
SECOND SUBSTITUTE HOUSE BILL 2217

State of Washington

54th Legislature

1996 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Carrell, Mitchell, Thompson, Cooke, Boldt, Backlund and Johnson)

Read first time 02/05/96.

1 AN ACT Relating to at-risk youth; amending RCW 13.32A.090,
2 13.32A.130, 13.32A.030, 13.32A.050, 13.32A.060, 13.32A.065, 13.32A.070,
3 13.32A.082, 13.32A.095, 13.32A.100, 13.32A.110, 13.32A.120, 13.32A.140,
4 13.32A.150, 13.32A.152, 13.32A.160, 13.32A.170, 13.32A.179, 13.32A.190,
5 13.32A.192, 13.32A.194, 13.32A.250, 13.34.165, 28A.225.030,
6 28A.225.035, 28A.225.090, 70.96A.095, and 71.34.035; adding new
7 sections to chapter 13.32A RCW; adding new sections to chapter 70.96A
8 RCW; adding new sections to chapter 71.34 RCW; adding a new section to
9 chapter 74.13 RCW; creating new sections; and prescribing penalties.

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

11 NEW SECTION. **Sec. 1.** The legislature finds that no children
12 should be exposed to the dangers inherent in living on the streets.
13 The legislature further finds that there are children who are not
14 mentally ill or chemically dependent who are living on the street in
15 dangerous situations. These children through their at-risk behavior
16 place themselves at great personal risk and danger. The legislature
17 further finds that these children with at-risk behaviors should receive
18 treatment for their problems that result in excessive opposition to
19 parental authority. Such treatment should only be authorized through

1 court order and should be in addition to any options available to meet
2 the needs of these children.

3 NEW SECTION. **Sec. 2.** This act shall be known and cited as the
4 "Becca Too" bill.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 13.32A RCW
6 to read as follows:

7 (1) In disposition proceedings involving a child in need of
8 services or an at-risk youth, the court may adopt the additional orders
9 authorized under this section if it finds that the child involved in
10 those proceedings is not eligible for inpatient treatment for a
11 psychiatric or substance abuse condition and requires specialized
12 treatment. The court may include in its dispositional orders a
13 requirement that the child be placed in a staff secure facility that
14 will provide for the child's participation in a program designed to
15 remedy his or her behavior difficulties. The court may not include
16 this requirement unless, at the disposition hearing, it finds that the
17 placement is clearly necessary in order to protect the child and that
18 less restrictive orders not requiring such placement would be
19 inadequate to protect the child, given the child's age, maturity,
20 propensity to run away from home, past exposure to serious risk when
21 the child ran away from home, and possible future exposure to serious
22 risk should the child run away from home again. The orders shall also
23 contain provisions providing for periodic court review of the
24 placement, with the first review hearing conducted not more than thirty
25 days after the date of the placement. Before each review hearing, the
26 court shall advise the parents of their rights under RCW
27 13.32A.160(1)(e). At each review hearing the court shall review the
28 orders to determine the progress of the child, whether the orders are
29 still necessary for the protection of the child, and whether a less
30 restrictive order of placement would be adequate. The court shall make
31 such modifications in its orders as it finds necessary to protect the
32 child. Review hearings of orders adopted under this section are
33 subject to the review provisions applicable under this chapter to
34 disposition orders pertaining to a child in need of services or to at-
35 risk youth.

1 (2) Placements in staff secure facilities under this section shall
2 be limited to children who meet the statutory definition of a child in
3 need of services or an at-risk youth as defined in RCW 13.32A.030.

4 (3) State funds may only be used to pay for placements under this
5 section if, and to the extent that, such funds are appropriated to
6 expressly pay for them.

7 NEW SECTION. **Sec. 4.** A new section is added to chapter 13.32A RCW
8 to read as follows:

9 (1) A violation of RCW 13.32A.082 by a licensed child-serving
10 agency shall be addressed as a licensing violation under chapter 74.15
11 RCW.

12 (2) A violation of RCW 13.32A.082 by any other person is a
13 misdemeanor.

14 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.96A RCW
15 to read as follows:

16 (1) Any provider of treatment in an approved inpatient treatment
17 program who provides treatment to a minor under RCW 70.96A.095(1) shall
18 provide notice of the request for treatment to the minor's parents.
19 The notice shall be made within forty-eight hours of the request for
20 treatment, excluding Saturdays, Sundays, and holidays, and shall
21 contain the same information as required under RCW 71.34.030(2)(b).

22 (2) Any provider of outpatient treatment shall provide notice of
23 the request for treatment to the minor's parents within seven days of
24 the request for treatment, excluding Saturdays, Sundays, and holidays,
25 and shall contain the same information as required under RCW
26 71.34.030(2)(b).

27 NEW SECTION. **Sec. 6.** A new section is added to chapter 70.96A RCW
28 to read as follows:

29 Nothing in this chapter authorizes school district personnel to
30 refer minors to any inpatient treatment program or inpatient treatment
31 provider without providing notice of the referral within forty-eight
32 hours to the parent, parents, or guardians.

33 NEW SECTION. **Sec. 7.** A new section is added to chapter 71.34 RCW
34 to read as follows:

1 (1) Any provider of treatment at an inpatient evaluation and
2 treatment facility who provides treatment to a minor under RCW
3 71.34.030(1) shall provide notice of the request for treatment to the
4 minor's parents. The notice shall be made within forty-eight hours of
5 the request for treatment, excluding Saturdays, Sundays, and holidays,
6 and shall contain the same information as required under RCW
7 71.34.030(2)(b).

8 (2) Any provider of outpatient treatment shall provide notice of
9 the request for treatment to the minor's parents. The notice shall be
10 made within seven days of the request for treatment, excluding
11 Saturdays, Sundays, and holidays, and shall contain the same
12 information as required under RCW 71.34.030(2)(b).

13 NEW SECTION. **Sec. 8.** A new section is added to chapter 71.34 RCW
14 to read as follows:

15 Nothing in this chapter authorizes school district personnel to
16 refer minors to any inpatient evaluation and treatment program without
17 providing notice of the referral within forty-eight hours to the
18 minor's parent.

19 **Sec. 9.** RCW 13.32A.090 and 1995 c 312 s 10 are each amended to
20 read as follows:

21 (1) The ((~~person in charge~~)) administrator of a designated crisis
22 residential center or the department shall perform the duties under
23 subsection (2) of this section:

24 (a) Upon admitting a child who has been brought to the center by a
25 law enforcement officer under RCW 13.32A.060;

26 (b) Upon admitting a child who has run away from home or has
27 requested admittance to the center;

28 (c) Upon learning from a person under RCW 13.32A.080(3) that the
29 person is providing shelter to a child absent from home; or

30 (d) Upon learning that a child has been placed with a responsible
31 adult pursuant to RCW 13.32A.060.

