

---

**SUBSTITUTE HOUSE BILL 1434**

---

**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** House Human Services & Early Learning (originally sponsored by Representatives Frame, Eslick, Kilduff, Callan, Davis, Dolan, Fitzgibbon, Peterson, Ryu, Shewmake, Steele, Stonier, Sutherland, Kloba, Walen, Robinson, Stanford, Jinkins, Leavitt, and Ormsby)

1 AN ACT Relating to eliminating the use of the valid court order  
2 exception to place youth in detention for noncriminal behavior;  
3 amending RCW 7.21.030, 7.21.030, 13.32A.250, 13.32A.250, 13.32A.150,  
4 13.34.165, 28A.225.090, 43.185C.260, 43.185C.265, and 2.56.032;  
5 adding a new section to chapter 7.21 RCW; creating a new section;  
6 repealing RCW 43.185C.270; repealing 1998 c 296 s 35 (uncodified);  
7 providing effective dates; and declaring an emergency.

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

9 NEW SECTION. **Sec. 1.** (1) The legislature finds that it is a  
10 goal of our state to divert juveniles who have committed status  
11 offenses, behaviors that are prohibited under law only because of an  
12 individual's status as a minor, away from the juvenile justice system  
13 because a stay in detention is a predictive factor for future  
14 criminal justice system involvement. The legislature finds that  
15 Washington has been using the valid court order exception of the  
16 juvenile justice and delinquency prevention act, a loophole in  
17 federal law allowing judges to detain status offenders for disobeying  
18 court orders, more than any other state in the country. The  
19 legislature finds that use of the valid court order exception to  
20 detain youth for acts like truancy, breaking curfew, or running away

1 from home is counterproductive and may worsen outcomes for at-risk  
2 youth.

3 (2) The legislature further finds that these youth should not be  
4 confined with or treated with the same interventions as criminal  
5 offenders. The legislature also finds that studies show a  
6 disproportionality in race, gender, and socioeconomic status of youth  
7 referred to courts or detained, or both. Likewise, the legislature  
8 finds that community-based interventions are more effective at  
9 addressing underlying causes of status offenses than detention and  
10 can reduce court caseloads and lower system costs. As a result, it is  
11 the intent of the legislature to strengthen and fund community-based  
12 programs that are culturally relevant and focus on addressing  
13 disproportionality of youth of color, especially at-risk youth.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 7.21 RCW  
15 to read as follows:

16 (1) It is the policy of the state of Washington to eliminate the  
17 use of juvenile detention as a remedy for contempt of a valid court  
18 order for youth under chapters 13.34 and 28A.225 RCW and child in  
19 need of services petition youth under chapter 13.32A RCW. As of July  
20 1, 2019, such youth may not be committed to juvenile detention as a  
21 contempt sanction under chapter 13.32A, 13.34, or 28A.225 RCW, and a  
22 warrant may not be issued for such youth for failure to appear at a  
23 court hearing that requires commitment of such youth to juvenile  
24 detention.

25 (2)(a) It is also the policy of the state of Washington to  
26 entirely phase out the use of juvenile detention as a remedy for  
27 contempt of a valid court order for at-risk youth under chapter  
28 13.32A RCW by July 1, 2021. After this date, at-risk youth may not be  
29 committed to juvenile detention as a contempt sanction under chapter  
30 13.32A RCW, and a warrant may not be issued for failure to appear at  
31 a court hearing that requires commitment of the at-risk youth to  
32 juvenile detention.

33 (b) Until July 1, 2021, any at-risk youth committed to juvenile  
34 detention as a sanction for contempt under chapter 13.32A RCW, or for  
35 failure to appear at a court hearing under chapter 13.32A RCW, must  
36 be detained in such a manner so that no direct communication or  
37 physical contact may be made between the youth and any youth who is  
38 detained to juvenile detention pursuant to a violation of criminal

1 law, unless these separation requirements would result in a youth  
2 being detained in solitary confinement.

