

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5578

Chapter 146, Laws of 1997

55th Legislature
1997 Regular Session

FAMILY RECONCILIATION ACT--TECHNICAL CLARIFICATIONS

EFFECTIVE DATE: 7/27/97

Passed by the Senate March 14, 1997
YEAS 47 NAYS 0

BOB MORTON

President of the Senate

Passed by the House April 10, 1997
YEAS 98 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved April 22, 1997

GARY LOCKE

Governor of the State of Washington

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5578** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MIKE O'CONNELL

Secretary

FILED

April 22, 1997 - 4:45 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5578

Passed Legislature - 1997 Regular Session

State of Washington 55th Legislature 1997 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Long, Hargrove and Winsley; by request of Department of Social and Health Services)

Read first time 02/28/97.

1 AN ACT Relating to technical clarifying changes to the family
2 reconciliation act; and amending RCW 13.32A.030, 13.32A.050,
3 13.32A.060, 13.32A.130, 13.32A.140, 13.32A.160, 13.32A.179, 13.32A.192,
4 and 74.13.037.

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

6 **Sec. 1.** RCW 13.32A.030 and 1996 c 133 s 9 are each amended to read
7 as follows:

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

10 (1) "Administrator" means the individual who has the daily
11 administrative responsibility of a crisis residential center, or his or
12 her designee.

13 (2) "At-risk youth" means a juvenile:

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

16 (b) Who is beyond the control of his or her parent such that the
17 child's behavior endangers the health, safety, or welfare of the child
18 or any other person; or

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

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

5 (4) "Child in need of services" means a juvenile:

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

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

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

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

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

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

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

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

27 (6) "Crisis residential center" means a secure or semi-secure
28 facility established pursuant to chapter 74.13 RCW.

29 (7) "Custodian" means the person or entity who has the legal right
30 to the custody of the child.

31 (8) "Department" means the department of social and health
32 services.

33 (9) "Extended family member" means an adult who is a grandparent,
34 brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin
35 with whom the child has a relationship and is comfortable, and who is
36 willing and available to care for the child.

37 (10) "Guardian" means that person or agency that (a) has been
38 appointed as the guardian of a child in a legal proceeding other than
39 a proceeding under chapter 13.34 RCW, and (b) has the right to legal

1 custody of the child pursuant to such appointment. The term "guardian"
2 does not include a "dependency guardian" appointed pursuant to a
3 proceeding under chapter 13.34 RCW.

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

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

22 (13) "Parent" means the parent or parents who have the legal right
23 to custody of the child. "Parent" includes custodian or guardian.

24 (14) "Secure facility" means a crisis residential center, or
25 portion thereof, that has locking doors, locking windows, or a secured
26 perimeter, designed and operated to prevent a child from leaving
27 without permission of the facility staff.

28 (15) "Semi-secure facility" means any facility, including but not
29 limited to crisis residential centers or specialized foster family
30 homes, operated in a manner to reasonably assure that youth placed
31 there will not run away. Pursuant to rules established by the
32 department, the facility administrator shall establish reasonable hours
33 for residents to come and go from the facility such that no residents
34 are free to come and go at all hours of the day and night. To prevent
35 residents from taking unreasonable actions, the facility administrator,
36 where appropriate, may condition a resident's leaving the facility upon
37 the resident being accompanied by the administrator or the
38 administrator's designee and the resident may be required to notify the
39 administrator or the administrator's designee of any intent to leave,

1 his or her intended destination, and the probable time of his or her
2 return to the center.

3 (16) "Staff secure facility" means a structured group care facility
4 licensed under rules adopted by the department with a ratio of at least
5 one adult staff member to every two children.

