approval~~) this chapter. The court shall determine whether

1 reasonable efforts have been made to reunify the family and make it
2 possible for the child to return home. The court (~~is authorized to~~)
3 shall discontinue the placement and order that the child return home if
4 the court has reasonable grounds to believe that the parents have
5 (~~displayed concerted~~) made reasonable efforts to (~~utilize services~~
6 ~~and~~) resolve the conflict and the court has reason to believe that the
7 child's refusal to return home is capricious. If out-of-home placement
8 is continued, the court may modify the dispositional plan.

9 (3) Out-of-home placement may not be continued past one hundred
10 eighty days from the day the review hearing commenced. The court shall
11 order (~~that~~) the child to return to the home of the parent at the
12 expiration of the placement. If (~~continued~~) an out-of-home placement
13 is disapproved prior to one hundred eighty days, the court shall enter
14 an order requiring (~~that~~) the child to return to the home of the
15 child's parent.

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

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

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

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

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

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

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

- 1 (a) The child is an at-risk youth as defined in this chapter;
2 (b) The petitioner has the right to legal custody of the child;
3 (c) Court intervention and supervision are necessary to assist the
4 parent to maintain the care, custody, and control of the child; and
5 (d) Alternatives to court intervention have been attempted or there
6 is good cause why such alternatives have not been attempted.

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

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

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

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

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

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

26 (c) Appoint legal counsel for the child;

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

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

31 (2) Unless out-of-home placement of the child is otherwise
32 authorized or required by law, the child shall reside in the home of
33 his or her parent or in an ((~~alternative residential~~)) out-of-home
34 placement requested by the parent or child and approved by the parent.
35 ((~~Upon request by the parent, the court may enter a court order~~
36 ~~requiring the child to reside in the home of his or her parent or an~~
37 ~~alternative residential placement approved by the parent.~~))

38 (3) If upon sworn written or oral declaration of the petitioning

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

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

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

26 (1) The court shall hold a fact-finding hearing to consider a
27 proper at-risk youth petition. The court (~~((may))~~) shall grant the
28 petition and enter an order finding the child to be an at-risk youth if
29 the allegations in the petition are established by a preponderance of
30 the evidence(~~((The court shall not enter such an order if the court~~
31 ~~has approved an alternative residential placement petition regarding~~
32 ~~the child or if))~~), unless the child is the subject of a proceeding
33 under chapter 13.34 RCW. If the petition is granted, the court shall
34 enter an order requiring the child to reside in the home of his or her
35 parent or (~~((in an alternative residential placement approved by the~~
36 ~~parent))~~) in an out-of-home placement as provided in RCW 13.32A.192(2).

37 (2) The court may order the department to submit a dispositional
38 plan if such a plan would assist the court in ordering a suitable

1 disposition in the case. If the court orders the department to prepare
2 a plan, the department shall provide copies of the plan to the parent,
3 the child, and the court. If the parties or the court desire the
4 department to be involved in any future proceedings or case plan
5 development, the department shall be provided timely notification of
6 all court hearings.

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

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

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

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

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

25 (a) Regular school attendance;

26 (b) Counseling;

27 (c) Participation in a substance abuse or mental health outpatient
28 treatment program;

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

31 (e) Any other condition the court deems an appropriate condition of
32 supervision including but not limited to: Employment, participation in
33 an anger management program, and refraining from using alcohol or
34 drugs.

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

38 (4) The court may order the parent to participate in counseling

1 services or any other services for the child requiring parental
2 participation. The parent shall cooperate with the court-ordered case
3 plan and shall take necessary steps to help implement the case plan.
4 The parent shall be financially responsible for costs related to the
5 court-ordered plan; however, this requirement shall not affect the
6 eligibility of the parent or child for public assistance or other
7 benefits to which the parent or child may otherwise be entitled.

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

15 ((+5+)) (6) The court may order the department to monitor
16 compliance with the dispositional order, assist in coordinating the
17 provision of court-ordered services, and submit reports at subsequent
18 review hearings regarding the status of the case.

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

21 (1) In all (~~alternative residential placement~~) child in need of
22 services proceedings and at-risk youth proceedings, the court shall
23 verbally notify the parents and the child of the possibility of a
24 finding of contempt for failure to comply with the terms of a court
25 order entered pursuant to this chapter. The court shall treat the
26 parents and the child equally for the purposes of applying contempt of
27 court processes and penalties under this section.

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

31 (3) The court may impose a fine of up to one hundred dollars and
32 imprisonment for up to seven days, or both for contempt of court under
33 this section.

34 (4) A child imprisoned for contempt under this section shall be
35 imprisoned only in a secure juvenile detention facility operated by or
36 pursuant to a contract with a county.

37 (5) A motion for contempt may be made by a parent, a child,
38 juvenile court personnel, or by any public agency, organization, or

1 person having custody of the child under a court order adopted pursuant
2 to this chapter.