3 **Sec. 3.** RCW 7.21.030 and 2001 c 260 s 6 are each amended to read  
4 as follows:

5 (1) The court may initiate a proceeding to impose a remedial  
6 sanction on its own motion or on the motion of a person aggrieved by  
7 a contempt of court in the proceeding to which the contempt is  
8 related. Except as provided in RCW 7.21.050, the court, after notice  
9 and hearing, may impose a remedial sanction authorized by this  
10 chapter.

11 (2) If the court finds that the person has failed or refused to  
12 perform an act that is yet within the person's power to perform, the  
13 court may find the person in contempt of court and impose one or more  
14 of the following remedial sanctions:

15 (a) Imprisonment if the contempt of court is of a type defined in  
16 RCW 7.21.010(1) (b) through (d). The imprisonment may extend only so  
17 long as it serves a coercive purpose.

18 (b) A forfeiture not to exceed two thousand dollars for each day  
19 the contempt of court continues.

20 (c) An order designed to ensure compliance with a prior order of  
21 the court.

22 (d) Any other remedial sanction other than the sanctions  
23 specified in (a) through (c) of this subsection if the court  
24 expressly finds that those sanctions would be ineffectual to  
25 terminate a continuing contempt of court.

26 (e) In at-risk youth petition cases only under chapter(~~s~~)  
27 13.32A(~~, 13.34, and 28A.225~~) RCW and subject to the requirements  
28 under RCW 13.32A.250, commitment to juvenile detention for a period  
29 of time not to exceed (~~seven days~~) seventy-two hours, excluding  
30 Saturdays, Sundays, and holidays. The seventy-two hour period shall  
31 commence upon the next nonholiday weekday following the court order  
32 and shall run to the end of the last nonholiday weekday within the  
33 seventy-two hour period. This sanction may be imposed in addition to,  
34 or as an alternative to, any other remedial sanction authorized by  
35 this chapter. This remedy is specifically determined to be a remedial  
36 sanction.

37 (3) The court may, in addition to the remedial sanctions set  
38 forth in subsection (2) of this section, order a person found in  
39 contempt of court to pay a party for any losses suffered by the party

1 as a result of the contempt and any costs incurred in connection with  
2 the contempt proceeding, including reasonable attorney's fees.

3 (4) If the court finds that a person under the age of eighteen  
4 years has willfully disobeyed the terms of an order issued under  
5 chapter 10.14 RCW, the court may find the person in contempt of court  
6 and may, as a sole sanction for such contempt, commit the person to  
7 juvenile detention for a period of time not to exceed seven days.

8 **Sec. 4.** RCW 7.21.030 and 2019 c ... s 3 (section 3 of this act)  
9 are each amended to read as follows:

10 (1) The court may initiate a proceeding to impose a remedial  
11 sanction on its own motion or on the motion of a person aggrieved by  
12 a contempt of court in the proceeding to which the contempt is  
13 related. Except as provided in RCW 7.21.050, the court, after notice  
14 and hearing, may impose a remedial sanction authorized by this  
15 chapter.

16 (2) If the court finds that the person has failed or refused to  
17 perform an act that is yet within the person's power to perform, the  
18 court may find the person in contempt of court and impose one or more  
19 of the following remedial sanctions:

20 (a) Imprisonment if the contempt of court is of a type defined in  
21 RCW 7.21.010(1) (b) through (d). The imprisonment may extend only so  
22 long as it serves a coercive purpose.

23 (b) A forfeiture not to exceed two thousand dollars for each day  
24 the contempt of court continues.

25 (c) An order designed to ensure compliance with a prior order of  
26 the court.

27 (d) Any other remedial sanction other than the sanctions  
28 specified in (a) through (c) of this subsection if the court  
29 expressly finds that those sanctions would be ineffectual to  
30 terminate a continuing contempt of court.

