
HOUSE BILL 2153

State of Washington 59th Legislature 2005 Regular Session

By Representatives Moeller, McCoy, Roberts, McCune and Chase

Read first time 02/21/2005. Referred to Committee on Juvenile Justice & Family Law.

1 AN ACT Relating to at-risk youth proceedings; and amending RCW
2 13.32A.030 and 13.32A.250.

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

4 **Sec. 1.** RCW 13.32A.030 and 2000 c 123 s 2 are each amended to read
5 as follows:

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

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

14 (2) "Administrator" means the individual who has the daily
15 administrative responsibility of a crisis residential center, or his or
16 her designee.

17 (3) "At-risk youth" means a juvenile:

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

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

4 (c) Who has a possible substance abuse or mental health problem
5 (~~for which~~) and there are no pending criminal charges related to the
6 possible substance abuse or mental health problem.

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

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

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

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

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

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

20 (c)(i) Who is in need of: (A) Necessary services, including food,
21 shelter, health care, clothing, or education; or (B) services designed
22 to maintain or reunite the family;

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

25 (iii) Whose parents have evidenced continuing but unsuccessful
26 efforts to maintain the family structure or are unable or unwilling to
27 continue efforts to maintain the family structure.

28 (6) "Child in need of services petition" means a petition filed in
29 juvenile court by a parent, child, or the department seeking
30 adjudication of placement of the child.

31 (7) "Crisis residential center" means a secure or semi-secure
32 facility established pursuant to chapter 74.13 RCW.

33 (8) "Custodian" means the person or entity who has the legal right
34 to the custody of the child.

35 (9) "Department" means the department of social and health
36 services.

37 (10) "Extended family member" means an adult who is a grandparent,

1 brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin
2 with whom the child has a relationship and is comfortable, and who is
3 willing and available to care for the child.

4 (11) "Guardian" means that person or agency that (a) has been
5 appointed as the guardian of a child in a legal proceeding other than
6 a proceeding under chapter 13.34 RCW, and (b) has the right to legal
7 custody of the child pursuant to such appointment. The term "guardian"
8 does not include a "dependency guardian" appointed pursuant to a
9 proceeding under chapter 13.34 RCW.

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

23 (13) "Out-of-home placement" means a placement in a foster family
24 home or group care facility licensed pursuant to chapter 74.15 RCW or
25 placement in a home, other than that of the child's parent, guardian,
26 or legal custodian, not required to be licensed pursuant to chapter
27 74.15 RCW.

28 (14) "Parent" means the parent or parents who have the legal right
29 to custody of the child. "Parent" includes custodian or guardian.

30 (15) "Secure facility" means a crisis residential center, or
31 portion thereof, that has locking doors, locking windows, or a secured
32 perimeter, designed and operated to prevent a child from leaving
33 without permission of the facility staff.

34 (16) "Semi-secure facility" means any facility, including but not
35 limited to crisis residential centers or specialized foster family
36 homes, operated in a manner to reasonably assure that youth placed
37 there will not run away. Pursuant to rules established by the
38 department, the facility administrator shall establish reasonable hours

1 for residents to come and go from the facility such that no residents
2 are free to come and go at all hours of the day and night. To prevent
3 residents from taking unreasonable actions, the facility administrator,
4 where appropriate, may condition a resident's leaving the facility upon
5 the resident being accompanied by the administrator or the
6 administrator's designee and the resident may be required to notify the
7 administrator or the administrator's designee of any intent to leave,
8 his or her intended destination, and the probable time of his or her
9 return to the center.

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

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

16 **Sec. 2.** RCW 13.32A.250 and 2000 c 162 s 14 are each amended to
17 read as follows:

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

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

28 (3) The court may impose remedial sanctions including a fine of up
29 to one hundred dollars and confinement for up to seven days, or both
30 for contempt of court under this section. However, if the basis of the
31 at-risk youth petition is a finding that the child is at risk due to a
32 possible substance abuse or mental health problem, the court may only
33 impose confinement for up to two days.

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

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

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

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