32 (2) When any of the circumstances under subsection (1) of this
33 section are present, the ((~~person in charge~~)) administrator of a center
34 or the department shall perform the following duties:

35 (a) Immediately notify the child's parent of the child's
36 whereabouts, physical and emotional condition, and the circumstances
37 surrounding his or her placement;

1 (b) Initially notify the parent that it is the paramount concern of
2 the family reconciliation service personnel to achieve a reconciliation
3 between the parent and child to reunify the family and inform the
4 parent as to the procedures to be followed under this chapter;

5 (c) Inform the parent whether a referral to children's protective
6 services has been made and, if so, inform the parent of the standard
7 pursuant to RCW 26.44.020(12) governing child abuse and neglect in this
8 state;

9 (d) Arrange transportation for the child to the residence of the
10 parent, as soon as practicable, at the latter's expense to the extent
11 of his or her ability to pay, with any unmet transportation expenses to
12 be assumed by the department, when the child and his or her parent
13 agrees to the child's return home or when the parent produces a copy of
14 a court order entered under this chapter requiring the child to reside
15 in the parent's home;

16 (e) Arrange transportation for the child to (i) an out-of-home
17 placement which may include a licensed group care facility or foster
18 family when agreed to by the child and parent or (ii) a certified or
19 licensed mental health or chemical dependency program of the parent's
20 choice at the latter's expense to the extent of his or her ability to
21 pay, with any unmet transportation expenses assumed by the
22 department((+

23 ~~(f) Immediately notify the department of the placement)).~~

24 (3) If the administrator of the crisis residential center performs
25 the duties listed in subsection (1) of this section, he or she shall
26 also notify the department that a child has been admitted to the crisis
27 residential center.

28 **Sec. 10.** RCW 13.32A.130 and 1995 c 312 s 12 are each amended to
29 read as follows:

30 (1) A child admitted to a secure facility within a crisis
31 residential center shall remain in the facility for not more than five
32 consecutive days, but for at least twenty-four hours after admission.
33 If the child is transferred between centers or between secure and semi-
34 secure facilities, the aggregate length of time spent in all such
35 centers or facilities may not exceed five consecutive days.

36 (2)(a)(i) The facility administrator shall determine within twenty-
37 four hours after a child's admission to a secure facility whether the
38 child ~~((can be safely admitted to))~~ is likely to remain in a semi-

1 secure facility and may transfer the child to a semi-secure facility or
2 release the child to the department. The determination shall be based
3 on: (A) The need for continued assessment, protection, and treatment
4 of the child in a secure facility; and (B) the likelihood the child
5 would remain at a semi-secure facility until his or her parents can
6 take the child home or a petition can be filed under this title.

7 (ii) In making the determination the administrator shall (~~include~~
8 ~~consideration of~~) consider the following information if known: (A)
9 (~~(A)~~) The child's age and maturity; (B) the child's condition upon
10 arrival at the center; (C) the circumstances that led to the child's
11 being taken to the center; (D) whether the child's behavior endangers
12 the health, safety, or welfare of the child or any other person; (E)
13 the child's history of running away which has endangered the health,
14 safety, and welfare of the child; and (F) the child's willingness to
15 cooperate in (~~conducting~~) the assessment.

16 (b) If the administrator of a secure facility determines the child
17 is unlikely to remain in a semi-secure facility, the administrator
18 shall keep the child in the secure facility pursuant to this chapter
19 and in order to provide for space for the child may transfer another
20 child who has been in the facility for at least seventy-two hours to a
21 semi-secure facility. The administrator shall only make a transfer of
22 a child after determining that the child who may be transferred is
23 likely to remain at the semi-secure facility.

24 (c) A crisis residential center administrator is authorized to
25 transfer a child to a crisis residential center in the area where the
26 child's parents reside or where the child's lawfully prescribed
27 residence is located.

28 (d) An administrator may transfer a child from a semi-secure
29 facility to a secure facility whenever (~~the administrator~~) he or she
30 reasonably believes that the child is likely to leave the semi-secure
31 facility and not return and after full consideration of all factors in
32 (a)(i) and (ii) of this subsection.

33 (3) If no parent is available or willing to remove the child during
34 the five-day period, the department shall consider the filing of a
35 petition under RCW 13.32A.140.

36 (4) The requirements of this section shall not apply to a child who
37 is: (a) Returned to the home of his or her parent; (b) placed in a
38 semi-secure facility within a crisis residential center pursuant to a
39 temporary out-of-home placement order authorized under RCW 13.32A.125;

1 (c) placed in an out-of-home placement; or (d) (~~is subject to a~~
2 ~~petition under RCW 13.32A.191~~) the subject of an at-risk youth
3 petition.

4 (5) Notwithstanding the provisions of subsection (1) of this
5 section, the parents may remove the child at any time during the five-
6 day period unless the staff of the crisis residential center has
7 reasonable cause to believe that the child is absent from the home
8 because he or she is abused or neglected or if allegations of abuse or
9 neglect have been made against the parents. (~~The department may~~
10 ~~remove the child whenever a dependency petition is filed under chapter~~
11 ~~13.34 RCW.~~) Any agency legally charged with the supervision of a
12 child or the department may remove a child from a crisis residential
13 center at any time after the first twenty-four-hour period after
14 admission has elapsed and only after full consideration by all parties
15 of the factors in subsection (2)(a) of this section.

16 (6) Crisis residential center staff shall make reasonable efforts
17 to protect the child and achieve a reconciliation of the family. If a
18 reconciliation and voluntary return of the child has not been achieved
19 within forty-eight hours from the time of intake, and if the (~~person~~
20 ~~in charge~~) administrator of the center does not consider it likely
21 that reconciliation will be achieved within the five-day period, then
22 the (~~person in charge~~) administrator shall inform the parent and
23 child of (a) the availability of counseling services; (b) the right to
24 file a child in need of services petition for an out-of-home placement,
25 the right of a parent to file an at-risk youth petition, and the right
26 of the parent and child to obtain assistance in filing the petition;
27 (c) the right to request the facility administrator or his or her
28 designee to form a multidisciplinary team; (~~and~~) (d) the right to
29 request a review of any out-of-home placement; (e) the right to request
30 a mental health or chemical dependency evaluation; and (f) the right to
31 request treatment in a program to address the child's at-risk behavior
32 under section 3 of this act.

