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HOUSE BILL 2993

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State of Washington

59th Legislature

2006 Regular Session

By Representatives Moeller and Darneille

Read first time 01/17/2006. Referred to Committee on Juvenile Justice & Family Law.

1 AN ACT Relating to at-risk youth proceedings; amending RCW  
2 13.32A.030 and 13.32A.250; adding a new section to chapter 13.32A RCW;  
3 and prescribing penalties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (9) "Department" means the department of social and health  
38 services.

1 (10) "Extended family member" means an adult who is a grandparent,  
2 brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin  
3 with whom the child has a relationship and is comfortable, and who is  
4 willing and available to care for the child.

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

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

24 (13) "Out-of-home placement" means a placement in a foster family  
25 home or group care facility licensed pursuant to chapter 74.15 RCW or  
26 placement in a home, other than that of the child's parent, guardian,  
27 or legal custodian, not required to be licensed pursuant to chapter  
28 74.15 RCW.

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

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

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

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

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

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

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

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

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

29 (3) The court may impose remedial sanctions including a fine of up  
30 to one hundred dollars and confinement for up to seven days, or both  
31 for contempt of court under this section. However, if the basis of the  
32 at-risk youth order is a finding that the child is at risk due to a  
33 possible substance abuse or mental health problem, the court may only  
34 impose confinement for up to two days as a sanction for the first  
35 contempt of court violation. If the child commits a further violation  
36 after having been confined for up to two days, the court may impose up  
37 to an additional seven days of confinement if the basis of the new

1 contempt of court finding is that the youth committed the same  
2 violation as found by the court in the first contempt of court order.  
3 The court may not find a youth in contempt of court for failing to  
4 obtain an evaluation or services, if the evaluation or services were  
5 not available to the youth.

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

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

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

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

23 The Washington state institute for public policy shall conduct a  
24 study of the juvenile court system to evaluate the use of confinement  
25 for youth who are found in contempt of court in nonoffender proceedings  
26 under RCW 13.32A.250 or 28A.225.090. The evaluation shall include  
27 information on:

- 28 (1) How often youth are found in contempt;  
29 (2) What the violations are for when a youth is found in contempt;  
30 (3) What the underlying basis was for the petition;  
31 (4) How often confinement is ordered; and  
32 (5) What the rate is of subsequent compliance with the orders  
33 following a finding of contempt.

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