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

9 **Sec. 2.** RCW 13.32A.050 and 1996 c 133 s 10 are each amended to
10 read as follows:

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

12 (a) If a law enforcement agency has been contacted by the parent of
13 the child that the child is absent from parental custody without
14 consent; or

15 (b) If a law enforcement officer reasonably believes, considering
16 the child's age, the location, and the time of day, that a child is in
17 circumstances which constitute a danger to the child's safety or that
18 a child is violating a local curfew ordinance; or

19 (c) If an agency legally charged with the supervision of a child
20 has notified a law enforcement agency that the child has run away from
21 placement; or

22 (d) If a law enforcement agency has been notified by the juvenile
23 court that the court finds probable cause exists to believe that the
24 child has violated a court placement order issued pursuant to chapter
25 13.32A or 13.34 RCW or that the court has issued an order for law
26 enforcement pick-up of the child under this chapter or chapter 13.34
27 RCW.

28 (2) Law enforcement custody shall not extend beyond the amount of
29 time reasonably necessary to transport the child to a destination
30 authorized by law and to place the child at that destination. Law
31 enforcement custody continues until the law enforcement officer
32 transfers custody to a person, agency, or other authorized entity under
33 this chapter, or releases the child because no placement is available.
34 Transfer of custody is not complete unless the person, agency, or
35 entity to whom the child is released agrees to accept custody.

36 (3) If a law enforcement officer takes a child into custody
37 pursuant to either subsection (1)(a) or (b) of this section and
38 transports the child to a crisis residential center, the officer shall,

1 within twenty-four hours of delivering the child to the center, provide
2 to the center a written report detailing the reasons the officer took
3 the child into custody. The center shall provide the department with
4 a copy of the officer's report.

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

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

13 (6) If a law enforcement officer receives a report that causes the
14 officer to have reasonable suspicion that a child is being harbored
15 under RCW 13.32A.080 or for other reasons has a reasonable suspicion
16 that a child is being harbored under RCW 13.32A.080, the officer shall
17 remove the child from the custody of the person harboring the child and
18 shall transport the child to one of the locations specified in RCW
19 13.32A.060.

20 (7) No child may be placed in a secure facility except as provided
21 in this chapter.

22 **Sec. 3.** RCW 13.32A.060 and 1996 c 133 s 11 are each amended to
23 read as follows:

24 (1) An officer taking a child into custody under RCW 13.32A.050(1)
25 (a) or (b) shall inform the child of the reason for such custody and
26 shall:

27 (a) Transport the child to his or her home or to a parent at his or
28 her place of employment, if no parent is at home. The parent may
29 request that the officer take the child to the home of an adult
30 extended family member, responsible adult, crisis residential center,
31 the department, or a licensed youth shelter. In responding to the
32 request of the parent, the officer shall take the child to a requested
33 place which, in the officer's belief, is within a reasonable distance
34 of the parent's home. The officer releasing a child into the custody
35 of a parent, an adult extended family member, responsible adult, or a
36 licensed youth shelter shall inform the person receiving the child of
37 the reason for taking the child into custody and inform all parties of

1 the nature and location of appropriate services available in the
2 community; or

3 (b) After attempting to notify the parent, take the child to a
4 designated crisis residential center's secure facility or a center's
5 semi-secure facility if a secure facility is full, not available, or
6 not located within a reasonable distance:

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

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

13 (iii) If there is no parent available to accept custody of the
14 child; or

15 (c) After attempting to notify the parent, if a crisis residential
16 center is full, not available, or not located within a reasonable
17 distance, the officer may request the department to accept custody of
18 the child. If the department determines that an appropriate placement
19 is currently available, the department shall accept custody and place
20 the child in an out-of-home placement. Upon accepting custody of a
21 child from the officer, the department may place the child in an out-
22 of-home placement for up to seventy-two hours, excluding Saturdays,
23 Sundays, and holidays, without filing a child in need of services
24 petition under this chapter, obtaining parental consent, or obtaining
25 an order for placement under chapter 13.34 RCW. Upon transferring a
26 child to the department's custody, the officer shall provide written
27 documentation of the reasons and the statutory basis for taking the
28 child into custody. If the department declines to accept custody of
29 the child, the officer may release the child after attempting to take
30 the child to the following, in the order listed: The home of an adult
31 extended family member; a responsible adult; a licensed youth shelter
32 and shall immediately notify the department if no placement option is
33 available and the child is released.