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

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

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

6 **Sec. 11.** RCW 13.32A.030 and 1995 c 312 s 3 are each amended to
7 read as follows:

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

10 (1) "Administrator" means the individual who has the daily
11 administrative responsibility of a crisis residential center, or his or
12 her designee.

13 (2) "At-risk youth" means a juvenile:

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

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

19 (c) Who has a substance abuse problem for which there are no
20 pending criminal charges related to the substance abuse.

21 ((+2)) (3) "Child," "juvenile," and "youth" mean any unemancipated
22 individual who is under the chronological age of eighteen years.

23 ((+3)) (4) "Child in need of services" means a juvenile:

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

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

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

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

34 (c)(i) Who is in need of necessary services, including food,
35 shelter, health care, clothing, educational, or services designed to
36 maintain or reunite the family;

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

1 (iii) Whose parents have evidenced continuing but unsuccessful
2 efforts to maintain the family structure or are unable or unwilling to
3 continue efforts to maintain the family structure.

4 (~~(4)~~) (5) "Child in need of services petition" means a petition
5 filed in juvenile court by a parent, child, or the department seeking
6 adjudication of placement of the child.

7 (~~(5)~~) (6) "Crisis residential center" means a secure or semi-
8 secure facility established pursuant to RCW 74.13.032.

9 (7) "Custodian" means the person or entity who has the legal right
10 to the custody of the child.

11 (~~(6)~~) (8) "Department" means the department of social and health
12 services.

13 (~~(7)~~) (9) "Extended family member" means an adult who is a
14 grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or
15 first cousin with whom the child has a relationship and is comfortable,
16 and who is willing and available to care for the child.

17 (~~(8)~~) (10) "Guardian" means that person or agency that (a) has
18 been appointed as the guardian of a child in a legal proceeding other
19 than a proceeding under chapter 13.34 RCW, and (b) has the right to
20 legal custody of the child pursuant to such appointment. The term
21 "guardian" does not include a "dependency guardian" appointed pursuant
22 to a proceeding under chapter 13.34 RCW.

23 (~~(9)~~) (11) "Multidisciplinary team" means a group formed to
24 provide assistance and support to a child who is an at-risk youth or a
25 child in need of services and his or her parent. The team shall
26 include the parent, a department case worker, a local government
27 representative when authorized by the local government, and when
28 appropriate, members from the mental health and substance abuse
29 disciplines. The team may also include, but is not limited to, the
30 following persons: Educators, law enforcement personnel, probation
31 officers, employers, church persons, tribal members, therapists,
32 medical personnel, social service providers, placement providers, and
33 extended family members. The team members shall be volunteers who do
34 not receive compensation while acting in a capacity as a team member,
35 unless the member's employer chooses to provide compensation or the
36 member is a state employee.

37 (~~(10)~~) (12) "Out-of-home placement" means a placement in a foster
38 family home or group care facility licensed pursuant to chapter 74.15
39 RCW or placement in a home, other than that of the child's parent,

1 guardian, or legal custodian, not required to be licensed pursuant to
2 chapter 74.15 RCW.

3 ~~((11))~~ (13) "Parent" means the parent or parents who have the
4 legal right to custody of the child. "Parent" includes custodian or
5 guardian.

6 ~~((12))~~ (14) "Secure facility" means a crisis residential center,
7 or portion thereof, that has locking doors, locking windows, or a
8 secured perimeter, designed and operated to prevent a child from
9 leaving without permission of the facility staff.

10 ~~((13))~~ (15) "Semi-secure facility" means any facility, including
11 but not limited to crisis residential centers or specialized foster
12 family homes, operated in a manner to reasonably assure that youth
13 placed there will not run away. Pursuant to rules established by the
14 department, the facility administrator shall establish reasonable hours
15 for residents to come and go from the facility such that no residents
16 are free to come and go at all hours of the day and night. To prevent
17 residents from taking unreasonable actions, the facility administrator,
18 where appropriate, may condition a resident's leaving the facility upon
19 the resident being accompanied by the administrator or the
20 administrator's designee and the resident may be required to notify the
21 administrator or the administrator's designee of any intent to leave,
22 his or her intended destination, and the probable time of his or her
23 return to the center.

24 ~~((14))~~ (16) "Temporary out-of-home placement" means an out-of-
25 home placement of not more than fourteen days ordered by the court at
26 a fact-finding hearing on a child in need of services petition.

27 **Sec. 12.** RCW 13.32A.050 and 1995 c 312 s 6 are each amended to
28 read as follows:

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

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

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

1 (c) If an agency legally charged with the supervision of a child
2 has notified a law enforcement agency that the child has run away from
3 placement; or

4 (d) If a law enforcement agency has been notified by the juvenile
5 court that the court finds probable cause exists to believe that the
6 child has violated a court placement order issued pursuant to chapter
7 13.32A or 13.34 RCW or that the court has issued an order for law
8 enforcement pick-up of the child under this chapter or chapter 13.34
9 RCW.

10 (2) Law enforcement custody shall not extend beyond the amount of
11 time reasonably necessary to transport the child to a destination
12 authorized by law and to place the child at that destination.

13 (3) If a law enforcement officer takes a child into custody
14 pursuant to either subsection (1)(a) or (b) of this section and
15 transports the child to a crisis residential center, the officer shall,
16 within twenty-four hours of delivering the child to the center, provide
17 to the center a written report detailing the reasons the officer took
18 the child into custody. The center shall provide the department with
19 a copy of the officer's report.

20 (4) If the law enforcement officer who initially takes the juvenile
21 into custody or the staff of the crisis residential center have
22 reasonable cause to believe that the child is absent from home because
23 he or she is abused or neglected, a report shall be made immediately to
24 the department.

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

28 (6) If a law enforcement officer receives a report that causes the
29 officer to have reasonable suspicion that a child is being harbored
30 under RCW 13.32A.080 or for other reasons has a reasonable suspicion
31 that a child is being harbored under RCW 13.32A.080, the officer shall
32 remove the child from the custody of the person harboring the child and
33 shall transport the child to one of the locations specified in RCW
34 13.32A.060.