3 NEW SECTION. **Sec. 27.** A new section is added to chapter 13.32A
4 RCW to read as follows:

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

12 NEW SECTION. **Sec. 28.** A new section is added to chapter 13.32A
13 RCW to read as follows:

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

18 (a) Attempt to notify the parent of the child of the location of
19 the child and return the child to the parent unless there has been a
20 placement ordered under this title;

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

25 (c) Notify the department.

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

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

33 Upon the admissions of a child to a crisis residential center the
34 administrator of the facility shall request the department to provide:

35 (1) The name of any sibling of the child who has been: (a) Placed
36 under the jurisdiction of the juvenile rehabilitation administration;

1 or (b) subject to a proceeding under chapter 13.34 RCW; and (2)
2 information regarding whether the child has run away multiple times.

3 The department shall provide the information as soon as feasible.
4 The administrator may utilize the information in assessing the needs of
5 the child but a petition filed under this chapter may not be based
6 solely on this information.

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

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

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

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

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

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

20 (e) Relating to juveniles alleged or found to have committed
21 offenses, traffic infractions, or violations as provided in RCW
22 13.40.020 through 13.40.230, unless:

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

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

27 (iii) The alleged offense or infraction is a traffic, fish,
28 boating, or game offense or traffic infraction committed by a juvenile
29 sixteen years of age or older and would, if committed by an adult, be
30 tried or heard in a court of limited jurisdiction, in which instance
31 the appropriate court of limited jurisdiction shall have jurisdiction
32 over the alleged offense or infraction: PROVIDED, That if such an
33 alleged offense or infraction and an alleged offense or infraction
34 subject to juvenile court jurisdiction arise out of the same event or
35 incident, the juvenile court may have jurisdiction of both matters:
36 PROVIDED FURTHER, That the jurisdiction under this subsection does not
37 constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1)
38 or (e)(i) of this subsection: PROVIDED FURTHER, That courts of limited

1 jurisdiction which confine juveniles for an alleged offense or
2 infraction may place juveniles in juvenile detention facilities under
3 an agreement with the officials responsible for the administration of
4 the juvenile detention facility in RCW 13.04.035 and 13.20.060; or

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

17 If the juvenile challenges the state's determination of the
18 juvenile's criminal history, the state may establish the offender's
19 criminal history by a preponderance of the evidence. If the criminal
20 history consists of adjudications entered upon a plea of guilty, the
21 state shall not bear a burden of establishing the knowing and
22 voluntariness of the plea;

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

25 (g) Relating to termination of a diversion agreement under RCW
26 13.40.080, including a proceeding in which the divertee has attained
27 eighteen years of age; and

28 (h) Relating to court validation of a voluntary consent to foster
29 care placement under chapter 13.34 RCW, by the parent or Indian
30 custodian of an Indian child, except if the parent or Indian custodian
31 and child are residents of or domiciled within the boundaries of a
32 federally recognized Indian reservation over which the tribe exercises
33 exclusive jurisdiction.

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

38 (3) A juvenile subject to adult superior court jurisdiction under
39 subsection (1)(e) (i) through (iv) of this section, who is detained

1 pending trial, may be detained in a county detention facility as
2 defined in RCW 13.40.020 pending sentencing or a dismissal.

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

5 The administrator shall, in any county or judicial district in the
6 state, appoint or designate one or more persons of good character to
7 serve as probation counselors during the pleasure of the administrator.
8 The probation counselor shall:

9 (1) Receive and examine referrals to the juvenile court for the
10 purpose of considering the filing of a petition or information pursuant
11 to chapter 13.32A or 13.34 RCW (~~(13.34.040, 13.34.180, and)~~) or RCW
12 13.40.070 (~~((as now or hereafter amended, and RCW 13.32A.150))~~);

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

16 (3) Arrange and supervise diversion agreements as provided in RCW
17 13.40.080, (~~((as now or hereafter amended,))~~) and ensure that the
18 requirements of such agreements are met except as otherwise provided in
19 this title;

20 (4) Prepare predisposition studies as required in RCW 13.34.120 and
21 13.40.130, (~~((as now or hereafter amended,))~~) and be present at the
22 disposition hearing to respond to questions regarding the
23 predisposition study: PROVIDED, That such duties shall be performed by
24 the department (~~((of social and health services))~~) for cases relating to
25 dependency or to the termination of a parent and child relationship
26 which is filed by the department (~~((of social and health services))~~)
27 unless otherwise ordered by the court; and

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

30 All probation counselors shall possess all the powers conferred
31 upon sheriffs and police officers to serve process and make arrests of
32 juveniles under their supervision for the violation of any state law or
33 county or city ordinance.

