

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2372

Chapter 162, Laws of 2000

56th Legislature
2000 Regular Session

JUVENILE DETENTION

EFFECTIVE DATE: 6/8/00 - Except sections 11 through 17, which become effective 7/1/02.

Passed by the House March 6, 2000
Yeas 97 Nays 0

CLYDE BALLARD
Speaker of the House of Representatives

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate March 2, 2000
Yeas 47 Nays 0

BRAD OWEN
President of the Senate

Approved March 27, 2000

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2372** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER
Chief Clerk

TIMOTHY A. MARTIN
Chief Clerk

FILED

March 27, 2000 - 4:40 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2372

AS AMENDED BY THE SENATE

Passed Legislature - 2000 Regular Session

State of Washington 56th Legislature 2000 Regular Session

By House Committee on Children & Family Services (originally sponsored by Representatives Kagi, D. Sommers, Carrell, Cody, Edwards, Kenney, Wolfe, Lovick and Schual-Berke)

Read first time 02/02/2000. Referred to Committee on .

1 AN ACT Relating to children; amending RCW 13.32A.060, 13.32A.065,
2 13.32A.130, 13.32A.250, 28A.225.090, 74.13.033, 74.13.034, 13.32A.060,
3 13.32A.065, 13.32A.130, 13.32A.250, 28A.225.090, 74.13.033, 74.13.034,
4 13.50.100, 26.44.020, and 74.15.030; adding new sections to chapter
5 13.32A RCW; providing an effective date; and providing an expiration
6 date.

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

8 **Sec. 1.** RCW 13.32A.060 and 1997 c 146 s 3 are each amended to read
9 as follows:

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

13 (a) Transport the child to his or her home or to a parent at his or
14 her place of employment, if no parent is at home. The parent may
15 request that the officer take the child to the home of an adult
16 extended family member, responsible adult, crisis residential center,
17 the department, or a licensed youth shelter. In responding to the
18 request of the parent, the officer shall take the child to a requested
19 place which, in the officer's belief, is within a reasonable distance

1 of the parent's home. The officer releasing a child into the custody
2 of a parent, an adult extended family member, responsible adult, or a
3 licensed youth shelter shall inform the person receiving the child of
4 the reason for taking the child into custody and inform all parties of
5 the nature and location of appropriate services available in the
6 community; or

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

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

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

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

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

38 (2) An officer taking a child into custody under RCW 13.32A.050(1)
39 (c) or (d) shall inform the child of the reason for custody. An

1 officer taking a child into custody under RCW 13.32A.050(1)(c) may
2 release the child to the supervising agency, or shall take the child to
3 a designated crisis residential center's secure facility. If the
4 secure facility is not available, not located within a reasonable
5 distance, or full, the officer shall take the child to a semi-secure
6 crisis residential center. An officer taking a child into custody
7 under RCW 13.32A.050(1)(d) may place the child in a juvenile detention
8 facility as provided in RCW 13.32A.065 or a secure facility, except
9 that the child shall be taken to either (a) a secure facility that is
10 a separate, secure section of a juvenile detention facility; or (b)
11 detention whenever the officer has been notified that a juvenile court
12 has entered ((a-detention)) an order directing such placement under
13 this chapter or chapter 13.34 RCW. In no case may a child in contempt
14 be confined in a secure facility that is free-standing outside a
15 juvenile detention facility.

16 (3) Whenever an officer transfers custody of a child to a crisis
17 residential center or the department, the child may reside in the
18 crisis residential center or may be placed by the department in an out-
19 of-home placement for an aggregate total period of time not to exceed
20 seventy-two hours excluding Saturdays, Sundays, and holidays, except
21 that a child placed in a secure facility under a court order entered
22 under RCW 13.32A.250 must remain in the secure facility as provided in
23 RCW 13.32A.065. Thereafter, the child may continue in out-of-home
24 placement only if the parents have consented, a child in need of
25 services petition has been filed under this chapter, or an order for
26 placement has been entered under chapter 13.34 RCW.

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

32 **Sec. 2.** RCW 13.32A.065 and 1996 c 133 s 12 are each amended to
33 read as follows:

34 (1) A child may be placed in either (a) a secure facility that is
35 a separate, secure section of a juvenile detention facility; or (b)
36 detention after being taken into custody pursuant to RCW
37 13.32A.050(1)(d). In no case may a child in contempt be confined in a
38 secure facility that is free-standing outside a juvenile detention

1 facility. The court shall hold a (~~detention~~) review hearing within
2 twenty-four hours, excluding Saturdays, Sundays, and holidays. The
3 court shall release the child after twenty-four hours, excluding
4 Saturdays, Sundays, and holidays, unless:

5 (a) A motion and order to show why the child should not be held in
6 contempt has been filed and served on the child at or before the
7 detention hearing; and

8 (b) The court believes that the child would not appear at a hearing
9 on contempt.

10 (2) If the court (~~orders the child to remain in detention~~) finds
11 that the conditions in subsection (1)(a) and (b) of this section have
12 been met, the court may order the child to remain confined either in
13 (a) a secure facility that is a separate, secure section of a juvenile
14 detention facility; or (b) detention, and shall set the matter for a
15 hearing on contempt within seventy-two hours, excluding Saturdays,
16 Sundays, and holidays. In no case may a child in contempt be confined
17 in a secure facility that is free-standing outside a juvenile detention
18 facility.

19 **Sec. 3.** RCW 13.32A.130 and 1997 c 146 s 4 are each amended to read
20 as follows:

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

28 (2)(a)(i) The facility administrator shall determine within twenty-
29 four hours after a child's admission to a secure facility whether the
30 child is likely to remain in a semi-secure facility and may transfer
31 the child to a semi-secure facility or release the child to the
32 department. The determination shall be based on: (A) The need for
33 continued assessment, protection, and treatment of the child in a
34 secure facility; and (B) the likelihood the child would remain at a
35 semi-secure facility until his or her parents can take the child home
36 or a petition can be filed under this title.

37 (ii) In making the determination the administrator shall consider
38 the following information if known: (A) The child's age and maturity;

1 (B) the child's condition upon arrival at the center; (C) the
2 circumstances that led to the child's being taken to the center; (D)
3 whether the child's behavior endangers the health, safety, or welfare
4 of the child or any other person; (E) the child's history of running
5 away which has endangered the health, safety, and welfare of the child;
6 and (F) the child's willingness to cooperate in the assessment.

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

15 (c) A crisis residential center administrator is authorized to
16 transfer a child to a crisis residential center in the area where the
17 child's parents reside or where the child's lawfully prescribed
18 residence is located.