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

37 **Sec. 13.** RCW 13.32A.060 and 1995 c 312 s 7 are each amended to
38 read as follows:

1 (1) An officer taking a child into custody under RCW 13.32A.050(1)
2 (a) or (b) shall inform the child of the reason for such custody and
3 shall (~~either~~):

4 (a) Transport the child to his or her home or to a parent at his or
5 her place of employment, if no parent is at home and if it is within
6 reasonable proximity to the officer's location. The officer releasing
7 a child into the custody of the parent shall inform the parent of the
8 reason for the taking of the child into custody and shall inform the
9 child and the parent of the nature and location of appropriate services
10 available in their community. The parent may (~~direct~~) request that
11 the officer (~~to~~) take the child to the home of an adult extended
12 family member, responsible adult, crisis residential center, or a
13 licensed youth shelter that is located within reasonable proximity to
14 the officer's location. The officer releasing a child into the custody
15 of an adult extended family member, responsible adult, or a licensed
16 youth shelter shall inform the child and the person receiving the child
17 of the nature and location of appropriate services available in the
18 community; or

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

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

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

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

31 (c) If a crisis residential center is full, not available, or not
32 located within a reasonable distance, the officer may request the
33 department to accept custody of the child. If the department
34 determines that an appropriate placement is currently available, the
35 department may accept custody and place the child in an out-of-home
36 placement. If the department declines to accept custody of the child,
37 the officer may release the child after taking the child to the home of
38 an adult extended family member or a responsible adult or a licensed
39 youth shelter.

1 (2) An officer taking a child into custody under RCW 13.32A.050(1)
2 (c) or (d) shall inform the child of the reason for custody. An
3 officer taking a child into custody under RCW 13.32A.050(1)(c)
4 (~~shall~~) may release the child to the supervising agency, or shall
5 take the child to a designated crisis residential center's secure
6 facility (~~or~~). If the secure facility is not available (~~or~~), not
7 located within a reasonable distance, or full, the officer shall take
8 the child to a semi-secure (~~facility within a~~) crisis residential
9 center, licensed by the department and established pursuant to chapter
10 74.13 RCW. An officer taking a child into custody under RCW
11 13.32A.050(1)(d) may place the child in a juvenile detention facility
12 as provided in RCW 13.32A.065 or a secure facility, except that the
13 child shall be taken to detention whenever the officer has been
14 notified that a juvenile court has entered a detention order under this
15 chapter or chapter 13.34 RCW.

16 (3) The department shall ensure that all law enforcement
17 authorities are informed on a regular basis as to the location of all
18 designated secure and semi-secure facilities within crisis residential
19 center or centers in their jurisdiction, where children taken into
20 custody under RCW 13.32A.050 may be taken.

21 **Sec. 14.** RCW 13.32A.065 and 1981 c 298 s 4 are each amended to
22 read as follows:

23 (1) A child may be placed in detention after being taken into
24 custody pursuant to RCW 13.32A.050(~~(+4)~~) (1)(d). The court shall hold
25 a detention review hearing within twenty-four hours, excluding
26 Saturdays, Sundays, and holidays. The court shall release the child
27 after twenty-four hours, excluding Saturdays, Sundays, and holidays,
28 unless:

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

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

34 (2) If the court orders the child to remain in detention, the court
35 shall set the matter for a hearing on contempt within seventy-two
36 hours, excluding Saturdays, Sundays, and holidays.

1 **Sec. 15.** RCW 13.32A.070 and 1995 c 312 s 8 are each amended to
2 read as follows:

3 (1) A law enforcement officer acting in good faith pursuant to this
4 chapter in failing to take a child into custody, in taking a child into
5 custody, in placing a child in a crisis residential center, in
6 releasing the child to the department or a supervising agency, or in
7 releasing a child to a person at the request of a parent is immune from
8 civil or criminal liability for such action.

9 (2) A person with whom a child is placed pursuant to this chapter
10 and who acts reasonably and in good faith is immune from civil or
11 criminal liability for the act of receiving the child. The immunity
12 does not release the person from liability under any other law.

13 **Sec. 16.** RCW 13.32A.082 and 1995 c 312 s 34 are each amended to
14 read as follows:

15 (1) Any person who, without legal authorization, provides shelter
16 to a minor and who knows at the time of providing the shelter that the
17 minor is away from the parent's home, or other lawfully prescribed
18 residence, without the permission of the parent, shall promptly report
19 the location of the child to the parent, the law enforcement agency of
20 the jurisdiction in which the person lives, or the department. The
21 report may be made by telephone or any other reasonable means.

22 (2) Unless the context clearly requires otherwise, the definitions
23 in this subsection apply throughout this section.

24 (a) "Shelter" means the person's home or any structure over which
25 the person has any control.

26 (b) "Promptly report" means to report within eight hours after the
27 person has knowledge that the minor is away from home without parental
28 permission.

29 (c) "Parent" means any parent having legal custody of the child,
30 whether individually or jointly.

31 (3) When the department receives a report under subsection (1) of
32 this section, it shall make a reasonable attempt to notify the parent
33 that a report has been received and may offer services designed to
34 resolve the conflict and accomplish a reunification of the family
35 between the parent and the child.

36 **Sec. 17.** RCW 13.32A.095 and 1995 c 312 s 21 are each amended to
37 read as follows:

1 The (~~crisis residential center~~) administrator of the crisis
2 residential center shall notify parents and the appropriate law
3 enforcement agency immediately as to any unauthorized leave from the
4 center by a child placed at the center.

5 **Sec. 18.** RCW 13.32A.100 and 1981 c 298 s 8 are each amended to
6 read as follows:

7 Where a child is placed in (~~a residence other than that of his or~~
8 ~~her parent~~) an out-of-home placement pursuant to RCW 13.32A.090(2)(e),
9 the department shall make available family reconciliation services in
10 order to facilitate the reunification of the family. Any such
11 placement may continue as long as there is agreement by the child and
12 parent.

13 **Sec. 19.** RCW 13.32A.110 and 1979 c 155 s 25 are each amended to
14 read as follows:

15 If a child who has a legal residence outside the state of
16 Washington is admitted to a crisis residential center or is (~~placed~~)
17 released by a law enforcement officer (~~with a responsible person other~~
18 ~~than the child's parent~~) to the department, and the child refuses to
19 return home, the provisions of RCW 13.24.010 shall apply.

20 **Sec. 20.** RCW 13.32A.120 and 1995 c 312 s 11 are each amended to
21 read as follows:

22 (1) Where either a child or the child's parent or the person or
23 facility currently providing shelter to the child notifies the center
24 that such individual or individuals cannot agree to the continuation of
25 an out-of-home placement arrived at pursuant to RCW 13.32A.090(2)(e),
26 the administrator of the center shall immediately contact the remaining
27 party or parties to the agreement and shall attempt to bring about the
28 child's return home or to an alternative living arrangement agreeable
29 to the child and the parent as soon as practicable.

30 (2) If a child and his or her parent cannot agree to an out-of-home
31 placement under RCW 13.32A.090(2)(e), either the child or parent may
32 file with the juvenile court a child in need of services petition to
33 approve an out-of-home placement or the parent may file with the
34 juvenile court a petition in the interest of a child alleged to be an
35 at-risk youth under this chapter.