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

37 The probation counselors and persons appointed to have charge of
38 detention facilities shall each receive compensation which shall be

1 fixed by the legislative authority of the county, or in cases of joint
2 counties, judicial districts of more than one county, or joint judicial
3 districts such sums as shall be agreed upon by the legislative
4 authorities of the counties affected, and such persons shall be paid as
5 other county officers are paid.

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

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

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

16 It shall be the duty of the prosecuting attorney to act in
17 proceedings relating to the commission of a juvenile offense as
18 provided in RCW 13.40.070 and 13.40.090 and in proceedings as provided
19 in chapter 71.34 RCW. It shall be the duty of the prosecuting attorney
20 to handle delinquency cases under chapter 13.24 RCW and it shall be the
21 duty of the attorney general to handle dependency cases under chapter
22 13.24 RCW. It shall be the duty of the attorney general in contested
23 cases brought by the department to present the evidence supporting any
24 petition alleging dependency or seeking the termination of a parent and
25 child relationship or any contested case filed under RCW 26.33.100 or
26 approving or disapproving (~~(alternative residential)~~) out-of-home
27 placement: PROVIDED, That in each county with a population of less
28 than two hundred ten thousand, the attorney general may contract with
29 the prosecuting attorney of the county to perform (~~(said)~~) the duties
30 of the attorney general under this section.

31 NEW SECTION. **Sec. 33.** The department of social and health
32 services shall develop a plan for the development of an intensive
33 treatment system for children whose behavior puts them at serious risk
34 of harm to themselves or others. In developing this plan, the
35 department shall work with service providers, community leaders,
36 representatives of different cultural communities, businesses,
37 educational institutions, community public health and safety networks,

1 and others to propose a continuum of services, including placement
2 alternatives, for children who might otherwise be on the street.

3 In developing this plan, the department shall identify existing
4 local and state services and barriers to those services for children.
5 The plan for intensive treatment services, to the extent possible,
6 shall build upon those existing resources.

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

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

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

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

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

24 Any child referred to a semi-secure crisis residential center by a
25 law enforcement officer, the department, or himself or herself shall
26 have priority over a temporary out-of-home placement in the facility.
27 Any out-of-home placement order shall be subject to this priority, and
28 the administrator of the semi-secure crisis residential center shall
29 transfer the temporary out-of-home placement youth to a new out-of-home
30 placement as necessary to ensure access for youth needing the semi-
31 secure crisis residential center.

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

34 (1) The department shall adopt rules establishing standards for
35 approved treatment programs, the process for the review and inspection
36 program applying to the department for certification as an approved

1 treatment program, and fixing the fees to be charged by the department
2 for the required inspections. The standards may concern the health
3 standards to be met and standards of services and treatment to be
4 afforded patients.

5 (2) The department may suspend, revoke, limit, restrict, or modify
6 an approval, or refuse to grant approval, for failure to meet the
7 provisions of this chapter, or the standards adopted under this
8 chapter. RCW 43.20A.205 governs notice of a license denial,
9 revocation, suspension, or modification and provides the right to an
10 adjudicative proceeding.

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

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

21 (5) Approved treatment programs shall not provide alcoholism or
22 other drug addiction treatment services for which the approved
23 treatment program has not been certified. Approved treatment programs
24 may provide services for which approval has been sought and is pending,
25 if approval for the services has not been previously revoked or denied.

26 (6) The department periodically shall inspect approved public and
27 private treatment programs at reasonable times and in a reasonable
28 manner.

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

31 (8) Each approved treatment program shall file with the department
32 on request, data, statistics, schedules, and information the department
33 reasonably requires. An approved treatment program that without good
34 cause fails to furnish any data, statistics, schedules, or information
35 as requested, or files fraudulent returns thereof, may be removed from
36 the list of approved treatment programs, and its certification revoked
37 or suspended.

38 (9) The department shall use the data provided in subsection (8) of
39 this section to evaluate each program in terms of rates of successful

1 treatment of drug or alcohol abuse. The evaluation shall be done at
2 least once every twelve months. In addition, the department shall
3 randomly select and review the information on individual children who
4 are admitted on application of the child's parent for the purpose of
5 determining whether the child was appropriately placed into treatment
6 based on an objective evaluation of the child's condition and the
7 success of the child's treatment.

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

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

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

29 (2) The parent of any minor child may apply to an approved
30 treatment program for the admission of his or her minor child for
31 purposes authorized in this chapter. The consent of the minor child
32 shall not be required for the application or admission. The approved
33 treatment program shall accept the application and evaluate the child
34 for admission. The ability of a parent to apply to an approved
35 treatment program for the involuntary admission of his or her minor
36 child does not create a right to obtain or benefit from any funds or
37 resources of the state.

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

3 (1) Any minor thirteen years or older may request and receive
4 outpatient treatment without the consent of the minor's parent.
5 Parental authorization is required for outpatient treatment of a minor
6 under the age of thirteen.