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

24 (3) If no parent is available or willing to remove the child during
25 the first seventy-two hours following admission, the department shall
26 consider the filing of a petition under RCW 13.32A.140.

27 (4) Notwithstanding the provisions of subsection (1) of this
28 section, the parents may remove the child at any time during the five-
29 day period unless the staff of the crisis residential center has
30 reasonable cause to believe that the child is absent from the home
31 because he or she is abused or neglected or if allegations of abuse or
32 neglect have been made against the parents. The department or any
33 agency legally charged with the supervision of a child may remove a
34 child from a crisis residential center at any time after the first
35 twenty-four-hour period after admission has elapsed and only after full
36 consideration by all parties of the factors in subsection (2)(a) of
37 this section.

38 (5) Crisis residential center staff shall make reasonable efforts
39 to protect the child and achieve a reconciliation of the family. If a

1 reconciliation and voluntary return of the child has not been achieved
2 within forty-eight hours from the time of intake, and if the
3 administrator of the center does not consider it likely that
4 reconciliation will be achieved within the five-day period, then the
5 administrator shall inform the parent and child of: (a) The
6 availability of counseling services; (b) the right to file a child in
7 need of services petition for an out-of-home placement, the right of a
8 parent to file an at-risk youth petition, and the right of the parent
9 and child to obtain assistance in filing the petition; (c) the right to
10 request the facility administrator or his or her designee to form a
11 multidisciplinary team; (d) the right to request a review of any out-
12 of-home placement; (e) the right to request a mental health or chemical
13 dependency evaluation by a county-designated professional or a private
14 treatment facility; and (f) the right to request treatment in a program
15 to address the child's at-risk behavior under RCW 13.32A.197.

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

25 (7) A crisis residential center and its administrator or his or her
26 designee acting in good faith in carrying out the provisions of this
27 section are immune from criminal or civil liability for such actions.

28 (8) This section does not apply to children admitted to a secure
29 facility that is a separate, secure section of a juvenile detention
30 facility under a court order issued under RCW 13.32A.250(3) or
31 28A.225.090(2). In no case may a child in contempt be confined in a
32 secure facility that is free-standing outside a juvenile detention
33 facility.

34 **Sec. 4.** RCW 13.32A.250 and 1998 c 296 s 37 are each amended to
35 read as follows:

36 (1) In all child in need of services proceedings and at-risk youth
37 proceedings, the court shall verbally notify the parents and the child
38 of the possibility of a finding of contempt for failure to comply with

1 the terms of a court order entered pursuant to this chapter. Except as
2 otherwise provided in this section, the court shall treat the parents
3 and the child equally for the purposes of applying contempt of court
4 processes and penalties under this section.

5 (2) Failure by a party to comply with an order entered under this
6 chapter is a civil contempt of court as provided in RCW 7.21.030(2)(e),
7 subject to the limitations of subsection (3) of this section.

8 (3) The court may impose remedial sanctions including a fine of up
9 to one hundred dollars and confinement for up to seven days, or both
10 for contempt of court under this section.

11 (4) A child placed in confinement for contempt under this section
12 shall be placed in confinement (~~only~~) either in a secure juvenile
13 detention facility operated by or pursuant to a contract with a county
14 or a secure facility that is a separate, secure section of a juvenile
15 detention facility. In no case may a child in contempt be confined in
16 a secure facility that is free-standing outside a juvenile detention
17 facility.

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

22 (6) Whenever the court finds probable cause to believe, based upon
23 consideration of a motion for contempt and the information set forth in
24 a supporting declaration, that a child has violated a placement order
25 entered under this chapter, the court may issue an order directing law
26 enforcement to pick up and take the child to detention or to a secure
27 facility. The order may be entered ex parte without prior notice to
28 the child or other parties. Following the child's admission to
29 detention or to the secure facility, a (~~detention~~) review hearing
30 must be held in accordance with RCW 13.32A.065.

31 NEW SECTION. Sec. 5. A new section is added to chapter 13.32A RCW
32 to read as follows:

33 No placement of a juvenile in a secure facility under RCW
34 13.32A.060, 13.32A.065, 13.32A.130, 13.32A.250, 28A.225.090, 74.13.033,
35 or 74.13.034 as a result of an order entered under RCW 13.32A.250 or
36 28A.225.090(2) may displace, or prevent the placement of, a juvenile in
37 a secure facility under RCW 13.32A.050, 13.32A.060, or 13.32A.130. If
38 a secure facility is located in a separate, secure section of a

1 juvenile detention facility, no more than fifty percent of its capacity
2 may be occupied by juveniles placed under RCW 13.32A.250 or
3 28A.225.090(2). If any capacity of a secure facility located in a
4 juvenile detention facility is taken by a juvenile placed under RCW
5 13.32A.250 or 28A.225.090 and a juvenile is brought to the secure
6 facility under RCW 13.32A.050, 13.32A.060, or 13.32A.130, that juvenile
7 must be placed in the secure facility and a juvenile placed under RCW
8 13.32A.250 or 28A.225.090 be moved immediately to the juvenile
9 detention facility.

10 **Sec. 6.** RCW 28A.225.090 and 1999 c 319 s 4 are each amended to
11 read as follows:

12 (1) A court may order a child subject to a petition under RCW
13 28A.225.035 to:

14 (a) Attend the child's current school;

15 (b) If there is space available and the program can provide
16 educational services appropriate for the child, order the child to
17 attend another public school, an alternative education program, center,
18 a skill center, dropout prevention program, or another public
19 educational program;

20 (c) Attend a private nonsectarian school or program including an
21 education center. Before ordering a child to attend an approved or
22 certified private nonsectarian school or program, the court shall: (i)
23 Consider the public and private programs available; (ii) find that
24 placement is in the best interest of the child; and (iii) find that the
25 private school or program is willing to accept the child and will not
26 charge any fees in addition to those established by contract with the
27 student's school district. If the court orders the child to enroll in
28 a private school or program, the child's school district shall contract
29 with the school or program to provide educational services for the
30 child. The school district shall not be required to contract for a
31 weekly rate that exceeds the state general apportionment dollars
32 calculated on a weekly basis generated by the child and received by the
33 district. A school district shall not be required to enter into a
34 contract that is longer than the remainder of the school year. A
35 school district shall not be required to enter into or continue a
36 contract if the child is no longer enrolled in the district;

37 (d) Be referred to a community truancy board, if available; or

1 (e) Submit to testing for the use of controlled substances or
2 alcohol based on a determination that such testing is appropriate to
3 the circumstances and behavior of the child and will facilitate the
4 child's compliance with the mandatory attendance law.