1 (3) If a child and his or her parent cannot agree to the
2 continuation of an out-of-home placement arrived at under RCW
3 13.32A.090(2)(e), either the child or parent may file with the juvenile
4 court a child in need of services petition to approve an out-of-home
5 placement or the parent may file with the juvenile court a petition in
6 the interest of a child alleged to be an at-risk youth under this
7 chapter.

8 **Sec. 21.** RCW 13.32A.140 and 1995 c 312 s 15 are each amended to
9 read as follows:

10 Unless the department files a dependency petition, the department
11 shall file a child in need of services petition to approve an out-of-
12 home placement on behalf of a child under any of the following sets of
13 circumstances:

14 (1) The child has been admitted to a crisis residential center or
15 has been placed (~~with a responsible person other than his or her~~
16 ~~parent~~) by the department in an out-of-home placement, and:

17 (a) The parent has been notified that the child was so admitted or
18 placed;

19 (b) Seventy-two hours, including Saturdays, Sundays, and holidays,
20 have passed since such notification;

21 (c) No agreement between the parent and the child as to where the
22 child shall live has been reached;

23 (d) No child in need of services petition has been filed by either
24 the child or parent;

25 (e) The parent has not filed an at-risk youth petition; and

26 (f) The child has no suitable place to live other than the home of
27 his or her parent.

28 (2) The child has been admitted to a crisis residential center and:

29 (a) Seventy-two hours, including Saturdays, Sundays, and holidays,
30 have passed since such placement;

31 (b) The staff, after searching with due diligence, have been unable
32 to contact the parent of such child; and

33 (c) The child has no suitable place to live other than the home of
34 his or her parent.

35 (3) An agreement between parent and child made pursuant to RCW
36 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer
37 acceptable to parent or child, and:

1 (a) The party to whom the arrangement is no longer acceptable has
2 so notified the department;

3 (b) Seventy-two hours, including Saturdays, Sundays, and holidays,
4 have passed since such notification;

5 (c) No new agreement between parent and child as to where the child
6 shall live has been reached;

7 (d) No child in need of services petition has been filed by either
8 the child or the parent;

9 (e) The parent has not filed an at-risk youth petition; and

10 (f) The child has no suitable place to live other than the home of
11 his or her parent.

12 Under the circumstances of subsections (1), (2), or (3) of this
13 section, the child shall remain in an out-of-home placement until a
14 child in need of services petition filed by the department on behalf of
15 the child is reviewed by the juvenile court and is resolved by ~~((such))~~
16 the court. The department may authorize emergency medical or dental
17 care for a child ~~((placed under this section))~~ admitted to a crisis
18 residential center or placed in an out-of-home placement by the
19 department. The state, when the department files a child in need of
20 services petition under this section, shall be represented as provided
21 for in RCW 13.04.093.

22 ~~((If the department files a petition under this section, the~~
23 ~~department shall submit in a supporting affidavit any information~~
24 ~~provided under section 38 of this act.))~~

25 **Sec. 22.** RCW 13.32A.150 and 1995 c 312 s 16 are each amended to
26 read as follows:

27 (1) Except as otherwise provided in this chapter, the juvenile
28 court shall not accept the filing of a child in need of services
29 petition by the child or the parents or the filing of an at-risk youth
30 petition by the parent, unless verification is provided that a family
31 assessment has been completed by the department. The family assessment
32 provided by the department shall involve the multidisciplinary team as
33 provided in RCW 13.32A.040, if one exists. The family assessment or
34 plan of services developed by the multidisciplinary team shall be aimed
35 at family reconciliation, reunification, and avoidance of the out-of-
36 home placement of the child. If the department is unable to complete
37 an assessment within two working days following a request for

1 assessment the child or the parents may proceed under subsection (2) of
2 this section or the parent may proceed under RCW 13.32A.191.

3 (2) A child or a child's parent may file with the juvenile court a
4 child in need of services petition to approve an out-of-home placement
5 for the child. The department shall, when requested, assist either a
6 parent or child in the filing of the petition. The petition must be
7 filed in the county where the parent resides. The petition shall
8 ~~((only))~~ allege that the child is a child in need of services and shall
9 ask only that the placement of a child outside the home of his or her
10 parent be approved. The filing of a petition to approve the placement
11 is not dependent upon the court's having obtained any prior
12 jurisdiction over the child or his or her parent, and confers upon the
13 court a special jurisdiction to approve or disapprove an out-of-home
14 placement.

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

17 **Sec. 23.** RCW 13.32A.152 and 1995 c 312 s 4 are each amended to
18 read as follows:

19 (1) Whenever a child in need of services petition is filed by a
20 youth pursuant to RCW ~~((13.32A.130))~~ 13.32A.150, or the department
21 pursuant to RCW ~~((13.32A.150))~~ 13.32A.140, the ~~((youth or the~~
22 department)) filing party shall have a copy of the petition served on
23 the parents of the youth. Service shall first be attempted in person
24 and if unsuccessful, then by certified mail with return receipt.

25 (2) Whenever a child in need of services petition is filed by a
26 youth or parent pursuant to RCW 13.32A.150, the court shall immediately
27 notify the department that a petition has been filed.

28 **Sec. 24.** RCW 13.32A.160 and 1995 c 312 s 17 are each amended to
29 read as follows:

30 (1) When a proper child in need of services petition to approve an
31 out-of-home placement is filed under RCW 13.32A.120, 13.32A.140, or
32 13.32A.150 the juvenile court shall: (a) Schedule a fact-finding
33 hearing to be held within ~~((three judicial))~~ five calendar days unless
34 the last calendar day is a Saturday, Sunday, or holiday, in which case
35 the hearing shall be held on the next judicial day; notify the parent,
36 child, and the department of such date; (b) notify the parent of the
37 right to be represented by counsel and, if indigent, to have counsel

1 appointed for him or her by the court; (c) appoint legal counsel for
2 the child; (d) inform the child and his or her parent of the legal
3 consequences of the court approving or disapproving (~~(an out-of-home~~
4 ~~placement))~~ a child in need of services petition; (e) notify the
5 parents of their rights under this chapter and chapters 11.88, 13.34,
6 70.96A, and 71.34 RCW, including the right to file an at-risk youth
7 petition, the right to submit (~~(en-[an])~~) an application for admission
8 of their child to a treatment facility for alcohol, chemical
9 dependency, or mental health treatment, and the right to file a
10 guardianship petition; and (f) notify all parties, including the
11 department, of their right to present evidence at the fact-finding
12 hearing. The court may place a child in a crisis residential center
13 for a temporary out-of-home placement as long as the requirements of
14 RCW 13.32A.125 are met.