31 ~~((e) In at-risk youth petition cases only under chapter 13.32A  
32 RCW and subject to the requirements under RCW 13.32A.250, commitment  
33 to juvenile detention for a period of time not to exceed seventy-two  
34 hours, excluding Saturdays, Sundays, and holidays. The seventy-two  
35 hour period shall commence upon the next nonholiday weekday following  
36 the court order and shall run to the end of the last nonholiday  
37 weekday within the seventy-two hour period. This sanction may be  
38 imposed in addition to, or as an alternative to, any other remedial~~

1 ~~sanction authorized by this chapter. This remedy is specifically~~  
2 ~~determined to be a remedial sanction.)~~)

3 (3) The court may, in addition to the remedial sanctions set  
4 forth in subsection (2) of this section, order a person found in  
5 contempt of court to pay a party for any losses suffered by the party  
6 as a result of the contempt and any costs incurred in connection with  
7 the contempt proceeding, including reasonable attorney's fees.

8 (4) If the court finds that a person under the age of eighteen  
9 years has willfully disobeyed the terms of an order issued under  
10 chapter 10.14 RCW, the court may find the person in contempt of court  
11 and may, as a sole sanction for such contempt, commit the person to  
12 juvenile detention for a period of time not to exceed seven days.

13 **Sec. 5.** RCW 13.32A.250 and 2000 c 162 s 14 are each amended to  
14 read as follows:

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

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

27 (3) For at-risk youth proceedings only:

28 (a) If the child fails to comply with the court order, the court  
29 may impose:

30 (i) Community restitution;

31 (ii) Nonresidential programs with intensive wraparound services;

32 (iii) A requirement that the child meet with a mentor for a  
33 specified number of times;

34 (iv) Parent teen mediation services and interventions offered by  
35 dispute resolution centers under chapter 7.75 RCW; or

36 (v) Other services and interventions that the court deems  
37 appropriate.

38 (b) The court may impose remedial sanctions including a fine of  
39 up to one hundred dollars and confinement for up to ((seven days))

1 seventy-two hours, or both for contempt of court under this section  
2 if (i) one of the less restrictive alternatives under (a) of this  
3 subsection has been attempted and another violation of the order has  
4 occurred, or (ii) the court issues a formal finding that none of the  
5 less restrictive alternatives is available. The seventy-two hour  
6 period excludes Saturdays, Sundays, and holidays and shall commence  
7 upon the next nonholiday weekday following the court order and shall  
8 run to the end of the last nonholiday weekday within the seventy-two  
9 hour period.

10 ~~((4))~~ (c) A child placed in confinement for contempt under this  
11 section shall be placed in confinement only in a secure juvenile  
12 detention facility operated by or pursuant to a contract with a  
13 county.

14 ~~((5))~~ (d) A child involved in a child in need of services  
15 proceeding may not be placed in confinement under this section.

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

20 ~~((6))~~ (5) For at-risk youth proceedings only, whenever the  
21 court finds probable cause to believe, based upon consideration of a  
22 motion for contempt and the information set forth in a supporting  
23 declaration, that a child has violated a placement order entered  
24 under this chapter, the court must direct the court clerk to command  
25 the presence of the child by the issuance of a summons or other  
26 method approved by local court rule instead of a warrant, unless the  
27 court finds probable cause to believe that the child would not appear  
28 in response to the command or finds probable cause to believe that  
29 the arrest is necessary to prevent serious bodily harm to the  
30 juvenile or another, in which case the court may issue a warrant. A  
31 warrant of arrest must be supported by an affidavit or sworn  
32 testimony, which must be recorded electronically or by stenographer,  
33 establishing the grounds for issuing the warrant. The warrant of  
34 arrest for a child under this subsection may not be served on a child  
35 inside of school during school hours in a location where other  
36 students are present if the child named in the warrant is a pupil at  
37 the school. The court must communicate the summons to the child  
38 through mail, telephone, text message, or other method of  
39 communication needed in order to ensure the child has received the  
40 information. If the child fails to appear via the summons or other