5 (2) If the child fails to comply with the court order, the court
6 may order the child to be (~~subject to detention, as provided in RCW~~
7 ~~7.21.030(2)(e))~~ placed in confinement for contempt, either in a
8 juvenile detention facility operated by or under a contract with a
9 county or in a secure facility that is a separate, secure section of a
10 juvenile detention facility, or may impose alternatives to
11 (~~detention~~) confinement such as community service. Failure by a
12 child to comply with an order issued under this subsection shall not be
13 subject to detention for a period greater than that permitted pursuant
14 to a civil contempt proceeding against a child under chapter 13.32A
15 RCW. In no case may a child in contempt be confined in a secure
16 facility that is free-standing outside a juvenile detention facility.

17 (3) Any parent violating any of the provisions of either RCW
18 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than
19 twenty-five dollars for each day of unexcused absence from school. It
20 shall be a defense for a parent charged with violating RCW 28A.225.010
21 to show that he or she exercised reasonable diligence in attempting to
22 cause a child in his or her custody to attend school or that the
23 child's school did not perform its duties as required in RCW
24 28A.225.020. The court may order the parent to provide community
25 service instead of imposing a fine. Any fine imposed pursuant to this
26 section may be suspended upon the condition that a parent charged with
27 violating RCW 28A.225.010 shall participate with the school and the
28 child in a supervised plan for the child's attendance at school or upon
29 condition that the parent attend a conference or conferences scheduled
30 by a school for the purpose of analyzing the causes of a child's
31 absence.

32 (4) If a child continues to be truant after entering into a court-
33 approved order with the truancy board under RCW 28A.225.035, the
34 juvenile court shall find the child in contempt, and the court may
35 order the child to be subject to detention, as provided in RCW
36 7.21.030(2)(e), or may impose alternatives to detention such as
37 meaningful community service. Failure by a child to comply with an
38 order issued under this subsection may not subject a child to detention

1 for a period greater than that permitted under a civil contempt
2 proceeding against a child under chapter 13.32A RCW.

3 (5) Subsections (1), (2), and (4) of this section shall not apply
4 to a six or seven year-old child required to attend public school under
5 RCW 28A.225.015.

6 **Sec. 7.** RCW 74.13.033 and 1995 c 312 s 62 are each amended to read
7 as follows:

8 (1) If a resident of a center becomes by his or her behavior
9 disruptive to the facility's program, such resident may be immediately
10 removed to a separate area within the facility and counseled on an
11 individual basis until such time as the child regains his or her
12 composure. The department may set rules and regulations establishing
13 additional procedures for dealing with severely disruptive children on
14 the premises. A child confined in a secure facility that is a
15 separate, secure section of a juvenile detention facility under RCW
16 13.32A.250(3) or 28A.225.090(2) may be moved to an available bed in a
17 juvenile detention facility. In no case may a child in contempt be
18 confined in a secure facility that is free-standing outside a juvenile
19 detention facility.

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

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

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

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

31 (d) Provide additional crisis counseling as needed, to the end that
32 placement of the child in the crisis residential center will be
33 required for the shortest time possible, but not to exceed five
34 consecutive days or, in the case of a child admitted by court order
35 issued under RCW 13.32A.250(3) or 28A.225.090(2), seven consecutive
36 days; and

37 (e) Convene, when appropriate, a multidisciplinary team.

1 (3) Based on the assessments done under subsection (2) of this
2 section the facility staff may refer any child who, as the result of a
3 mental or emotional disorder, or intoxication by alcohol or other
4 drugs, is suicidal, seriously assaultive, or seriously destructive
5 toward others, or otherwise similarly evidences an immediate need for
6 emergency medical evaluation and possible care, for evaluation pursuant
7 to chapter 71.34 RCW, to a mental health professional pursuant to
8 chapter 71.05 RCW, or to a chemical dependency specialist pursuant to
9 chapter 70.96A RCW whenever such action is deemed appropriate and
10 consistent with law.

11 (4) A juvenile taking unauthorized leave from a facility shall be
12 apprehended and returned to it by law enforcement officers or other
13 persons designated as having this authority as provided in RCW
14 13.32A.050. If returned to the facility after having taken
15 unauthorized leave for a period of more than twenty-four hours a
16 juvenile shall be supervised by such a facility for a period, pursuant
17 to this chapter, which, unless where otherwise provided, may not exceed
18 five consecutive days on the premises. Costs of housing juveniles
19 admitted to crisis residential centers shall be assumed by the
20 department for a period not to exceed five consecutive days.

21 **Sec. 8.** RCW 74.13.034 and 1995 c 312 s 63 are each amended to read
22 as follows:

23 (1) A child taken into custody and taken to a crisis residential
24 center established pursuant to RCW 74.13.032 may, if the center is
25 unable to provide appropriate treatment, supervision, and structure to
26 the child, be taken at department expense to another crisis residential
27 center, the nearest regional secure crisis residential center, or a
28 secure facility with which it is collocated under RCW 74.13.032.
29 Placement in both locations shall not exceed five consecutive days from
30 the point of intake as provided in RCW 13.32A.130 or, in the case of a
31 child admitted by court order issued under RCW 13.32A.250(3) or
32 28A.225.090(2), seven consecutive days.

33 (2) A child taken into custody and taken to a crisis residential
34 center established by this chapter may be placed physically by the
35 department or the department's designee and, at departmental expense
36 and approval, in a secure juvenile detention facility operated by the
37 county in which the center is located for a maximum of forty-eight
38 hours, including Saturdays, Sundays, and holidays, if the child has

1 taken unauthorized leave from the center and the person in charge of
2 the center determines that the center cannot provide supervision and
3 structure adequate to ensure that the child will not again take
4 unauthorized leave. Juveniles placed in such a facility pursuant to
5 this section may not, to the extent possible, come in contact with
6 alleged or convicted juvenile or adult offenders.

7 (3) Any child placed in secure detention pursuant to this section
8 shall, during the period of confinement, be provided with appropriate
9 treatment by the department or the department's designee, which shall
10 include the services defined in RCW 74.13.033(2). If the child placed
11 in secure detention is not returned home or if an alternative living
12 arrangement agreeable to the parent and the child is not made within
13 twenty-four hours after the child's admission, the child shall be taken
14 at the department's expense to a crisis residential center. Placement
15 in the crisis residential center or centers plus placement in juvenile
16 detention shall not exceed five consecutive days from the point of
17 intake as provided in RCW 13.32A.130 or, in the case of a child
18 admitted by court order issued under RCW 13.32A.250(3) or
19 28A.225.090(2), seven consecutive days.