15 (2) Upon filing of a child in need of services petition, the child
16 may be placed, if not already placed, by the department in a (~~(crisis~~
17 ~~residential center,~~)~~)~~ foster family home, group home facility licensed
18 under chapter 74.15 RCW, or any other suitable residence to be
19 determined by the department. The court may place a child in a crisis
20 residential center for a temporary out-of-home placement as long as the
21 requirements of RCW 13.32A.125 are met.

22 (3) If the child has been placed in a foster family home or group
23 care facility under chapter 74.15 RCW, the child shall remain there, or
24 in any other suitable residence as determined by the department,
25 pending resolution of the petition by the court. Any placement may be
26 reviewed by the court within three judicial days upon the request of
27 the juvenile or the juvenile's parent.

28 **Sec. 25.** RCW 13.32A.170 and 1995 c 312 s 18 are each amended to
29 read as follows:

30 (1) The court shall hold a fact-finding hearing to consider a
31 proper child in need of services petition, giving due weight to the
32 intent of the legislature that families have the right to place
33 reasonable restrictions and rules upon their children, appropriate to
34 the individual child's developmental level. The court may appoint
35 legal counsel and/or a guardian ad litem to represent the child and
36 advise parents of their right to be represented by legal counsel. At
37 the commencement of the hearing, the court shall advise the parents of
38 their rights as set forth in RCW 13.32A.160(1)(e). If the court

1 approves or denies a child in need of services petition, a written
2 statement of the reasons must be filed.

3 (2) The court may approve an order stating that the child shall be
4 placed in a residence other than the home of his or her parent only if
5 it is established by a preponderance of the evidence, including a
6 departmental recommendation for approval or dismissal of the petition,
7 that:

8 (a) ((The petition is not capricious;

9 (b) The petitioner, if a child, has made a reasonable effort to
10 resolve the conflict;

11 (c) The conflict cannot be resolved by delivery of services to the
12 family during continued placement of the child in the parental home;

13 (d)) The child is a child in need of services as defined in RCW
14 13.32A.030(4);

15 (b) If the petitioner is a child, he or she has made a reasonable
16 effort to resolve the conflict;

17 (c) Reasonable efforts have been made to prevent or eliminate the
18 need for removal of the child from the child's home and to make it
19 possible for the child to return home; and

20 ((+e)) (d) A suitable out-of-home placement resource is available.

21 The court may not grant a petition filed by the child or the
22 department if it is established that the petition is based only upon a
23 dislike of reasonable rules or reasonable discipline established by the
24 parent. The court may not grant the petition if the child is the
25 subject of a proceeding under chapter 13.34 RCW.

26 ((+2)) (3) Following the fact-finding hearing the court shall:

27 (a) Approve a child in need of services petition and, if appropriate,
28 enter a temporary out-of-home placement for a period not to exceed
29 fourteen days pending approval of a disposition decision to be made
30 under RCW 13.32A.179(2); (b) approve an at-risk youth petition filed by
31 the parents and dismiss the child in need of services petition; (c)
32 dismiss the petition; or (d) order the department to review the case to
33 determine whether the case is appropriate for a dependency petition
34 under chapter 13.34 RCW.

35 **Sec. 26.** RCW 13.32A.179 and 1995 c 312 s 20 are each amended to
36 read as follows:

37 (1) A disposition hearing shall be held no later than fourteen days
38 after the approval of the temporary out-of-home placement. The

1 parents, child, and department shall be notified by the court of the
2 time and place of the hearing.

3 (2) (~~At the commencement of the hearing the court shall advise the~~
4 ~~parents of their rights as set forth in RCW 13.32A.160(1)(e). If the~~
5 ~~court approves or denies a child in need of services petition, a~~
6 ~~written statement of the reasons shall be filed.)) At the conclusion~~
7 of the disposition hearing, the court may: (a) Reunite the family and
8 dismiss the petition; (b) approve an at-risk youth petition filed by
9 the parents and dismiss the child in need of services petition; (c)
10 approve (~~a voluntary~~) an out-of-home placement requested in the child
11 in need of services petition by the parents; (d) order (~~any conditions~~
12 ~~set forth in RCW 13.32A.196(2))~~) an out-of-home placement at the
13 request of the child or the department not to exceed ninety days; or
14 (e) order the department to (~~file a petition~~) review the matter for
15 purposes of filing a dependency petition under chapter 13.34 RCW.
16 Whether or not the court approves or orders an out-of-home placement,
17 the court may also order any conditions of supervision as set forth in
18 RCW 13.32A.196(2).

19 (3) (~~At the conclusion of the hearing, if the court has not taken~~
20 ~~action under subsection (2) of this section it may, at the request of~~
21 ~~the child or department, enter an order for out of home placement for~~
22 ~~not more than ninety days.)) The court may only enter an order under~~
23 (~~this~~) subsection (2)(d) of this section if it finds by clear,
24 cogent, and convincing evidence that: (a)(i) The order is in the best
25 interest of the family; (ii) the parents have not requested an out-of-
26 home placement; (iii) the parents have not exercised any other right
27 listed in RCW 13.32A.160(1)(e); (iv) the child has made reasonable
28 efforts to resolve the (~~conflict~~) problems that led to the filing of
29 the petition; (v) the (~~conflict~~) problem cannot be resolved by
30 delivery of services to the family during continued placement of the
31 child in the parental home; (vi) reasonable efforts have been made to
32 prevent or eliminate the need for removal of the child from the child's
33 home and to make it possible for the child to return home; and (vii) a
34 suitable out-of-home placement resource is available; (b)(i) the order
35 is in the best interest of the child; and (ii) the parents are
36 unavailable; or (c) the parent's actions cause an imminent threat to
37 the child's health or safety. (~~If the court has entered an order~~
38 ~~under this section, it may order any conditions set forth in RCW~~
39 ~~13.32A.196(2).)) The court shall review a placement order entered~~

1 under this subsection within ninety days in accordance with RCW
2 13.32A.190.

3 (4) The court may order the department to submit a dispositional
4 plan if such a plan would assist the court in ordering a suitable
5 disposition in the case. The plan, if ordered, shall address only the
6 needs of the child and shall not address the perceived needs of the
7 parents, unless specifically agreed to by the parents. If the court
8 orders the department to prepare a plan, the department shall provide
9 copies of the plan to the parent, the child, and the court. If the
10 parties or the court desire the department to be involved in any future
11 proceedings or case plan development, the department shall be provided
12 with timely notification of all court hearings.