7 (2) When in the judgment of the professional person in charge of an
8 evaluation and treatment facility there is reason to believe that a
9 minor is in need of inpatient treatment because of a mental disorder,
10 and the facility provides the type of evaluation and treatment needed
11 by the minor, and it is not feasible to treat the minor in any less
12 restrictive setting or the minor's home, the minor may be admitted to
13 an evaluation and treatment facility in accordance with the following
14 requirements:

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

17 ~~(b))~~ A minor ~~((thirteen years or older))~~ may be voluntarily
18 admitted by application of the parent. ~~((Such application must be
19 accompanied by the written consent, knowingly and voluntarily given, of
20 the minor.))~~ The consent of the minor is not required for the minor to
21 be evaluated and admitted as appropriate.

22 ~~((e))~~ (b) A minor thirteen years or older may, with the
23 concurrence of the professional person in charge of an evaluation and
24 treatment facility, admit himself or herself without parental consent
25 to the evaluation and treatment facility, provided that notice is given
26 by the facility to the minor's parent in accordance with the following
27 requirements:

28 (i) Notice of the minor's admission shall be in the form most
29 likely to reach the parent within twenty-four hours of the minor's
30 voluntary admission and shall advise the parent that the minor has been
31 admitted to inpatient treatment; the location and telephone number of
32 the facility providing such treatment; and the name of a professional
33 person on the staff of the facility providing treatment who is
34 designated to discuss the minor's need for inpatient treatment with the
35 parent.

36 (ii) The minor shall be released to the parent at the parent's
37 request for release unless the facility files a petition with the
38 superior court of the county in which treatment is being provided
39 setting forth the basis for the facility's belief that the minor is in

1 need of inpatient treatment and that release would constitute a threat
2 to the minor's health or safety.

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

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

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

9 (vi) The hearing shall be conducted by a judge, court commissioner,
10 or licensed attorney designated by the superior court as a hearing
11 officer for such hearing. The hearing may be held at the treatment
12 facility.

13 (vii) At such hearing, the facility must demonstrate by a
14 preponderance of the evidence presented at the hearing that the minor
15 is in need of inpatient treatment and that release would constitute a
16 threat to the minor's health or safety. The hearing shall not be
17 conducted using the rules of evidence, and the admission or exclusion
18 of evidence sought to be presented shall be within the exercise of
19 sound discretion by the judicial officer conducting the hearing.

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

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

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

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

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

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

37 (d) The professional person in charge of the evaluation and
38 treatment facility shall discharge the minor, thirteen years or older,
39 from the facility within twenty-four hours after receipt of the minor's

1 notice of intent to leave, unless the county-designated mental health
2 professional or a parent or legal guardian files a petition or an
3 application for initial detention within the time prescribed by this
4 chapter.

5 (4) The ability of a parent to apply to a certified evaluation and
6 treatment program for the involuntary admission of his or her minor
7 child does not create a right to obtain or benefit from any funds or
8 resources of the state.

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

11 The department shall randomly select and review the information on
12 children who are admitted to in-patient treatment on application of the
13 child's parent. The review shall determine whether the children
14 reviewed were appropriately admitted into treatment based on an
15 objective evaluation of the child's condition and the success of the
16 child's treatment.

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

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

21 (1) Develop, administer, supervise, and monitor a coordinated and
22 comprehensive plan that establishes, aids, and strengthens services for
23 the protection and care of homeless, runaway, dependent, or neglected
24 children.

25 (2) Develop a recruiting plan for recruiting an adequate number of
26 prospective adoptive and foster homes, both regular and specialized,
27 ~~((i.e.))~~ including homes for children of ethnic minority, ~~((including))~~
28 Indian homes for Indian children, sibling groups, handicapped and
29 emotionally disturbed, and annually submit the plan for review to the
30 ~~((house and senate committees on social and health services))~~
31 legislature. The plan shall include a section entitled "Foster Home
32 Turn-Over, Causes and Recommendations."

33 (3) Investigate complaints of neglect, abuse, or abandonment of
34 children, and on the basis of the findings of such investigation, offer
35 child welfare services in relation to the problem to such parents,
36 legal custodians, or persons serving in loco parentis, and/or bring the
37 situation to the attention of an appropriate court, or another

1 community agency(~~(: PROVIDED, That an)~~). No investigation is ~~((not))~~
2 required of nonaccidental injuries which are clearly not the result of
3 a lack of care or supervision by the child's parents, legal custodians,
4 or persons serving in loco parentis. If ~~((the))~~ an investigation
5 reveals that a crime may have been committed, the department shall
6 notify the appropriate law enforcement agency.

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

9 (5) Monitor out-of-home placements, on a timely and routine basis,
10 to assure the safety, well-being, and quality of care being provided is
11 within the scope of the intent of the legislature as defined in RCW
12 74.13.010 and 74.15.010, and annually submit a report delineating the
13 results to the ~~((house and senate committees on social and health
14 services))~~ legislature.