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

27 NEW SECTION. Sec. 9. A new section is added to chapter 13.32A RCW
28 to read as follows:

29 The department has no responsibility to attend hearings, provide
30 transportation, case management, or any other services to youth
31 confined in a secure facility that is a separate, secure section of a
32 juvenile detention facility unless it is otherwise ordered by a court
33 under a petition relating to a child in need of services, an at-risk
34 youth, or truancy.

35 NEW SECTION. Sec. 10. A new section is added to chapter 13.32A
36 RCW to read as follows:

1 The cost to county juvenile court administrators of housing youths
2 held in contempt and confined in secure crisis residential centers
3 located in juvenile detention facilities shall be credited against the
4 funds appropriated to fund the costs of processing truancy, children in
5 need of services, and at-risk youth petitions.

6 **Sec. 11.** RCW 13.32A.060 and 2000 c . . . s 1 (section 1 of this
7 act) are each amended to read as follows:

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

11 (a) Transport the child to his or her home or to a parent at his or
12 her place of employment, if no parent is at home. The parent may
13 request that the officer take the child to the home of an adult
14 extended family member, responsible adult, crisis residential center,
15 the department, or a licensed youth shelter. In responding to the
16 request of the parent, the officer shall take the child to a requested
17 place which, in the officer's belief, is within a reasonable distance
18 of the parent's home. The officer releasing a child into the custody
19 of a parent, an adult extended family member, responsible adult, or a
20 licensed youth shelter shall inform the person receiving the child of
21 the reason for taking the child into custody and inform all parties of
22 the nature and location of appropriate services available in the
23 community; or

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

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

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

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

36 (c) After attempting to notify the parent, if a crisis residential
37 center is full, not available, or not located within a reasonable
38 distance, the officer may request the department to accept custody of

1 the child. If the department determines that an appropriate placement
2 is currently available, the department shall accept custody and place
3 the child in an out-of-home placement. Upon accepting custody of a
4 child from the officer, the department may place the child in an out-
5 of-home placement for up to seventy-two hours, excluding Saturdays,
6 Sundays, and holidays, without filing a child in need of services
7 petition under this chapter, obtaining parental consent, or obtaining
8 an order for placement under chapter 13.34 RCW. Upon transferring a
9 child to the department's custody, the officer shall provide written
10 documentation of the reasons and the statutory basis for taking the
11 child into custody. If the department declines to accept custody of
12 the child, the officer may release the child after attempting to take
13 the child to the following, in the order listed: The home of an adult
14 extended family member; a responsible adult; a licensed youth shelter
15 and shall immediately notify the department if no placement option is
16 available and the child is released.

17 (2) An officer taking a child into custody under RCW 13.32A.050(1)
18 (c) or (d) shall inform the child of the reason for custody. An
19 officer taking a child into custody under RCW 13.32A.050(1)(c) may
20 release the child to the supervising agency, or shall take the child to
21 a designated crisis residential center's secure facility. If the
22 secure facility is not available, not located within a reasonable
23 distance, or full, the officer shall take the child to a semi-secure
24 crisis residential center. An officer taking a child into custody
25 under RCW 13.32A.050(1)(d) may place the child in a juvenile detention
26 facility as provided in RCW 13.32A.065 or a secure facility, except
27 that the child shall be taken to ~~((either (a) a secure facility that is~~
28 ~~a separate, secure section of a juvenile detention facility; or (b)))~~
29 detention whenever the officer has been notified that a juvenile court
30 has entered ~~((an))~~ a detention order ~~((directing such placement))~~ under
31 this chapter or chapter 13.34 RCW. ~~((In no case may a child in~~
32 ~~contempt be confined in a secure facility that is free standing outside~~
33 ~~a juvenile detention facility.))~~

34 (3) Whenever an officer transfers custody of a child to a crisis
35 residential center or the department, the child may reside in the
36 crisis residential center or may be placed by the department in an out-
37 of-home placement for an aggregate total period of time not to exceed
38 seventy-two hours excluding Saturdays, Sundays, and holidays~~((, except~~
39 ~~that a child placed in a secure facility under a court order entered~~

1 under RCW 13.32A.250 must remain in the secure facility as provided in
2 RCW 13.32A.065)). Thereafter, the child may continue in out-of-home
3 placement only if the parents have consented, a child in need of
4 services petition has been filed under this chapter, or an order for
5 placement has been entered under chapter 13.34 RCW.

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

11 **Sec. 12.** RCW 13.32A.065 and 2000 c . . . s 2 (section 2 of this
12 act) are each amended to read as follows:

13 (1) A child may be placed in ~~((either (a) a secure facility that is~~
14 ~~a separate, secure section of a juvenile detention facility; or (b))~~
15 detention after being taken into custody pursuant to RCW
16 13.32A.050(1)(d). ~~((In no case may a child in contempt be confined in~~
17 ~~a secure facility that is free standing outside a juvenile detention~~
18 ~~facility.))~~ The court shall hold a detention review hearing within
19 twenty-four hours, excluding Saturdays, Sundays, and holidays. The
20 court shall release the child after twenty-four hours, excluding
21 Saturdays, Sundays, and holidays, unless:

22 (a) A motion and order to show why the child should not be held in
23 contempt has been filed and served on the child at or before the
24 detention hearing; and

25 (b) The court believes that the child would not appear at a hearing
26 on contempt.

27 (2) If the court ~~((finds that the conditions in subsection (1)(a)~~
28 ~~and (b) of this section have been met))~~ orders the child to remain in
29 detention, the court ~~((may order the child to remain confined either in~~
30 ~~(a) a secure facility that is a separate, secure section of a juvenile~~
31 ~~detention facility; or (b) detention, and))~~ shall set the matter for a
32 hearing on contempt within seventy-two hours, excluding Saturdays,
33 Sundays, and holidays. ~~((In no case may a child in contempt be~~
34 ~~confined in a secure facility that is free standing outside a juvenile~~
35 ~~detention facility.))~~

36 **Sec. 13.** RCW 13.32A.130 and 2000 c . . . s 3 (section 3 of this
37 act) are each amended to read as follows:

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

8 (2)(a)(i) The facility administrator shall determine within twenty-
9 four hours after a child's admission to a secure facility whether the
10 child is likely to remain in a semi-secure facility and may transfer
11 the child to a semi-secure facility or release the child to the
12 department. The determination shall be based on: (A) The need for
13 continued assessment, protection, and treatment of the child in a
14 secure facility; and (B) the likelihood the child would remain at a
15 semi-secure facility until his or her parents can take the child home
16 or a petition can be filed under this title.