34 (2) An officer taking a child into custody under RCW 13.32A.050(1)
35 (c) or (d) shall inform the child of the reason for custody. An
36 officer taking a child into custody under RCW 13.32A.050(1)(c) may
37 release the child to the supervising agency, or shall take the child to
38 a designated crisis residential center's secure facility. If the
39 secure facility is not available, not located within a reasonable

1 distance, or full, the officer shall take the child to a semi-secure
2 crisis residential center. An officer taking a child into custody
3 under RCW 13.32A.050(1)(d) may place the child in a juvenile detention
4 facility as provided in RCW 13.32A.065 or a secure facility, except
5 that the child shall be taken to detention whenever the officer has
6 been notified that a juvenile court has entered a detention order under
7 this chapter or chapter 13.34 RCW.

8 (3) Whenever an officer transfers custody of a child to a crisis
9 residential center or the department, the child may reside in the
10 crisis residential center or may be placed by the department in an out-
11 of-home placement for an aggregate total period of time not to exceed
12 seventy-two hours excluding Saturdays, Sundays, and holidays.
13 Thereafter, the child may continue in out-of-home placement only if the
14 parents have consented, a child in need of services petition has been
15 filed under this chapter, or an order for placement has been entered
16 under chapter 13.34 RCW.

17 (4) The department shall ensure that all law enforcement
18 authorities are informed on a regular basis as to the location of all
19 designated secure and semi-secure facilities within centers in their
20 jurisdiction, where children taken into custody under RCW 13.32A.050
21 may be taken.

22 **Sec. 4.** RCW 13.32A.130 and 1996 c 133 s 8 are each amended to read
23 as follows:

24 (1) A child admitted to a secure facility within a crisis
25 residential center shall remain in the facility for not more than five
26 consecutive days, but for at least twenty-four hours after admission.
27 If the child admitted under this section is transferred between centers
28 or between secure and semi-secure facilities, the aggregate length of
29 time spent in all such centers or facilities may not exceed five
30 consecutive days.

31 (2)(a)(i) The facility administrator shall determine within twenty-
32 four hours after a child's admission to a secure facility whether the
33 child is likely to remain in a semi-secure facility and may transfer
34 the child to a semi-secure facility or release the child to the
35 department. The determination shall be based on: (A) The need for
36 continued assessment, protection, and treatment of the child in a
37 secure facility; and (B) the likelihood the child would remain at a

1 semi-secure facility until his or her parents can take the child home
2 or a petition can be filed under this title.

3 (ii) In making the determination the administrator shall consider
4 the following information if known: (A) The child's age and maturity;
5 (B) the child's condition upon arrival at the center; (C) the
6 circumstances that led to the child's being taken to the center; (D)
7 whether the child's behavior endangers the health, safety, or welfare
8 of the child or any other person; (E) the child's history of running
9 away which has endangered the health, safety, and welfare of the child;
10 and (F) the child's willingness to cooperate in the assessment.

11 (b) If the administrator of a secure facility determines the child
12 is unlikely to remain in a semi-secure facility, the administrator
13 shall keep the child in the secure facility pursuant to this chapter
14 and in order to provide for space for the child may transfer another
15 child who has been in the facility for at least seventy-two hours to a
16 semi-secure facility. The administrator shall only make a transfer of
17 a child after determining that the child who may be transferred is
18 likely to remain at the semi-secure facility.

19 (c) A crisis residential center administrator is authorized to
20 transfer a child to a crisis residential center in the area where the
21 child's parents reside or where the child's lawfully prescribed
22 residence is located.

23 (d) An administrator may transfer a child from a semi-secure
24 facility to a secure facility whenever he or she reasonably believes
25 that the child is likely to leave the semi-secure facility and not
26 return and after full consideration of all factors in (a)(i) and (ii)
27 of this subsection.