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

24 (7) Have authority to provide temporary shelter to children who
25 have run away from home and who are admitted to crisis residential
26 centers.

27 (8) Have authority to purchase care for children~~((r))~~ and ~~((shall
28 follow in general the policy of using))~~ use properly approved private
29 agency services for the ~~((actual))~~ care and supervision of such
30 children insofar as they are available, paying for care of such
31 children as are accepted by the department as eligible for support at
32 reasonable rates established by the department.

33 (9) Establish a children's services advisory committee which shall
34 assist the secretary in the development of a partnership plan for
35 utilizing resources of the public and private sectors, and advise on
36 all matters pertaining to child welfare, day care, licensing of child
37 care agencies, adoption, and related services ~~((related thereto))~~. At
38 least one-third of the membership shall be ~~((composed of))~~ child care
39 providers, and at least one member shall represent the adoption

1 community.

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

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

12 Notwithstanding any other provision of RCW 13.32A.170 through
13 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
14 services to be provided by the department of social and health services
15 under subsections (4)(~~(7)~~) and (6)(~~(7)~~) of this section,
16 subject to the limitations of these subsections, may be provided by any
17 program offering such services funded pursuant to Titles II and III of
18 the federal juvenile justice and delinquency prevention act of 1974.

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

21 (1) The department shall establish, by contracts with private
22 vendors, (~~(not less than eight))~~ regional semi-secure crisis
23 residential centers, which shall be structured group care facilities
24 licensed under rules adopted by the department. Each regional center
25 shall have an average of at least four adult staff members and in no
26 event less than three adult staff members to every eight children. The
27 staff shall be trained so that they may effectively counsel juveniles
28 admitted to the centers, provide treatment, supervision, and structure
29 to the juveniles, and carry out the responsibilities outlined in RCW
30 13.32A.090.

31 (2) Within available funds appropriated for this purpose, the
32 department shall establish, by contracts with private vendors, secure
33 crisis residential centers which shall be facilities licensed under
34 rules adopted by the department. The location of these facilities
35 shall be determined by the department.

36 (3) The department shall, in addition to the (~~regional~~)
37 facilities established under subsections (1) and (2) of this section,
38 establish (~~(not less than thirty))~~ additional crisis residential

1 centers pursuant to contract with licensed private group care ((~~or~~
2 ~~specialized foster home~~)) facilities. The staff at the facilities
3 shall be trained so that they may effectively counsel juveniles
4 admitted to the centers, provide treatment, supervision, and structure
5 to the juveniles, and carry out the responsibilities stated in RCW
6 13.32A.090. The responsibilities stated in RCW 13.32A.090 may, in any
7 of the centers, be carried out by the department.

8 (4) Secure crisis residential facilities shall be operated as
9 ((~~semi-secure~~)) secure facilities as defined in RCW 13.32A.030. The
10 facilities shall have an average of no more than three adult staff
11 members to every eight children. The staffing ratio shall continue to
12 ensure the safety of the children.

13 (5) Any secure center created under this section may be located
14 within, or on the same grounds as, other secure facilities including
15 jails, juvenile detention facilities operated by the state, or units of
16 local government. The operation of a center located within or on the
17 same grounds as another secure facility shall not permit in-person
18 contact between the residents of the center and the persons held in the
19 other secure facility.

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

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

25 Sec. 43. RCW 74.13.033 and 1992 c 205 s 213 are each amended to
26 read as follows:

27 (1) If a resident of a center becomes by his or her behavior
28 disruptive to the facility's program, such resident may be immediately
29 removed to a separate area within the facility and counseled on an
30 individual basis until such time as the child regains his or her
31 composure. The department may set rules and regulations establishing
32 additional procedures for dealing with severely disruptive children on
33 the premises(~~(, which procedures are consistent with the federal~~
34 ~~juvenile justice and delinquency prevention act of 1974 and regulations~~
35 ~~and clarifying instructions promulgated thereunder))~~). Nothing in this
36 section shall prohibit a center from referring any child who, as the
37 result of a mental or emotional disorder, or intoxication by alcohol or

1 other drugs, is suicidal, seriously assaultive or seriously destructive
2 toward others, or otherwise similarly evidences an immediate need for
3 emergency medical evaluation and possible care, for evaluation pursuant
4 to chapter 71.34 RCW or to a mental health professional pursuant to
5 chapter 71.05 RCW whenever such action is deemed appropriate and
6 consistent with law.

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

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

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

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

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

21 (3) A juvenile taking unauthorized leave from this residence may be
22 apprehended and returned to it by law enforcement officers or other
23 persons designated as having this authority as provided in RCW
24 13.32A.050. If returned to the facility after having taken
25 unauthorized leave for a period of more than twenty-four hours a
26 juvenile may be supervised by such a facility for a period, pursuant to
27 this chapter, which, unless where otherwise provided, may not exceed
28 five consecutive days on the premises. Costs of housing juveniles
29 admitted to crisis residential centers shall be assumed by the
30 department for a period not to exceed five consecutive days.