13 (5) A child who fails to comply with a court order issued under
14 this section shall be subject to contempt proceedings, as provided in
15 this chapter, but only if the noncompliance occurs within one year
16 after the entry of the order.

17 ~~((+5))~~ (6) After the court approves or orders an out-of-home
18 placement, the parents or the department may request, and the court may
19 grant, dismissal of ~~((a placement order))~~ the child in need of
20 services proceeding when it is not feasible for the department to
21 provide services due to one or more of the following circumstances:

22 (a) The child has been absent from court approved placement for
23 thirty consecutive days or more;

24 (b) The parents or the child, or all of them, refuse to cooperate
25 in available, appropriate intervention aimed at reunifying the family;
26 or

27 (c) The department has exhausted all available and appropriate
28 resources that would result in reunification.

29 ~~((+6))~~ (7) The court shall dismiss a placement made under
30 subsection (2)(c) of this section upon the request of the parents.

31 **Sec. 27.** RCW 13.32A.190 and 1995 c 312 s 24 are each amended to
32 read as follows:

33 (1) Upon making a dispositional order under RCW 13.32A.179, the
34 court shall schedule the matter on the calendar for review within three
35 months, advise the parties of the date thereof, appoint legal counsel
36 and/or a guardian ad litem to represent the child at the review
37 hearing, advise parents of their right to be represented by legal
38 counsel at the review hearing, and notify the parties of their rights

1 to present evidence at the hearing. Where resources are available, the
2 court shall encourage the parent and child to participate in programs
3 for reconciliation of their conflict.

4 (2) At the review hearing, the court shall approve or disapprove
5 the continuation of the dispositional plan in accordance with this
6 chapter. The court shall determine whether reasonable efforts have
7 been made to reunify the family and make it possible for the child to
8 return home. The court shall discontinue the placement and order that
9 the child return home if the court has reasonable grounds to believe
10 that the parents have made reasonable efforts to resolve the conflict
11 and the court has reason to believe that the child's refusal to return
12 home is capricious. If out-of-home placement is continued, the court
13 may modify the dispositional plan.

14 (3) Out-of-home placement may not be continued past one hundred
15 eighty days from the day the review hearing commenced. The court shall
16 order the child to return to the home of the parent at the expiration
17 of the placement. If an out-of-home placement is disapproved prior to
18 one hundred eighty days, the court shall enter an order requiring the
19 child to return to the home of the child's parent.

20 (4) The parents and the department may request, and the juvenile
21 court may grant, dismissal of an out-of-home placement order when it is
22 not feasible for the department to provide services due to one or more
23 of the following circumstances:

24 (a) The child has been absent from court approved placement for
25 thirty consecutive days or more;

26 (b) The parents or the child, or all of them, refuse to cooperate
27 in available, appropriate intervention aimed at reunifying the family;
28 or

29 (c) The department has exhausted all available and appropriate
30 resources that would result in reunification.

31 (5) The court shall terminate a placement made under this section
32 upon the request of a parent unless the placement is made pursuant to
33 RCW 13.32A.179(3).

34 (6) The court may dismiss a child in need of services petition
35 filed by a parent at any time if the court finds good cause to believe
36 that continuation of out-of-home placement would serve no useful
37 purpose.

38 (7) The court shall dismiss a child in need of services proceeding
39 if the child is the subject of a proceeding under chapter 13.34 RCW.

1 **Sec. 28.** RCW 13.32A.192 and 1995 c 312 s 26 are each amended to
2 read as follows:

3 (1) When a proper at-risk youth petition is filed by a child's
4 parent under this chapter, the juvenile court shall:

5 (a) Schedule a fact-finding hearing to be held within (~~three~~
6 ~~judicial~~) five calendar days unless the last calendar day is a
7 Saturday, Sunday, or holiday, in which case the hearing shall be held
8 on the next judicial day and notify the parent and the child of such
9 date;

10 (b) Notify the parent of the right to be represented by counsel at
11 the parent's own expense;

12 (c) Appoint legal counsel for the child;

13 (d) Inform the child and his or her parent of the legal
14 consequences of the court finding the child to be an at-risk youth; and

15 (e) Notify the parent and the child of their rights to present
16 evidence at the fact-finding hearing.

17 (2) Unless out-of-home placement of the child is otherwise
18 authorized or required by law, the child shall reside in the home of
19 his or her parent or in an out-of-home placement requested by the
20 parent or child and approved by the parent.

21 (3) If upon sworn written or oral declaration of the petitioning
22 parent, the court has reason to believe that a child has willfully and
23 knowingly violated a court order issued pursuant to subsection (2) of
24 this section, the court may issue an order directing law enforcement to
25 take the child into custody and place the child in a juvenile detention
26 facility or in a secure facility within a crisis residential center.
27 If the child is placed in detention, a review shall be held as provided
28 in RCW 13.32A.065.

29 (4) If both a child in need of services petition and an at-risk
30 youth petition have been filed with regard to the same child, the
31 petitions and proceedings shall be consolidated as an at-risk youth
32 petition. Pending a fact-finding hearing regarding the petition, the
33 child may be placed in the parent's home or in an out-of-home placement
34 if not already placed in a temporary out-of-home placement pursuant to
35 a child in need of services petition. The child or the parent may
36 request a review of the child's placement including a review of any
37 court order requiring the child to reside in the parent's home.

1 **Sec. 29.** RCW 13.32A.194 and 1995 c 312 s 27 are each amended to
2 read as follows:

3 (1) The court shall hold a fact-finding hearing to consider a
4 proper at-risk youth petition. The court shall grant the petition and
5 enter an order finding the child to be an at-risk youth if the
6 allegations in the petition are established by a preponderance of the
7 evidence, unless the child is the subject of a proceeding under chapter
8 13.34 RCW. If the petition is granted, the court shall enter an order
9 requiring the child to reside in the home of his or her parent or in an
10 out-of-home placement as provided in RCW 13.32A.192(2).

11 (2) The court may order the department to submit a dispositional
12 plan if such a plan would assist the court in ordering a suitable
13 disposition in the case. If the court orders the department to prepare
14 a plan, the department shall provide copies of the plan to the parent,
15 the child, and the court. If the parties or the court desire the
16 department to be involved in any future proceedings or case plan
17 development, the department shall be provided timely notification of
18 all court hearings.

19 (3) A dispositional hearing shall be held no later than fourteen
20 days after the ~~((court has granted an at-risk youth petition))~~ fact-
21 finding hearing. Each party shall be notified of the time and date of
22 the hearing.