28 (3) If no parent is available or willing to remove the child during
29 the ~~((five-day period))~~ first seventy-two hours following admission,
30 the department shall consider the filing of a petition under RCW
31 13.32A.140.

32 ~~(4) ((The requirements of this section shall not apply to a child
33 who is: (a) Returned to the home of his or her parent; (b) placed in
34 a semi-secure facility within a crisis residential center pursuant to
35 a temporary out-of-home placement order authorized under RCW
36 13.32A.125; (c) placed in an out-of-home placement; or (d) the subject
37 of an at-risk youth petition.~~

38 ~~(5))~~ Notwithstanding the provisions of subsection (1) of this
39 section, the parents may remove the child at any time during the five-

1 day period unless the staff of the crisis residential center has
2 reasonable cause to believe that the child is absent from the home
3 because he or she is abused or neglected or if allegations of abuse or
4 neglect have been made against the parents. The department or any
5 agency legally charged with the supervision of a child may remove a
6 child from a crisis residential center at any time after the first
7 twenty-four-hour period after admission has elapsed and only after full
8 consideration by all parties of the factors in subsection (2)(a) of
9 this section.

10 ~~((+6))~~ (5) Crisis residential center staff shall make reasonable
11 efforts to protect the child and achieve a reconciliation of the
12 family. If a reconciliation and voluntary return of the child has not
13 been achieved within forty-eight hours from the time of intake, and if
14 the administrator of the center does not consider it likely that
15 reconciliation will be achieved within the five-day period, then the
16 administrator shall inform the parent and child of: (a) The
17 availability of counseling services; (b) the right to file a child in
18 need of services petition for an out-of-home placement, the right of a
19 parent to file an at-risk youth petition, and the right of the parent
20 and child to obtain assistance in filing the petition; (c) the right to
21 request the facility administrator or his or her designee to form a
22 multidisciplinary team; (d) the right to request a review of any out-
23 of-home placement; (e) the right to request a mental health or chemical
24 dependency evaluation by a county-designated professional or a private
25 treatment facility; and (f) the right to request treatment in a program
26 to address the child's at-risk behavior under RCW 13.32A.197.

27 ~~((+7))~~ (6) At no time shall information regarding a parent's or
28 child's rights be withheld. The department shall develop and
29 distribute to all law enforcement agencies and to each crisis
30 residential center administrator a written statement delineating the
31 services and rights. Every officer taking a child into custody shall
32 provide the child and his or her parent(s) or responsible adult with
33 whom the child is placed with a copy of the statement. In addition,
34 the administrator of the facility or his or her designee shall provide
35 every resident and parent with a copy of the statement.

36 ~~((+8))~~ (7) A crisis residential center and its administrator or
37 his or her designee acting in good faith in carrying out the provisions
38 of this section are immune from criminal or civil liability for such
39 actions.

1 **Sec. 5.** RCW 13.32A.140 and 1996 c 133 s 19 are each amended to
2 read as follows:

3 Unless the department files a dependency petition, the department
4 shall file a child in need of services petition to approve an out-of-
5 home placement on behalf of a child under any of the following sets of
6 circumstances:

7 (1) The child has been admitted to a crisis residential center or
8 has been placed by the department in an out-of-home placement, and:

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

11 (b) ~~((Seventy-two hours, including Saturdays, Sundays, and~~
12 ~~holidays, have passed since such notification)) The child cannot return
13 home, and legal authorization is needed for out-of-home placement
14 beyond seventy-two hours;~~

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

17 (d) No child in need of services petition has been filed by either
18 the child or 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 (2) The child has been admitted to a crisis residential center and:

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

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

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

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

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

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

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

38 (d) No child in need of services petition has been filed by either
39 the child or the parent;

1 (e) The parent has not filed an at-risk youth petition; and
2 (f) The child has no suitable place to live other than the home of
3 his or her parent.