17 (ii) In making the determination the administrator shall consider
18 the following information if known: (A) The child's age and maturity;
19 (B) the child's condition upon arrival at the center; (C) the
20 circumstances that led to the child's being taken to the center; (D)
21 whether the child's behavior endangers the health, safety, or welfare
22 of the child or any other person; (E) the child's history of running
23 away which has endangered the health, safety, and welfare of the child;
24 and (F) the child's willingness to cooperate in the assessment.

25 (b) If the administrator of a secure facility determines the child
26 is unlikely to remain in a semi-secure facility, the administrator
27 shall keep the child in the secure facility pursuant to this chapter
28 and in order to provide for space for the child may transfer another
29 child who has been in the facility for at least seventy-two hours to a
30 semi-secure facility. The administrator shall only make a transfer of
31 a child after determining that the child who may be transferred is
32 likely to remain at the semi-secure facility.

33 (c) A crisis residential center administrator is authorized to
34 transfer a child to a crisis residential center in the area where the
35 child's parents reside or where the child's lawfully prescribed
36 residence is located.

37 (d) An administrator may transfer a child from a semi-secure
38 facility to a secure facility whenever he or she reasonably believes
39 that the child is likely to leave the semi-secure facility and not

1 return and after full consideration of all factors in (a)(i) and (ii)
2 of this subsection.

3 (3) If no parent is available or willing to remove the child during
4 the first seventy-two hours following admission, the department shall
5 consider the filing of a petition under RCW 13.32A.140.

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

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

34 (6) At no time shall information regarding a parent's or child's
35 rights be withheld. The department shall develop and distribute to all
36 law enforcement agencies and to each crisis residential center
37 administrator a written statement delineating the services and rights.
38 Every officer taking a child into custody shall provide the child and
39 his or her parent(s) or responsible adult with whom the child is placed

1 with a copy of the statement. In addition, the administrator of the
2 facility or his or her designee shall provide every resident and parent
3 with a copy of the statement.

4 (7) A crisis residential center and its administrator or his or her
5 designee acting in good faith in carrying out the provisions of this
6 section are immune from criminal or civil liability for such actions.

7 ~~((8) This section does not apply to children admitted to a secure
8 facility that is a separate, secure section of a juvenile detention
9 facility under a court order issued under RCW 13.32A.250(3) or
10 28A.225.090(2). In no case may a child in contempt be confined in a
11 secure facility that is free standing outside a juvenile detention
12 facility.))~~

13 **Sec. 14.** RCW 13.32A.250 and 2000 c . . . s 4 (section 4 of this
14 act) are each amended to read as follows:

15 (1) In all child in need of services proceedings and at-risk youth
16 proceedings, the court shall verbally notify the parents and the child
17 of the possibility of a finding of contempt for failure to comply with
18 the terms of a court order entered pursuant to this chapter. Except as
19 otherwise provided in this section, the court shall treat the parents
20 and the child equally for the purposes of applying contempt of court
21 processes and penalties under this section.

22 (2) Failure by a party to comply with an order entered under this
23 chapter is a civil contempt of court as provided in RCW 7.21.030(2)(e),
24 subject to the limitations of subsection (3) of this section.

25 (3) The court may impose remedial sanctions including a fine of up
26 to one hundred dollars and confinement for up to seven days, or both
27 for contempt of court under this section.

28 (4) A child placed in confinement for contempt under this section
29 shall be placed in confinement ~~((either))~~ only in a secure juvenile
30 detention facility operated by or pursuant to a contract with a county
31 ~~((or a secure facility that is a separate, secure section of a juvenile
32 detention facility. In no case may a child in contempt be confined in
33 a secure facility that is free standing outside a juvenile detention
34 facility.))~~

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

1 (6) Whenever the court finds probable cause to believe, based upon
2 consideration of a motion for contempt and the information set forth in
3 a supporting declaration, that a child has violated a placement order
4 entered under this chapter, the court may issue an order directing law
5 enforcement to pick up and take the child to detention (~~or to a secure~~
6 ~~facility~~). The order may be entered ex parte without prior notice to
7 the child or other parties. Following the child's admission to
8 detention (~~or to the secure facility~~), a detention review hearing
9 must be held in accordance with RCW 13.32A.065.

10 **Sec. 15.** RCW 28A.225.090 and 2000 c . . . s 6 (section 6 of this
11 act) are each amended to read as follows:

12 (1) A court may order a child subject to a petition under RCW
13 28A.225.035 to:

14 (a) Attend the child's current school;

15 (b) If there is space available and the program can provide
16 educational services appropriate for the child, order the child to
17 attend another public school, an alternative education program, center,
18 a skill center, dropout prevention program, or another public
19 educational program;

20 (c) Attend a private nonsectarian school or program including an
21 education center. Before ordering a child to attend an approved or
22 certified private nonsectarian school or program, the court shall: (i)
23 Consider the public and private programs available; (ii) find that
24 placement is in the best interest of the child; and (iii) find that the
25 private school or program is willing to accept the child and will not
26 charge any fees in addition to those established by contract with the
27 student's school district. If the court orders the child to enroll in
28 a private school or program, the child's school district shall contract
29 with the school or program to provide educational services for the
30 child. The school district shall not be required to contract for a
31 weekly rate that exceeds the state general apportionment dollars
32 calculated on a weekly basis generated by the child and received by the
33 district. A school district shall not be required to enter into a
34 contract that is longer than the remainder of the school year. A
35 school district shall not be required to enter into or continue a
36 contract if the child is no longer enrolled in the district;

37 (d) Be referred to a community truancy board, if available; or

1 (e) Submit to testing for the use of controlled substances or
2 alcohol based on a determination that such testing is appropriate to
3 the circumstances and behavior of the child and will facilitate the
4 child's compliance with the mandatory attendance law.