1 method, the court may issue an order directing law enforcement to  
2 pick up and take the child to detention. (~~The order may be entered~~  
3 ~~ex parte without prior notice to the child or other parties.~~  
4 ~~Following the child's admission to detention, a detention review~~  
5 ~~hearing must be held in accordance with RCW 13.32A.065.~~)

6 **Sec. 6.** RCW 13.32A.250 and 2019 c ... s 5 (section 5 of this  
7 act) are each amended to read as follows:

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

16 (2) Failure by a party (~~in an at-risk youth proceeding~~) to  
17 comply with an order entered under this chapter is a civil contempt  
18 of court as provided in RCW 7.21.030(2) (~~(e), subject to the~~  
19 ~~limitations of subsection (3) of this section~~).

20 (3) (~~For at-risk youth proceedings only:~~

21 ~~(a) If the child fails to comply with the court order, the court~~  
22 ~~may impose:~~

23 ~~(i) Community restitution;~~

24 ~~(ii) Nonresidential programs with intensive wraparound services;~~

25 ~~(iii) A requirement that the child meet with a mentor for a~~  
26 ~~specified number of times;~~

27 ~~(iv) Parent teen mediation services and interventions offered by~~  
28 ~~dispute resolution centers under chapter 7.75 RCW; or~~

29 ~~(v) Other services and interventions that the court deems~~  
30 ~~appropriate.~~

31 ~~(b) The court may impose remedial sanctions including a fine of~~  
32 ~~up to one hundred dollars and confinement for up to seventy-two~~  
33 ~~hours, or both for contempt of court under this section if (i) one of~~  
34 ~~the less restrictive alternatives under (a) of this subsection has~~  
35 ~~been attempted and another violation of the order has occurred, or~~  
36 ~~(ii) the court issues a formal finding that none of the less~~  
37 ~~restrictive alternatives is available. The seventy-two hour period~~  
38 ~~excludes Saturdays, Sundays, and holidays and shall commence upon the~~  
39 ~~next nonholiday weekday following the court order and shall run to~~

1 ~~the end of the last nonholiday weekday within the seventy-two hour~~  
2 ~~period.~~

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

6 ~~(d) A child involved in a child in need of services proceeding~~  
7 ~~may not be placed in confinement under this section.~~

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

12 ~~((5) For at-risk youth proceedings only, whenever the court~~  
13 ~~finds probable cause to believe, based upon consideration of a motion~~  
14 ~~for contempt and the information set forth in a supporting~~  
15 ~~declaration, that a child has violated a placement order entered~~  
16 ~~under this chapter, the court must direct the court clerk to command~~  
17 ~~the presence of the child by the issuance of a summons or other~~  
18 ~~method approved by local court rule instead of a warrant, unless the~~  
19 ~~court finds probable cause to believe that the child would not appear~~  
20 ~~in response to the command or finds probable cause to believe that~~  
21 ~~the arrest is necessary to prevent serious bodily harm to the~~  
22 ~~juvenile or another, in which case the court may issue a warrant. A~~  
23 ~~warrant of arrest must be supported by an affidavit or sworn~~  
24 ~~testimony, which must be recorded electronically or by stenographer,~~  
25 ~~establishing the grounds for issuing the warrant. The warrant of~~  
26 ~~arrest for a child under this subsection may not be served on a child~~  
27 ~~inside of school during school hours in a location where other~~  
28 ~~students are present if the child named in the warrant is a pupil at~~  
29 ~~the school. The court must communicate the summons to the child~~  
30 ~~through mail, telephone, text message, or other method of~~  
31 ~~communication needed in order to ensure the child has received the~~  
32 ~~information. If the child fails to appear via the summons or other~~  
33 ~~method, the court may issue an order directing law enforcement to~~  
34 ~~pick up and take the child to detention.))~~