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

33 (1) A child taken into custody and taken to a crisis residential
34 center established pursuant to RCW 74.13.032(~~((+2))~~) (3) may, if the
35 center is unable to provide appropriate treatment, supervision, and
36 structure to the child, be taken at department expense to another
37 crisis residential center (~~((or))~~), the nearest regional secure crisis
38 residential center, or a secure facility with which it is collocated

1 under RCW 74.13.032. Placement in both ((centers)) locations shall not
2 ((exceed)) be less than three nor more than five consecutive days from
3 the point of intake as provided in RCW 13.32A.130.

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

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

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

34 ~~((5) It is the intent of the legislature that by July 1, 1982,~~
35 ~~crisis residential centers, supplemented by community mental health~~
36 ~~programs and mental health professionals, will be able to respond~~
37 ~~appropriately to children admitted to centers under this chapter and~~
38 ~~will be able to respond to the needs of such children with appropriate~~
39 ~~treatment, supervision, and structure.))~~

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

3 Crisis residential centers shall compile (~~yearly~~) quarterly
4 records which shall be transmitted to the department and which shall
5 contain information regarding population profiles of the children
6 admitted to the centers during each past calendar year. Such
7 information shall include but shall not be limited to the following:

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

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

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

12 (4) The circumstances which necessitated the children being brought
13 to the center;

14 (5) The ultimate disposition of cases;

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

17 (7) Length of stay.

18 The department may require the provision of additional information and
19 may require each center to provide all such necessary information in a
20 uniform manner.

21 The department shall report to the legislature within one year of
22 the initial contracts establishing secure crisis residential centers.
23 The report shall evaluate and compare the information required to be
24 compiled in this section for the secure and semi-secure crisis
25 residential centers and shall include plans for establishing secure
26 crisis residential centers as funds are appropriated.

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

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

33 (1) The department of social and health services shall oversee
34 implementation of chapter 13.34 RCW and chapter 13.32A RCW. The
35 oversight shall be comprised of working with affected parts of the
36 criminal justice and child care systems as well as with local
37 government, legislative, and executive authorities to effectively carry
38 out these chapters. The department shall work with all such entities

1 to ensure that chapters 13.32A and 13.34 RCW are implemented in a
2 uniform manner throughout the state.

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

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

10 (b) Procedures for designating department staff responsible for
11 family reconciliation services;

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

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

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

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

25 (3) In addition to its other oversight duties, the department
26 shall:

27 (a) Identify and evaluate resource needs in each region of the
28 state;

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

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

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

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

39 (4) The secretary shall submit a quarterly report to the

1 appropriate local government entities.

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

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

6 The legislature finds and declares that local government criminal
7 justice systems are in need of assistance. Many counties and cities
8 are unable to provide sufficient funding for additional police
9 protection, mitigation of congested court systems, public safety
10 education, and relief of overcrowded jails.

11 In order to ensure public safety, it is necessary to provide fiscal
12 assistance to help local governments to respond immediately to these
13 criminal justice problems, while initiating a review of the criminal
14 justice needs of cities and counties and the resources available to
15 address those needs.

16 To provide for a more efficient and effective response to these
17 problems, the legislature encourages cities and counties to coordinate
18 strategies against crime and use multijurisdictional and innovative
19 approaches in addressing criminal justice problems.

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

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

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

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

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

34 (b) The city has levied the tax authorized in RCW 82.14.030(2) at
35 the maximum rate or the tax authorized in RCW 82.46.010(3) at the
36 maximum rate; and

37 (c) The city has a per capita yield from the tax imposed under RCW

1 82.14.030(1) at the maximum rate of less than one hundred fifty percent
2 of the state-wide average per capita yield for all cities from such
3 local sales and use tax.

4 (3) The moneys deposited in the municipal criminal justice
5 assistance account for distribution under this section shall be
6 distributed at such times as distributions are made under RCW
7 82.44.150. The distributions shall be made as follows:

8 (a) Unless reduced by this subsection, thirty percent of the moneys
9 shall be distributed ratably based on population as last determined by
10 the office of financial management to those cities eligible under
11 subsection (2) of this section that have a crime rate determined under
12 subsection (2)(a) of this section which is greater than one hundred
13 seventy-five percent of the state-wide average crime rate. No city may
14 receive more than fifty percent of any moneys distributed under this
15 subsection (a) but, if a city distribution is reduced as a result of
16 exceeding the fifty percent limitation, the amount not distributed
17 shall be distributed under (b) of this subsection.

18 (b) The remainder of the moneys, including any moneys not
19 distributed in subsection (2)(a) of this section, shall be distributed
20 to all cities eligible under subsection (2) of this section ratably
21 based on population as last determined by the office of financial
22 management.