5 (2) If the child fails to comply with the court order, the court
6 may order the child to be ~~((placed in confinement for contempt, either
7 in a juvenile detention facility operated by or under a contract with
8 a county or in a secure facility that is a separate, secure section of
9 a juvenile detention facility))~~ subject to detention, as provided in
10 RCW 7.21.030(2)(e), or may impose alternatives to ~~((confinement))~~
11 detention such as community service. Failure by a child to comply with
12 an order issued under this subsection shall not be subject to detention
13 for a period greater than that permitted pursuant to a civil contempt
14 proceeding against a child under chapter 13.32A RCW. ~~((In no case may
15 a child in contempt be confined in a secure facility that is free-
16 standing outside a juvenile detention facility.))~~

17 (3) Any parent violating any of the provisions of either RCW
18 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than
19 twenty-five dollars for each day of unexcused absence from school. It
20 shall be a defense for a parent charged with violating RCW 28A.225.010
21 to show that he or she exercised reasonable diligence in attempting to
22 cause a child in his or her custody to attend school or that the
23 child's school did not perform its duties as required in RCW
24 28A.225.020. The court may order the parent to provide community
25 service instead of imposing a fine. Any fine imposed pursuant to this
26 section may be suspended upon the condition that a parent charged with
27 violating RCW 28A.225.010 shall participate with the school and the
28 child in a supervised plan for the child's attendance at school or upon
29 condition that the parent attend a conference or conferences scheduled
30 by a school for the purpose of analyzing the causes of a child's
31 absence.

32 (4) If a child continues to be truant after entering into a court-
33 approved order with the truancy board under RCW 28A.225.035, the
34 juvenile court shall find the child in contempt, and the court may
35 order the child to be subject to detention, as provided in RCW
36 7.21.030(2)(e), or may impose alternatives to detention such as
37 meaningful community service. Failure by a child to comply with an
38 order issued under this subsection may not subject a child to detention

1 for a period greater than that permitted under a civil contempt
2 proceeding against a child under chapter 13.32A RCW.

3 (5) Subsections (1), (2), and (4) of this section shall not apply
4 to a six or seven year-old child required to attend public school under
5 RCW 28A.225.015.

6 **Sec. 16.** RCW 74.13.033 and 2000 c . . . s 7 (section 7 of this
7 act) are each amended to read as follows:

8 (1) If a resident of a center becomes by his or her behavior
9 disruptive to the facility's program, such resident may be immediately
10 removed to a separate area within the facility and counseled on an
11 individual basis until such time as the child regains his or her
12 composure. The department may set rules and regulations establishing
13 additional procedures for dealing with severely disruptive children on
14 the premises. ~~((A child confined in a secure facility that is a
15 separate, secure section of a juvenile detention facility under RCW
16 13.32A.250(3) or 28A.225.090(2) may be moved to an available bed in a
17 juvenile detention facility. In no case may a child in contempt be
18 confined in a secure facility that is free standing outside a juvenile
19 detention facility.))~~

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

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

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

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

31 (d) Provide additional crisis counseling as needed, to the end that
32 placement of the child in the crisis residential center will be
33 required for the shortest time possible, but not to exceed five
34 consecutive days ~~((or, in the case of a child admitted by court order
35 issued under RCW 13.32A.250(3) or 28A.225.090(2), seven consecutive
36 days))~~; and

37 (e) Convene, when appropriate, a multidisciplinary team.

1 (3) Based on the assessments done under subsection (2) of this
2 section the facility staff may refer any child who, as the result of a
3 mental or emotional disorder, or intoxication by alcohol or other
4 drugs, is suicidal, seriously assaultive, or seriously destructive
5 toward others, or otherwise similarly evidences an immediate need for
6 emergency medical evaluation and possible care, for evaluation pursuant
7 to chapter 71.34 RCW, to a mental health professional pursuant to
8 chapter 71.05 RCW, or to a chemical dependency specialist pursuant to
9 chapter 70.96A RCW whenever such action is deemed appropriate and
10 consistent with law.

11 (4) A juvenile taking unauthorized leave from a facility shall be
12 apprehended and returned to it by law enforcement officers or other
13 persons designated as having this authority as provided in RCW
14 13.32A.050. If returned to the facility after having taken
15 unauthorized leave for a period of more than twenty-four hours a
16 juvenile shall be supervised by such a facility for a period, pursuant
17 to this chapter, which, unless where otherwise provided, may not exceed
18 five consecutive days on the premises. Costs of housing juveniles
19 admitted to crisis residential centers shall be assumed by the
20 department for a period not to exceed five consecutive days.

21 **Sec. 17.** RCW 74.13.034 and 2000 c . . . s 8 (section 8 of this
22 act) are each amended to read as follows:

23 (1) A child taken into custody and taken to a crisis residential
24 center established pursuant to RCW 74.13.032 may, if the center is
25 unable to provide appropriate treatment, supervision, and structure to
26 the child, be taken at department expense to another crisis residential
27 center, the nearest regional secure crisis residential center, or a
28 secure facility with which it is collocated under RCW 74.13.032.
29 Placement in both locations shall not exceed five consecutive days from
30 the point of intake as provided in RCW 13.32A.130 (~~or, in the case of~~
31 ~~a child admitted by court order issued under RCW 13.32A.250(3) or~~
32 ~~28A.225.090(2), seven consecutive days~~)).

33 (2) A child taken into custody and taken to a crisis residential
34 center established by this chapter may be placed physically by the
35 department or the department's designee and, at departmental expense
36 and approval, in a secure juvenile detention facility operated by the
37 county in which the center is located for a maximum of forty-eight
38 hours, including Saturdays, Sundays, and holidays, if the child has

1 taken unauthorized leave from the center and the person in charge of
2 the center determines that the center cannot provide supervision and
3 structure adequate to ensure that the child will not again take
4 unauthorized leave. Juveniles placed in such a facility pursuant to
5 this section may not, to the extent possible, come in contact with
6 alleged or convicted juvenile or adult offenders.

7 (3) Any child placed in secure detention pursuant to this section
8 shall, during the period of confinement, be provided with appropriate
9 treatment by the department or the department's designee, which shall
10 include the services defined in RCW 74.13.033(2). If the child placed
11 in secure detention is not returned home or if an alternative living
12 arrangement agreeable to the parent and the child is not made within
13 twenty-four hours after the child's admission, the child shall be taken
14 at the department's expense to a crisis residential center. Placement
15 in the crisis residential center or centers plus placement in juvenile
16 detention shall not exceed five consecutive days from the point of
17 intake as provided in RCW 13.32A.130 (~~or, in the case of a child~~
18 ~~admitted by court order issued under RCW 13.32A.250(3) or~~
19 ~~28A.225.090(2), seven consecutive days~~)).

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

27 **Sec. 18.** RCW 13.50.100 and 1999 c 390 s 3 are each amended to read
28 as follows:

29 (1) This section governs records not covered by RCW 13.50.050.

30 (2) Records covered by this section shall be confidential and shall
31 be released only pursuant to this section and RCW 13.50.010.