35 **Sec. 7.** RCW 13.32A.150 and 2000 c 123 s 17 are each amended to  
36 read as follows:

37 (1) Except as otherwise provided in this chapter, the juvenile  
38 court shall not accept the filing of a child in need of services  
39 petition by the child or the parents or the filing of an at-risk



1 youth petition by the parent, unless verification is provided that  
2 the department has completed a family assessment. The family  
3 assessment shall involve the multidisciplinary team if one exists.  
4 The family assessment or plan of services developed by the  
5 multidisciplinary team shall be aimed at family reconciliation,  
6 reunification, and avoidance of the out-of-home placement of the  
7 child. (~~If the department is unable to complete an assessment within~~  
8 ~~two working days following a request for assessment the child or the~~  
9 ~~parents may proceed under subsection (2) of this section or the~~  
10 ~~parent may proceed under RCW 13.32A.191.))~~

11 (2) A child or a child's parent may file with the juvenile court  
12 a child in need of services petition to approve an out-of-home  
13 placement for the child before completion of a family assessment. The  
14 department shall, when requested, assist either a parent or child in  
15 the filing of the petition. The petition must be filed in the county  
16 where the parent resides. The petition shall allege that the child is  
17 a child in need of services and shall ask only that the placement of  
18 a child outside the home of his or her parent be approved. The filing  
19 of a petition to approve the placement is not dependent upon the  
20 court's having obtained any prior jurisdiction over the child or his  
21 or her parent, and confers upon the court a special jurisdiction to  
22 approve or disapprove an out-of-home placement under this chapter.

23 (3) A petition may not be filed if the child is the subject of a  
24 proceeding under chapter 13.34 RCW.

25 **Sec. 8.** RCW 13.34.165 and 2000 c 122 s 21 are each amended to  
26 read as follows:

27 (1) Failure by a party to comply with an order entered under this  
28 chapter is civil contempt of court as provided in RCW 7.21.030(2)  
29 (~~(e)~~).

30 (2) (~~The maximum term of confinement that may be imposed as a~~  
31 ~~remedial sanction for contempt of court under this section is~~  
32 ~~confinement for up to seven days.~~

33 (3) ~~A child held for contempt under this section shall be~~  
34 ~~confined only in a secure juvenile detention facility operated by or~~  
35 ~~pursuant to a contract with a county.~~

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

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

11       (b) If the department is notified of the child's whereabouts and  
12 authorizes the child's location, the court must withdraw the order  
13 directing law enforcement to pick up and return the child to  
14 department custody.

15       **Sec. 9.** RCW 28A.225.090 and 2017 c 291 s 5 are each amended to  
16 read as follows:

17       (1) A court may order a child subject to a petition under RCW  
18 28A.225.035 to do one or more of the following:

19       (a) Attend the child's current school, and set forth minimum  
20 attendance requirements, which shall not consider a suspension day as  
21 an unexcused absence;

22       (b) If there is space available and the program can provide  
23 educational services appropriate for the child, order the child to  
24 attend another public school, an alternative education program,  
25 center, a skill center, dropout prevention program, or another public  
26 educational program;

27       (c) Attend a private nonsectarian school or program including an  
28 education center. Before ordering a child to attend an approved or  
29 certified private nonsectarian school or program, the court shall:

30       (i) Consider the public and private programs available; (ii) find  
31 that placement is in the best interest of the child; and (iii) find  
32 that the private school or program is willing to accept the child and  
33 will not charge any fees in addition to those established by contract  
34 with the student's school district. If the court orders the child to  
35 enroll in a private school or program, the child's school district  
36 shall contract with the school or program to provide educational  
37 services for the child. The school district shall not be required to  
38 contract for a weekly rate that exceeds the state general  
39 apportionment dollars calculated on a weekly basis generated by the