4 Under the circumstances of subsections (1), (2), or (3) of this
5 section, the child shall remain in an out-of-home placement until a
6 child in need of services petition filed by the department on behalf of
7 the child is reviewed by the juvenile court and is resolved by the
8 court. The department may authorize emergency medical or dental care
9 for a child admitted to a crisis residential center or placed in an
10 out-of-home placement by the department. The state, when the
11 department files a child in need of services petition under this
12 section, shall be represented as provided for in RCW 13.04.093.

13 **Sec. 6.** RCW 13.32A.160 and 1996 c 133 s 22 are each amended to
14 read as follows:

15 (1) When a proper child in need of services petition to approve an
16 out-of-home placement is filed under RCW 13.32A.120, 13.32A.140, or
17 13.32A.150 the juvenile court shall: (a)(i) Schedule a fact-finding
18 hearing to be held: (A) For a child who ~~((is))~~ resides in a ~~((center~~
19 ~~or a child who is not residing at home, nor in an out-of-home~~
20 ~~placement))~~ place other than his or her parent's home and other than an
21 out-of-home placement, within five calendar days unless the last
22 calendar day is a Saturday, Sunday, or holiday, in which case the
23 hearing shall be held on the preceding judicial day; or (B) for ~~((any~~
24 ~~other))~~ a child living at home or in an out-of-home placement, within
25 ten days; and (ii) notify the parent, child, and the department of such
26 date; (b) notify the parent of the right to be represented by counsel
27 and, if indigent, to have counsel appointed for him or her by the
28 court; (c) appoint legal counsel for the child; (d) inform the child
29 and his or her parent of the legal consequences of the court approving
30 or disapproving a child in need of services petition; (e) notify the
31 parents of their rights under this chapter and chapters 11.88, 13.34,
32 70.96A, and 71.34 RCW, including the right to file an at-risk youth
33 petition, the right to submit an application for admission of their
34 child to a treatment facility for alcohol, chemical dependency, or
35 mental health treatment, and the right to file a guardianship petition;
36 and (f) notify all parties, including the department, of their right to
37 present evidence at the fact-finding hearing.

1 (2) Upon filing of a child in need of services petition, the child
2 may be placed, if not already placed, by the department in a crisis
3 residential center, foster family home, group home facility licensed
4 under chapter 74.15 RCW, or any other suitable residence to be
5 determined by the department. The court may place a child in a crisis
6 residential center for a temporary out-of-home placement as long as the
7 requirements of RCW 13.32A.125 are met.

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

14 **Sec. 7.** RCW 13.32A.179 and 1996 c 133 s 24 are each amended to
15 read as follows:

16 (1) A disposition hearing shall be held no later than fourteen days
17 after the approval of the temporary out-of-home placement. The
18 parents, child, and department shall be notified by the court of the
19 time and place of the hearing.

20 (2) At the conclusion of the disposition hearing, the court may:
21 (a) Reunite the family and dismiss the petition; (b) approve an at-risk
22 youth petition filed by the parents and dismiss the child in need of
23 services petition; (c) approve an out-of-home placement requested in
24 the child in need of services petition by the parents; (d) order an
25 out-of-home placement at the request of the child or the department not
26 to exceed ninety days; or (e) order the department to review the matter
27 for purposes of filing a dependency petition under chapter 13.34 RCW.
28 Whether or not the court approves or orders an out-of-home placement,
29 the court may also order any conditions of supervision as set forth in
30 RCW 13.32A.196(2).

31 (3) The court may only enter an order under subsection (2)(d) of
32 this section if it finds by clear, cogent, and convincing evidence
33 that: (a)(i) The order is in the best interest of the family; (ii) the
34 parents have not requested an out-of-home placement; (iii) the parents
35 have not exercised any other right listed in RCW 13.32A.160(1)(e); (iv)
36 the child has made reasonable efforts to resolve the problems that led
37 to the filing of the petition; (v) the problems cannot be resolved by
38 delivery of services to the family during continued placement of the

1 child in the parental home; (vi) reasonable efforts have been made to
2 prevent or eliminate the need for removal of the child from the child's
3 home and to make it possible for the child to return home; and (vii) a
4 suitable out-of-home placement resource is available; (b)(i) the order
5 is in the best interest of the child; and (ii) the parents are
6 unavailable; or (c) the parent's actions cause an imminent threat to
7 the child's health or safety.