32 (3) Records retained or produced by any juvenile justice or care
33 agency may be released to other participants in the juvenile justice or
34 care system only when an investigation or case involving the juvenile
35 in question is being pursued by the other participant or when that
36 other participant is assigned the responsibility of supervising the
37 juvenile. Records covered under this section and maintained by the

1 juvenile courts which relate to the official actions of the agency may
2 be entered in the state-wide juvenile court information system.

3 (4) A contracting agency or service provider of the department of
4 social and health services that provides counseling, psychological,
5 psychiatric, or medical services may release to the office of the
6 family and children's ombudsman information or records relating to
7 services provided to a juvenile who is dependent under chapter 13.34
8 RCW without the consent of the parent or guardian of the juvenile, or
9 of the juvenile if the juvenile is under the age of thirteen years,
10 unless such release is otherwise specifically prohibited by law.

11 (5) A juvenile, his or her parents, the juvenile's attorney and the
12 juvenile's parent's attorney, shall, upon request, be given access to
13 all records and information collected or retained by a juvenile justice
14 or care agency which pertain to the juvenile except:

15 (a) If it is determined by the agency that release of this
16 information is likely to cause severe psychological or physical harm to
17 the juvenile or his or her parents the agency may withhold the
18 information subject to other order of the court: PROVIDED, That if the
19 court determines that limited release of the information is
20 appropriate, the court may specify terms and conditions for the release
21 of the information; or

22 (b) If the information or record has been obtained by a juvenile
23 justice or care agency in connection with the provision of counseling,
24 psychological, psychiatric, or medical services to the juvenile, when
25 the services have been sought voluntarily by the juvenile, and the
26 juvenile has a legal right to receive those services without the
27 consent of any person or agency, then the information or record may not
28 be disclosed to the juvenile's parents without the informed consent of
29 the juvenile unless otherwise authorized by law; or

30 (c) That the department of social and health services may delete
31 the name and identifying information regarding persons or organizations
32 who have reported alleged child abuse or neglect.

33 (6) A juvenile or his or her parent denied access to any records
34 following an agency determination under subsection (5) of this section
35 may file a motion in juvenile court requesting access to the records.
36 The court shall grant the motion unless it finds access may not be
37 permitted according to the standards found in subsections (5)(a) and
38 (b) of this section.

1 (7) The person making a motion under subsection (6) of this section
2 shall give reasonable notice of the motion to all parties to the
3 original action and to any agency whose records will be affected by the
4 motion.

5 (8) Subject to the rules of discovery in civil cases, any party to
6 a proceeding seeking a declaration of dependency or a termination of
7 the parent-child relationship and any party's counsel and the guardian
8 ad litem of any party, shall have access to the records of any natural
9 or adoptive child of the parent, subject to the limitations in
10 subsection (5) of this section. A party denied access to records may
11 request judicial review of the denial. If the party prevails, he or
12 she shall be awarded attorneys' fees, costs, and an amount not less
13 than five dollars and not more than one hundred dollars for each day
14 the records were wrongfully denied.

15 (9) No unfounded allegation of child abuse or neglect as defined in
16 RCW 26.44.020(12) may be disclosed to a child-placing agency, private
17 adoption agency, or any other licensed provider.

18 **Sec. 19.** RCW 26.44.020 and 1999 c 176 s 29 are each amended to
19 read as follows:

20 The definitions in this section apply throughout this chapter
21 unless the context clearly requires otherwise.

22 (1) "Court" means the superior court of the state of Washington,
23 juvenile department.

24 (2) "Law enforcement agency" means the police department, the
25 prosecuting attorney, the state patrol, the director of public safety,
26 or the office of the sheriff.

27 (3) "Practitioner of the healing arts" or "practitioner" means a
28 person licensed by this state to practice podiatric medicine and
29 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
30 medicine and surgery, or medicine and surgery or to provide other
31 health services. The term "practitioner" includes a duly accredited
32 Christian Science practitioner: PROVIDED, HOWEVER, That a person who
33 is being furnished Christian Science treatment by a duly accredited
34 Christian Science practitioner will not be considered, for that reason
35 alone, a neglected person for the purposes of this chapter.

36 (4) "Institution" means a private or public hospital or any other
37 facility providing medical diagnosis, treatment or care.

1 (5) "Department" means the state department of social and health
2 services.

3 (6) "Child" or "children" means any person under the age of
4 eighteen years of age.

5 (7) "Professional school personnel" include, but are not limited
6 to, teachers, counselors, administrators, child care facility
7 personnel, and school nurses.

8 (8) "Social service counselor" means anyone engaged in a
9 professional capacity during the regular course of employment in
10 encouraging or promoting the health, welfare, support or education of
11 children, or providing social services to adults or families, including
12 mental health, drug and alcohol treatment, and domestic violence
13 programs, whether in an individual capacity, or as an employee or agent
14 of any public or private organization or institution.

15 (9) "Psychologist" means any person licensed to practice psychology
16 under chapter 18.83 RCW, whether acting in an individual capacity or as
17 an employee or agent of any public or private organization or
18 institution.

19 (10) "Pharmacist" means any registered pharmacist under chapter
20 18.64 RCW, whether acting in an individual capacity or as an employee
21 or agent of any public or private organization or institution.

22 (11) "Clergy" means any regularly licensed or ordained minister,
23 priest, or rabbi of any church or religious denomination, whether
24 acting in an individual capacity or as an employee or agent of any
25 public or private organization or institution.

26 (12) "Abuse or neglect" means the injury, sexual abuse, sexual
27 exploitation, negligent treatment, or maltreatment of a child by any
28 person under circumstances which indicate that the child's health,
29 welfare, and safety is harmed, excluding conduct permitted under RCW
30 9A.16.100. An abused child is a child who has been subjected to child
31 abuse or neglect as defined in this section.

32 (13) "Child protective services section" means the child protective
33 services section of the department.

34 (14) "Sexual exploitation" includes: (a) Allowing, permitting, or
35 encouraging a child to engage in prostitution by any person; or (b)
36 allowing, permitting, encouraging, or engaging in the obscene or
37 pornographic photographing, filming, or depicting of a child by any
38 person.

1 (15) "Negligent treatment or maltreatment" means an act or omission
2 that evidences a serious disregard of consequences of such magnitude as
3 to constitute a clear and present danger to the child's health,
4 welfare, and safety. The fact that siblings share a bedroom is not, in
5 and of itself, negligent treatment or maltreatment.