1 child and received by the district. A school district shall not be  
2 required to enter into a contract that is longer than the remainder  
3 of the school year. A school district shall not be required to enter  
4 into or continue a contract if the child is no longer enrolled in the  
5 district;

6 (d) Submit to a substance abuse assessment if the court finds on  
7 the record that such assessment is appropriate to the circumstances  
8 and behavior of the child and will facilitate the child's compliance  
9 with the mandatory attendance law and, if any assessment, including a  
10 urinalysis test ordered under this subsection indicates the use of  
11 controlled substances or alcohol, order the minor to abstain from the  
12 unlawful consumption of controlled substances or alcohol and adhere  
13 to the recommendations of the substance abuse assessment at no  
14 expense to the school; or

15 (e) Submit to a mental health evaluation or other diagnostic  
16 evaluation and adhere to the recommendations of the drug assessment,  
17 at no expense to the school, if the court finds on the court records  
18 that such evaluation is appropriate to the circumstances and behavior  
19 of the child, and will facilitate the child's compliance with the  
20 mandatory attendance law.

21 (2) ~~((a))~~ If the child fails to comply with the court order, the  
22 court may impose:

23 ~~((i))~~ (a) Community restitution;

24 ~~((ii))~~ (b) Nonresidential programs with intensive wraparound  
25 services;

26 ~~((iii))~~ (c) A requirement that the child meet with a mentor for  
27 a specified number of times; ~~((e)~~

28 ~~(iv))~~ (d) Parent teen mediation services and interventions  
29 offered by dispute resolution centers under chapter 7.75 RCW; or

30 (e) Other services and interventions that the court deems  
31 appropriate.

32 ~~((b) If the child continues to fail to comply with the court~~  
33 ~~order and the court makes a finding that other measures to secure~~  
34 ~~compliance have been tried but have been unsuccessful and no less~~  
35 ~~restrictive alternative is available, the court may order the child~~  
36 ~~to be subject to detention, as provided in RCW 7.21.030(2)(e).~~  
37 ~~Failure by a child to comply with an order issued under this~~  
38 ~~subsection shall not be subject to detention for a period greater~~  
39 ~~than that permitted pursuant to a civil contempt proceeding against a~~  
40 ~~child under chapter 13.32A RCW. Detention ordered under this~~

1 subsection may be for no longer than seven days. Detention ordered  
2 under this subsection shall preferably be served at a secure crisis  
3 residential center close to the child's home rather than in a  
4 juvenile detention facility. A warrant of arrest for a child under  
5 this subsection may not be served on a child inside of school during  
6 school hours in a location where other students are present.))

7 (3) Any parent violating any of the provisions of either RCW  
8 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than  
9 twenty-five dollars for each day of unexcused absence from school.  
10 The court shall remit fifty percent of the fine collected under this  
11 section to the child's school district. It shall be a defense for a  
12 parent charged with violating RCW 28A.225.010 to show that he or she  
13 exercised reasonable diligence in attempting to cause a child in his  
14 or her custody to attend school or that the child's school did not  
15 perform its duties as required in RCW 28A.225.020. The court may  
16 order the parent to provide community restitution instead of imposing  
17 a fine. Any fine imposed pursuant to this section may be suspended  
18 upon the condition that a parent charged with violating RCW  
19 28A.225.010 shall participate with the school and the child in a  
20 supervised plan for the child's attendance at school or upon  
21 condition that the parent attend a conference or conferences  
22 scheduled by a school for the purpose of analyzing the causes of a  
23 child's absence.

24 (4) If a child continues to be truant after entering into a  
25 court-approved order with the truancy board under RCW 28A.225.035,  
26 the juvenile court shall find the child in contempt, and the court  
27 may (~~order the child to be subject to detention, as provided in RCW~~  
28 ~~7.21.030(2)(e), or may~~) impose alternatives to detention (~~such as~~  
29 ~~meaningful community restitution. Failure by a child to comply with~~  
30 ~~an order issued under this subsection may not subject a child to~~  
31 ~~detention for a period greater than that permitted under a civil~~  
32 ~~contempt proceeding against a child under chapter 13.32A RCW~~)  
33 consistent with best practice models for reengagement with school.