8 (4) The court may order the department to submit a dispositional
9 plan if such a plan would assist the court in ordering a suitable
10 disposition in the case. The plan, if ordered, shall address (~~only~~
11 ~~the needs of the child and shall not address the perceived needs of the~~
12 ~~parents, unless the order was entered under subsection (2)(d) of this~~
13 ~~section or specifically agreed to by the parents~~) the needs of the
14 child, and the perceived needs of the parents if the order was entered
15 under subsection (2)(d) of this section or if specifically agreed to by
16 the parents. If the parents do not agree or the order was not entered
17 under subsection (2)(d) of this section the plan may only make
18 recommendations regarding services in which the parents may voluntarily
19 participate. If the court orders the department to prepare a plan, the
20 department shall provide copies of the plan to the parent, the child,
21 and the court. If the parties or the court desire the department to be
22 involved in any future proceedings or case plan development, the
23 department shall be provided with timely notification of all court
24 hearings.

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

29 (6) After the court approves or orders an out-of-home placement,
30 the parents or the department may request, and the court may grant,
31 dismissal of the child in need of services proceeding 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

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

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

5 **Sec. 8.** RCW 13.32A.192 and 1996 c 133 s 26 are each amended to
6 read as follows:

7 (1) When a proper at-risk youth petition is filed by a child's
8 parent under this chapter, the juvenile court shall:

9 (a)(i) Schedule a fact-finding hearing to be held: (A) For a child
10 who ~~((is))~~ resides in a ~~((center or a child who is not residing at~~
11 ~~home, nor in an out-of-home placement))~~ place other than his or her
12 parent's home and other than an out-of-home placement, within five
13 calendar days unless the last calendar day is a Saturday, Sunday, or
14 holiday, in which case the hearing shall be held on the preceding
15 judicial day; or (B) for ~~((any other))~~ a child living at home or in an
16 out-of-home placement, within ten days; and (ii) notify the parent and
17 the child of such date;

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

20 (c) Appoint legal counsel for the child;

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

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

25 (2) Unless out-of-home placement of the child is otherwise
26 authorized or required by law, the child shall reside in the home of
27 his or her parent or in an out-of-home placement requested by the
28 parent or child and approved by the parent.

29 (3) If upon sworn written or oral declaration of the petitioning
30 parent, the court has reason to believe that a child has willfully and
31 knowingly violated a court order issued pursuant to subsection (2) of
32 this section, the court may issue an order directing law enforcement to
33 take the child into custody and place the child in a juvenile detention
34 facility or in a secure facility within a crisis residential center.
35 If the child is placed in detention, a review shall be held as provided
36 in RCW 13.32A.065.

37 (4) If both a child in need of services petition and an at-risk
38 youth petition have been filed with regard to the same child, the

1 petitions and proceedings shall be consolidated as an at-risk youth
2 petition. Pending a fact-finding hearing regarding the petition, the
3 child may be placed in the parent's home or in an out-of-home placement
4 if not already placed in a temporary out-of-home placement pursuant to
5 a child in need of services petition. The child or the parent may
6 request a review of the child's placement including a review of any
7 court order requiring the child to reside in the parent's home.

8 **Sec. 9.** RCW 74.13.037 and 1996 c 133 s 39 are each amended to read
9 as follows:

10 Within available funds appropriated for this purpose, the
11 department shall establish, by contracts with private vendors,
12 transitional living programs for ((dependent)) youth who are being
13 assisted by the department in being emancipated as part of their
14 permanency plan under chapter 13.34 RCW. These programs shall be
15 licensed under rules adopted by the department.

 Passed the Senate March 14, 1997.

 Passed the House April 10, 1997.

 Approved by the Governor April 22, 1997.

 Filed in Office of Secretary of State April 22, 1997.