6 (16) "Child protective services" means those services provided by
7 the department designed to protect children from child abuse and
8 neglect and safeguard such children from future abuse and neglect, and
9 conduct investigations of child abuse and neglect reports.
10 Investigations may be conducted regardless of the location of the
11 alleged abuse or neglect. Child protective services includes referral
12 to services to ameliorate conditions that endanger the welfare of
13 children, the coordination of necessary programs and services relevant
14 to the prevention, intervention, and treatment of child abuse and
15 neglect, and services to children to ensure that each child has a
16 permanent home. In determining whether protective services should be
17 provided, the department shall not decline to provide such services
18 solely because of the child's unwillingness or developmental inability
19 to describe the nature and severity of the abuse or neglect.

20 (17) "Malice" or "maliciously" means an evil intent, wish, or
21 design to vex, annoy, or injure another person. Such malice may be
22 inferred from an act done in willful disregard of the rights of
23 another, or an act wrongfully done without just cause or excuse, or an
24 act or omission of duty betraying a willful disregard of social duty.

25 (18) "Sexually aggressive youth" means a child who is defined in
26 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

27 (19) "Unfounded" means available information indicates that, more
28 likely than not, child abuse or neglect did not occur. No unfounded
29 allegation of child abuse or neglect may be disclosed to a child-
30 placing agency, private adoption agency, or any other provider licensed
31 under chapter 74.15 RCW.

32 **Sec. 20.** RCW 74.15.030 and 1997 c 386 s 33 are each amended to
33 read as follows:

34 The secretary shall have the power and it shall be the secretary's
35 duty:

36 (1) In consultation with the children's services advisory
37 committee, and with the advice and assistance of persons representative
38 of the various type agencies to be licensed, to designate categories of

1 facilities for which separate or different requirements shall be
2 developed as may be appropriate whether because of variations in the
3 ages, sex and other characteristics of persons served, variations in
4 the purposes and services offered or size or structure of the agencies
5 to be licensed hereunder, or because of any other factor relevant
6 thereto;

7 (2) In consultation with the children's services advisory
8 committee, and with the advice and assistance of persons representative
9 of the various type agencies to be licensed, to adopt and publish
10 minimum requirements for licensing applicable to each of the various
11 categories of agencies to be licensed.

12 The minimum requirements shall be limited to:

13 (a) The size and suitability of a facility and the plan of
14 operation for carrying out the purpose for which an applicant seeks a
15 license;

16 (b) The character, suitability and competence of an agency and
17 other persons associated with an agency directly responsible for the
18 care and treatment of children, expectant mothers or developmentally
19 disabled persons. In consultation with law enforcement personnel, the
20 secretary shall investigate the conviction record or pending charges
21 and dependency record information under chapter 43.43 RCW of each
22 agency and its staff seeking licensure or relicensure. No unfounded
23 allegation of child abuse or neglect as defined in RCW 26.44.020 may be
24 disclosed to a child-placing agency, private adoption agency, or any
25 other provider licensed under this chapter. In order to determine the
26 suitability of applicants for an agency license, licensees, their
27 employees, and other persons who have unsupervised access to children
28 in care, and who have not resided in the state of Washington during the
29 three-year period before being authorized to care for children shall be
30 fingerprinted. The fingerprints shall be forwarded to the Washington
31 state patrol and federal bureau of investigation for a criminal history
32 records check. The fingerprint criminal history records checks will be
33 at the expense of the licensee except that in the case of a foster
34 family home, if this expense would work a hardship on the licensee, the
35 department shall pay the expense. The licensee may not pass this cost
36 on to the employee or prospective employee, unless the employee is
37 determined to be unsuitable due to his or her criminal history record.
38 The secretary shall use the information solely for the purpose of
39 determining eligibility for a license and for determining the

1 character, suitability, and competence of those persons or agencies,
2 excluding parents, not required to be licensed who are authorized to
3 care for children, expectant mothers, and developmentally disabled
4 persons. Criminal justice agencies shall provide the secretary such
5 information as they may have and that the secretary may require for
6 such purpose;

7 (c) The number of qualified persons required to render the type of
8 care and treatment for which an agency seeks a license;

9 (d) The safety, cleanliness, and general adequacy of the premises
10 to provide for the comfort, care and well-being of children, expectant
11 mothers or developmentally disabled persons;

12 (e) The provision of necessary care, including food, clothing,
13 supervision and discipline; physical, mental and social well-being; and
14 educational, recreational and spiritual opportunities for those served;

15 (f) The financial ability of an agency to comply with minimum
16 requirements established pursuant to chapter 74.15 RCW and RCW
17 74.13.031; and

18 (g) The maintenance of records pertaining to the admission,
19 progress, health and discharge of persons served;

20 (3) To investigate any person, including relatives by blood or
21 marriage except for parents, for character, suitability, and competence
22 in the care and treatment of children, expectant mothers, and
23 developmentally disabled persons prior to authorizing that person to
24 care for children, expectant mothers, and developmentally disabled
25 persons. However, if a child is placed with a relative under RCW
26 13.34.060 or 13.34.130, and if such relative appears otherwise suitable
27 and competent to provide care and treatment the criminal history
28 background check required by this section need not be completed before
29 placement, but shall be completed as soon as possible after placement;

30 (4) On reports of alleged child abuse and neglect, to investigate
31 agencies in accordance with chapter 26.44 RCW, including child day-care
32 centers and family day-care homes, to determine whether the alleged
33 abuse or neglect has occurred, and whether child protective services or
34 referral to a law enforcement agency is appropriate;

35 (5) To issue, revoke, or deny licenses to agencies pursuant to
36 chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the
37 category of care which an agency is authorized to render and the ages,
38 sex and number of persons to be served;

1 (6) To prescribe the procedures and the form and contents of
2 reports necessary for the administration of chapter 74.15 RCW and RCW
3 74.13.031 and to require regular reports from each licensee;

4 (7) To inspect agencies periodically to determine whether or not
5 there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the
6 requirements adopted hereunder;

7 (8) To review requirements adopted hereunder at least every two
8 years and to adopt appropriate changes after consultation with the
9 child care coordinating committee and other affected groups for child
10 day-care requirements and with the children's services advisory
11 committee for requirements for other agencies; and

12 (9) To consult with public and private agencies in order to help
13 them improve their methods and facilities for the care of children,
14 expectant mothers and developmentally disabled persons.

15 NEW SECTION. **Sec. 21.** Sections 11 through 17 of this act take
16 effect July 1, 2002.

17 NEW SECTION. **Sec. 22.** Sections 5, 9, and 10 of this act expire
18 June 30, 2002.

Passed the House March 6, 2000.

Passed the Senate March 2, 2000.

Approved by the Governor March 27, 2000.

Filed in Office of Secretary of State March 27, 2000.