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

37 **Sec. 10.** RCW 43.185C.260 and 2018 c 58 s 61 are each amended to  
38 read as follows:

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

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

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

8 (c) If an agency legally charged with the supervision of a child  
9 has notified a law enforcement agency that the child has run away  
10 from placement (~~;~~ or

11 ~~(d) If a law enforcement agency has been notified by the juvenile~~  
12 ~~court that the court finds probable cause exists to believe that the~~  
13 ~~child has violated a court placement order issued under this chapter~~  
14 ~~or chapter 13.34 RCW or that the court has issued an order for law~~  
15 ~~enforcement pick-up of the child under this chapter or chapter 13.34~~  
16 ~~RCW).~~

17 (2) Law enforcement custody shall not extend beyond the amount of  
18 time reasonably necessary to transport the child to a destination  
19 authorized by law and to place the child at that destination. Law  
20 enforcement custody continues until the law enforcement officer  
21 transfers custody to a person, agency, or other authorized entity  
22 under this chapter, or releases the child because no placement is  
23 available. Transfer of custody is not complete unless the person,  
24 agency, or entity to whom the child is released agrees to accept  
25 custody.

26 (3) If a law enforcement officer takes a child into custody  
27 pursuant to either subsection (1)(a) or (b) of this section and  
28 transports the child to a crisis residential center, the officer  
29 shall, within twenty-four hours of delivering the child to the  
30 center, provide to the center a written report detailing the reasons  
31 the officer took the child into custody. The center shall provide the  
32 department of children, youth, and families with a copy of the  
33 officer's report if the youth is in the care of or receiving services  
34 from the department of children, youth, and families.

35 (4) If the law enforcement officer who initially takes the  
36 juvenile into custody or the staff of the crisis residential center  
37 have reasonable cause to believe that the child is absent from home  
38 because he or she is abused or neglected, a report shall be made  
39 immediately to the department of children, youth, and families.

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

4 (6) If a law enforcement officer has a reasonable suspicion that  
5 a child is being unlawfully harbored in violation of RCW 13.32A.080,  
6 the officer shall remove the child from the custody of the person  
7 harboring the child and shall transport the child to one of the  
8 locations specified in RCW 43.185C.265.

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

11 **Sec. 11.** RCW 43.185C.265 and 2015 c 69 s 14 are each amended to  
12 read as follows:

13 (1) An officer taking a child into custody under RCW  
14 43.185C.260(1) (a) or (b) shall inform the child of the reason for  
15 such custody and shall:

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

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

34 (i) The child expresses fear or distress at the prospect of being  
35 returned to his or her home which leads the officer to believe there  
36 is a possibility that the child is experiencing some type of abuse or  
37 neglect;

38 (ii) It is not practical to transport the child to his or her  
39 home or place of the parent's employment; or

1 (iii) There is no parent available to accept custody of the  
2 child; or

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

29 (2) An officer taking a child into custody under RCW  
30 43.185C.260(1)(c) (~~or (d)~~) shall inform the child of the reason for  
31 custody. An officer taking a child into custody under RCW  
32 43.185C.260(1)(c) may release the child to the supervising agency,  
33 may return the child to the placement authorized by the supervising  
34 agency, or shall take the child to a designated crisis residential  
35 (~~center's secure facility. If the secure facility is not available,~~  
36 ~~not located within a reasonable distance, or full, the officer shall~~  
37 ~~take the child to a semi-secure crisis residential center. An officer~~  
38 ~~taking a child into custody under RCW 43.185C.260(1)(d) may place the~~  
39 ~~child in a juvenile detention facility as provided in RCW 43.185C.270~~  
40 ~~or a secure facility, except that the child shall be taken to~~

1 ~~detention whenever the officer has been notified that a juvenile~~  
2 ~~court has entered a detention order under this chapter or chapter~~  
3 ~~13.34 RCW)~~ center.