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

25 (5) Notwithstanding other provisions of this section, the
26 distributions to any city that substantially decriminalizes or repeals
27 its criminal code after July 1, 1990, and that does not reimburse the
28 county for costs associated with criminal cases under RCW 3.50.800 or
29 3.50.805(2), shall be made to the county in which the city is located.

30 (6) Moneys distributed under this section shall be expended
31 exclusively for criminal justice purposes and shall not be used to
32 replace or supplant existing funding. Criminal justice purposes are
33 defined as activities that substantially assist the criminal justice
34 system, which may include circumstances where ancillary benefit to the
35 civil justice system occurs, and which includes domestic violence
36 services such as those provided by domestic violence programs,
37 community advocates, and legal advocates, as defined in RCW 70.123.020,
38 and publications and public educational efforts designed to provide
39 information and assistance to parents in dealing with runaway or at-

1 risk youth. Existing funding for purposes of this subsection is
2 defined as calendar year 1989 actual operating expenditures for
3 criminal justice purposes. Calendar year 1989 actual operating
4 expenditures for criminal justice purposes exclude the following:
5 Expenditures for extraordinary events not likely to reoccur, changes in
6 contract provisions for criminal justice services, beyond the control
7 of the local jurisdiction receiving the services, and major
8 nonrecurring capital expenditures.

9 NEW SECTION. Sec. 49. A new section is added to chapter 28A.225
10 RCW to read as follows:

11 For purposes of this chapter, "community truancy board" means a
12 board composed of members of the local community in which the child
13 attends school. The local school district boards of directors may
14 create a community truancy board. Members of the board shall be
15 selected from representatives of the community. Duties of a community
16 truancy board shall include, but not be limited to, recommending
17 methods for improving school attendance.

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

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

23 (1) Inform the ((juvenile's)) child's custodial parent, parents, or
24 guardian by a notice in writing or by telephone ((that)) whenever the
25 ((juvenile)) child has failed to attend school ((without valid
26 justification)) after one unexcused absence within any month during the
27 current school year;

28 (2) Schedule a conference or conferences with the custodial parent,
29 parents, or guardian and ((juvenile)) child at a time and place
30 reasonably convenient for all persons included for the purpose of
31 analyzing the causes of the ((juvenile's)) child's absences after two
32 unexcused absences within any month during the current school year. If
33 a regularly scheduled parent-teacher conference day is to take place
34 within thirty days of the second unexcused absence, then the school
35 district may schedule this conference on that day; and

36 (3) Take steps to eliminate or reduce the ((juvenile's)) child's
37 absences. These steps shall include, where appropriate, adjusting the

1 ((juvenile's)) child's school program or school or course assignment,
2 providing more individualized or remedial instruction, ((preparing the
3 juvenile for employment with specific)) providing appropriate
4 vocational courses or work experience, or ((both)) refer the child to
5 a community truancy board, ((and)) or assisting the parent or
6 ((student)) child to obtain supplementary services that might eliminate
7 or ameliorate the cause or causes for the absence from school.

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

10 If the actions taken by a school ((pursuant to)) district under RCW
11 28A.225.020 ((is)) are not successful in substantially reducing ((a))
12 an enrolled student's absences from school, ((any of the following
13 actions may be taken after five or more)) upon the fifth unexcused
14 absence((s)) by a child within any month during the current school year
15 or upon the tenth unexcused absence during the current school year((
16 {1} The attendance officer of)) the school district ((through its
17 attorney may)) shall file a petition with the juvenile court ((to
18 assume jurisdiction under RCW 28A.200.010, 28A.200.020, and 28A.225.010
19 through 28A.225.150 for the purpose of)) alleging a violation of RCW
20 28A.225.010: (1) By the parent; ((or)) (2) ((a petition alleging a
21 violation of RCW 28A.225.010 by a)) by the child ((may be filed with
22 the juvenile court by the parent of such child or by the attendance
23 officer of the school district through its attorney at the request of
24 the parent. If the court assumes jurisdiction in such an instance, the
25 provisions of RCW 28A.200.010, 28A.200.020, and 28A.225.010 through
26 28A.225.150, except where otherwise stated, shall apply)); or (3) by
27 the parent and the child.

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

33 NEW SECTION. **Sec. 52.** A new section is added to chapter 28A.225
34 RCW to read as follows:

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

37 (a) The child has five or more unexcused absences within any month

1 during the current school year or ten or more unexcused absences in the
2 current school year;

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

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

7 (2) The petition shall set forth the name, age, school, and
8 residence of the child and the names and residence of the child's
9 parents.

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

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

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

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

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

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

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

25 (6) The court shall grant the petition and enter an order assuming
26 jurisdiction to intervene for the remainder of the school year, if the
27 allegations in the petition are established by a preponderance of the
28 evidence.

