

SHB 2346 - S COMM AMD

By Committee on Ways & Means

NOT ADOPTED 4/25/2009

1 Strike everything after the enacting clause and insert the
2 following:

3
4 **Sec. 1.** RCW 13.32A.130 and 2000 c 162 s 13 are each amended to
5 read as follows:

6 (1) A child admitted to a secure facility shall remain in the
7 facility for at least twenty-four hours after admission but for not
8 more than five consecutive days. ~~((If the child admitted under this
9 section is transferred between secure and semi secure facilities, the
10 aggregate length of time spent in all such centers or facilities may
11 not exceed five consecutive days per admission))~~ A child admitted to a
12 semi-secure facility may remain for not more than fifteen consecutive
13 days. If a child is transferred between a secure and semi-secure
14 facility, the aggregate length of time a child may remain in both
15 facilities shall not exceed fifteen consecutive days per admission and
16 in no event can the child's length of stay in a secure facility exceed
17 five days per admission.

18 (2)(a)(i) The facility administrator shall determine within
19 twenty-four hours after a child's admission to a secure facility
20 whether the child is likely to remain in a semi-secure facility and
21 may transfer the child to a semi-secure facility or release the child
22 to the department. The determination shall be based on: (A) The need
23 for continued assessment, protection, and treatment of the child in a
24 secure facility; and (B) the likelihood the child would remain at a
25 semi-secure facility until his or her parents can take the child home
26 or a petition can be filed under this title.

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

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

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

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

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

28 (4) Notwithstanding the provisions of subsection (1) of this
29 section, the parents may remove the child at any time (~~during the~~
30 ~~five-day period~~) unless the staff of the crisis residential center
31 has reasonable cause to believe that the child is absent from the home
32 because he or she is abused or neglected or if allegations of abuse or
33 neglect have been made against the parents. The department or any
34 agency legally charged with the supervision of a child may remove a

1 child from a crisis residential center at any time after the first
2 twenty-four-hour period after admission has elapsed and only after
3 full consideration by all parties of the factors in subsection (2)(a)
4 of this section.

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

24 (6) At no time shall information regarding a parent's or child's
25 rights be withheld. The department shall develop and distribute to
26 all law enforcement agencies and to each crisis residential center
27 administrator a written statement delineating the services and rights.
28 The administrator of the facility or his or her designee shall provide
29 every resident and parent with a copy of the statement.

30 (7) A crisis residential center and any person employed at the
31 center acting in good faith in carrying out the provisions of this
32 section are immune from criminal or civil liability for such actions.

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1 **Sec. 2.** RCW 74.13.0321 and 1995 c 312 s 61 are each amended to
2 read as follows:

3 No contract may provide reimbursement or compensation to:

4 (1) A crisis residential center's secure facility for any service
5 delivered or provided to a resident child after five consecutive days
6 of residence; or

7 (2) A semi-secure crisis residential center facility for any
8 service delivered or provided to a resident child after fifteen
9 consecutive days of residence.

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12 **Sec. 3.** RCW 74.13.033 and 2000 c 162 s 16 are each amended to
13 read as follows:

14 (1) If a resident of a crisis residential center becomes by his or
15 her behavior disruptive to the facility's program, such resident may
16 be immediately removed to a separate area within the facility and
17 counseled on an individual basis until such time as the child regains
18 his or her composure. The department may set rules and regulations
19 establishing additional procedures for dealing with severely
20 disruptive children on the premises.

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

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

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

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

33 (d) Provide additional crisis counseling as needed, to the end
34 that placement of the child in the crisis residential center will be

1 required for the shortest time possible, but not to exceed five
2 consecutive days if the juvenile resides in a secure crisis
3 residential center; and

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

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

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

26
27 NEW SECTION. Sec. 4. A new section is added to chapter 13.32A RCW
28 to read as follows:

29 The department may take a runaway youth to a secure facility after
30 attempting to notify the parent of the child's whereabouts. The
31 department may not take a child to a secure facility if the department
32 has reasonable cause to believe that the reason for the child's
33 runaway status is the result of abuse or neglect.

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