4 (3) Every officer taking a child into custody shall provide the  
5 child and his or her parent or parents or responsible adult with a  
6 copy of the statement specified in RCW 43.185C.290(6).

7 (4) Whenever an officer transfers custody of a child to a crisis  
8 residential center or the department of ~~((social and health~~  
9 ~~services))~~ children, youth, and families, the child may reside in the  
10 crisis residential center or may be placed by the department of  
11 ~~((social and health services))~~ children, youth, and families in an  
12 out-of-home placement for an aggregate total period of time not to  
13 exceed seventy-two hours excluding Saturdays, Sundays, and holidays.  
14 Thereafter, the child may continue in out-of-home placement only if  
15 the parents have consented, a child in need of services petition has  
16 been filed, or an order for placement has been entered under chapter  
17 13.34 RCW.

18 (5) The department of ~~((social and health services))~~ children,  
19 youth, and families shall ensure that all law enforcement authorities  
20 are informed on a regular basis as to the location of all designated  
21 secure and semi-secure facilities within centers in their  
22 jurisdiction, where children taken into custody under RCW 43.185C.260  
23 may be taken.

24 **Sec. 12.** RCW 2.56.032 and 2016 c 205 s 19 are each amended to  
25 read as follows:

26 (1)(a) To accurately track the extent to which courts order youth  
27 into a secure detention facility in Washington state for the  
28 violation of a court order related to a truancy, at-risk youth, or a  
29 child in need of services petition, all juvenile courts shall  
30 transmit youth-level secure detention data to the administrative  
31 office of the courts.

32 (b) Data may either be entered into the statewide management  
33 information system for juvenile courts or securely transmitted to the  
34 administrative office of the courts at least monthly. Juvenile courts  
35 shall provide, at a minimum, the name and date of birth for the  
36 youth, the court case number assigned to the petition, the reasons  
37 for admission to the juvenile detention facility, the date of  
38 admission, the date of exit, and the time the youth spent in secure  
39 confinement.



1 (c) Courts are also encouraged to report individual-level data  
2 reflecting whether a detention alternative, such as electronic  
3 monitoring, was used, and the time spent in detention alternatives.

4 (d) The administrative office of the courts and the juvenile  
5 court administrators must work to develop uniform data standards for  
6 detention.

7 (2) The administrative office of the courts shall deliver an  
8 annual statewide report to the legislature that details the number of  
9 Washington youth who are placed into detention facilities during the  
10 preceding calendar year. The first report shall be delivered by March  
11 1, 2017, and shall detail the most serious reason for detention and  
12 youth gender, race, and ethnicity. The report must have a specific  
13 emphasis on youth who are detained for reasons relating to a truancy,  
14 at-risk youth, or a child in need of services petition. Until July 1,  
15 2022, the report must monitor trends in the use of at-risk youth  
16 petitions under chapter 13.32A RCW as well as track the race and  
17 gender of youth with at-risk petitions.

18 NEW SECTION. **Sec. 13.** The following acts or parts of acts are  
19 each repealed:

20 (1) RCW 43.185C.270 (Youth services—Officer taking child into  
21 custody—Placing in detention—Detention review hearing—Hearing on  
22 contempt) and 2015 c 69 s 15; and

23 (2) 1998 c 296 s 35 (uncodified).

24 NEW SECTION. **Sec. 14.** Except for sections 4 and 6 of this act,  
25 this act is necessary for the immediate preservation of the public  
26 peace, health, or safety, or support of the state government and its  
27 existing public institutions, and takes effect July 1, 2019.

28 NEW SECTION. **Sec. 15.** Sections 4 and 6 of this act take effect  
29 July 1, 2021.

--- END ---