29 (7) If the court assumes jurisdiction, the school district shall
30 regularly report to the court any additional unexcused absences by the
31 child.

32 NEW SECTION. **Sec. 53.** A new section is added to chapter 28A.225
33 RCW to read as follows:

34 In any judicial district having a court commissioner, the court
35 commissioner shall have the power, authority, and jurisdiction,
36 concurrent with a juvenile court judge, to hear all cases under RCW
37 28A.225.030, 28A.225.090, and section 52 of this act and to enter
38 judgment and make orders with the same power, force, and effect as any

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

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

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

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

24 (a) The number of enrolled students and the number of excused and
25 unexcused absences;

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

28 (c) The number of enrolled students with ten or more unexcused
29 absences in a school year or five or more unexcused absences in a month
30 during a school year;

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

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

37 (f) The disposition of cases filed with the juvenile court,
38 including the frequency of contempt orders issued to enforce a court's

1 order under RCW 28A.225.090.

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

4 (4) The superintendent of public instruction shall collect these
5 reports from all school districts and prepare an annual report for each
6 school year to be submitted to the legislature no later than December
7 15th of each year.

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

10 A school district that fails to make a report, makes a false
11 report, or fails to substantially comply with its responsibilities and
12 duties under RCW 28A.225.010 through 28A.225.030 and section 54 of this
13 act, shall be subject to a fine in superior court of not more than ten
14 thousand dollars. A county or municipal prosecutor or the office of
15 the attorney general may file a petition in superior court alleging a
16 violation under this section.

17 **Sec. 56.** RCW 28A.225.060 and 1990 c 33 s 223 are each amended to
18 read as follows:

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

30 **Sec. 57.** RCW 28A.225.090 and 1992 c 205 s 204 are each amended to
31 read as follows:

32 Any person violating any of the provisions of either RCW
33 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five
34 dollars for each day of unexcused absence from school. However, a
35 child found to be in violation of RCW 28A.225.010 shall be required to
36 attend school and shall not be fined. If the child fails to comply

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

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

24 **Sec. 58.** RCW 28A.225.110 and 1990 c 33 s 228 are each amended to
25 read as follows:

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

36 NEW SECTION. Sec. 59. A new section is added to chapter 28A.600
37 RCW to read as follows:

1 School district boards of directors shall review school district
2 policies regarding access and egress by students from secondary school
3 grounds during school hours. Each school district board of directors
4 shall adopt a policy specifying any restrictions on students leaving
5 secondary school grounds during school hours.

6 NEW SECTION. **Sec. 60.** (1) Section 53 of this act shall take
7 effect September 1, 1995.

8 (2) Section 59 of this act shall take effect September 1, 1996.

9 NEW SECTION. **Sec. 61.** The following acts or parts of acts are
10 each repealed:

11 (1) RCW 28A.225.040 and 1990 c 33 s 221 & 1969 ex.s. c 223 s
12 28A.27.030;

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

16 (3) RCW 28A.225.070 and 1990 c 33 s 224, 1975 1st ex.s. c 275 s 57,
17 1969 ex.s. c 176 s 106, & 1969 ex.s. c 223 s 28A.27.080;

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

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

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

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

26 NEW SECTION. **Sec. 62.** If specific funding for the purposes of
27 this act, referencing this act by bill number, is not provided by June
28 30, 1995, in the omnibus appropriations act, this act is null and
29 void."

30 **2SSB 5439** - S AMD - 219

31 By Senators Hargrove, Long and Franklin

32

33 On page 1, line 2 of the title, after "families;" strike the
34 remainder of the title and insert "amending RCW 13.32A.010, 13.32A.030,

1 13.32A.040, 13.32A.050, 13.32A.060, 13.32A.070, 13.32A.090, 13.32A.120,
2 13.32A.130, 13.32A.140, 13.32A.150, 13.32A.160, 13.32A.170, 13.32A.175,
3 13.32A.177, 13.32A.180, 13.32A.190, 13.32A.192, 13.32A.194, 13.32A.196,
4 13.32A.250, 13.04.030, 13.04.040, 13.04.093, 70.96A.090, 70.96A.095,
5 71.34.030, 74.13.031, 74.13.032, 74.13.033, 74.13.034, 74.13.035,
6 74.13.036, 82.14.300, 82.14.320, 28A.225.020, 28A.225.030, 28A.225.060,
7 28A.225.090, and 28A.225.110; adding new sections to chapter 13.32A
8 RCW; adding a new section to chapter 71.34 RCW; adding a new section to
9 chapter 74.13 RCW; adding new sections to chapter 28A.225 RCW; adding
10 a new section to chapter 28A.600 RCW; creating new sections; repealing
11 RCW 28A.225.040, 28A.225.050, 28A.225.070, 28A.225.100, 28A.225.120,
12 28A.225.130, and 28A.225.150; prescribing penalties; and providing
13 effective dates."

--- END ---