23 (4) If the court grants or denies an at-risk youth petition, a
24 statement of the written reasons shall be entered into the records. If
25 the court denies an at-risk youth petition, the court shall verbally
26 advise the parties that the child is required to remain within the
27 care, custody, and control of his or her parent.

28 **Sec. 30.** RCW 13.32A.250 and 1995 c 312 s 29 are each amended to
29 read as follows:

30 (1) In all child in need of services proceedings and at-risk youth
31 proceedings, the court shall verbally notify the parents and the child
32 of the possibility of a finding of contempt for failure to comply with
33 the terms of a court order entered pursuant to this chapter. Except as
34 otherwise provided in this section, the court shall treat the parents
35 and the child equally for the purposes of applying contempt of court
36 processes and penalties under this section.

1 (2) Failure by a party to comply with an order entered under this
2 chapter is a contempt of court as provided in chapter 7.21 RCW, subject
3 to the limitations of subsection (3) of this section.

4 (3) The court may impose a fine of up to one hundred dollars and
5 confinement for up to seven days, or both for contempt of court under
6 this section.

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

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

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

22 **Sec. 31.** RCW 13.34.165 and 1989 c 373 s 17 are each amended to
23 read as follows:

24 (1) Failure by a party to comply with an order entered under this
25 chapter is contempt of court as provided in chapter 7.21 RCW.

26 (2) The maximum term of imprisonment that may be imposed as a
27 punitive sanction for contempt of court under this section is
28 confinement for up to seven days.

29 (3) A child imprisoned for contempt under this section shall be
30 confined only in a secure juvenile detention facility operated by or
31 pursuant to a contract with a county.

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

36 (5) Whenever the court finds probable cause to believe, based upon
37 consideration of a motion for contempt and the information set forth in
38 a supporting declaration, that a child has violated a placement order

1 entered under this chapter, the court may issue an order directing law
2 enforcement to pick up and take the child to detention. The order may
3 be entered 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. 32.** RCW 28A.225.030 and 1995 c 312 s 68 are each amended to
7 read as follows:

8 If the actions taken by a school district under RCW 28A.225.020 are
9 not successful in substantially reducing an enrolled student's absences
10 from school, upon the fifth unexcused absence by a child within any
11 month during the current school year or upon the tenth unexcused
12 absence during the current school year the school district shall file
13 a petition for a civil action with the juvenile court alleging a
14 violation of RCW 28A.225.010: (1) By the parent; (2) by the child; or
15 (3) by the parent and the child.

16 If the school district fails to file a petition under this section,
17 the parent of a child with five or more unexcused absences in any month
18 during the current school year or upon the tenth unexcused absence
19 during the current school year may file a petition with the juvenile
20 court alleging a violation of RCW 28A.225.010.

21 **Sec. 33.** RCW 28A.225.035 and 1995 c 312 s 69 are each amended to
22 read as follows:

23 (1) A petition for a civil action under RCW 28A.225.030 shall
24 consist of a written notification to the court alleging that:

25 (a) The child has five or more unexcused absences within any month
26 during the current school year or ten or more unexcused absences in the
27 current school year;

28 (b) Actions taken by the school district have not been successful
29 in substantially reducing the child's absences from school; and

30 (c) Court intervention and supervision are necessary to assist the
31 school district or parent to reduce the child's absences from school.

32 (2) The petition shall set forth the name, age, school, and
33 residence of the child and the names and residence of the child's
34 parents.

35 (3) The petition shall set forth facts that support the allegations
36 in this section and shall generally request relief available under this
37 chapter.

1 (4) When a petition is filed under RCW 28A.225.030, the juvenile
2 court may:

3 (a) Schedule a fact-finding hearing at which the court shall
4 consider the petition;

5 (b) Separately notify the child, the parent of the child, and the
6 school district of the fact-finding hearing;

7 (c) Notify the parent and the child of their rights to present
8 evidence at the fact-finding hearing; and

9 (d) Notify the parent and the child of the options and rights
10 available under chapter 13.32A RCW.

11 (5) The court may require the attendance of both the child and the
12 parents at any hearing on a petition filed under RCW 28A.225.030.

13 (6) The court shall grant the petition and enter an order assuming
14 jurisdiction to intervene for the remainder of the school year, if the
15 allegations in the petition are established by a preponderance of the
16 evidence.

17 (7) If the court assumes jurisdiction, the school district shall
18 regularly report to the court any additional unexcused absences by the
19 child.

20 **Sec. 34.** RCW 28A.225.090 and 1995 c 312 s 74 are each amended to
21 read as follows:

22 Any person violating any of the provisions of either RCW
23 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five
24 dollars for each day of unexcused absence from school. However, a
25 child found to be in violation of RCW 28A.225.010 shall be required to
26 attend school and shall not be fined. If the child fails to comply
27 with the court order to attend school, the court may: (1) Order the
28 child be punished by detention; or (2) impose alternatives to detention
29 such as community service hours or participation in dropout prevention
30 programs or referral to a community truancy board, if available.
31 Failure by a child to comply with an order issued under this section
32 shall not be punishable by detention for a period greater than that
33 permitted pursuant to a civil contempt proceeding against a child under
34 chapter 13.32A RCW. It shall be a defense for a parent charged with
35 violating RCW 28A.225.010 to show that he or she exercised reasonable
36 diligence in attempting to cause a child in his or her custody to
37 attend school or that the child's school did not perform its duties as
38 required in RCW 28A.225.020. The court may order the parent to provide

1 community service at the child's school instead of imposing a fine.
2 Any fine imposed pursuant to this section may be suspended upon the
3 condition that a parent charged with violating RCW 28A.225.010 shall
4 participate with the school and the child in a supervised plan for the
5 child's attendance at school or upon condition that the parent attend
6 a conference or conferences scheduled by a school for the purpose of
7 analyzing the causes of a child's absence.

8 School districts shall make complaint for violation of the
9 provisions of RCW 28A.225.010 through 28A.225.140 to a judge of the
10 juvenile court.

11 **Sec. 35.** RCW 70.96A.095 and 1995 c 312 s 47 are each amended to
12 read as follows:

13 (1) Any person thirteen years of age or older may give consent for
14 himself or herself to the furnishing of ~~((counseling, care,))~~
15 outpatient treatment ~~((, or rehabilitation))~~ by a chemical dependency
16 treatment program ~~((or by any person))~~ certified by the department.
17 Consent of the parent, parents, or legal guardian of a person less than
18 eighteen years of age for inpatient treatment is ~~((not))~~ necessary to
19 authorize the care ~~((, except that the person shall not become a~~
20 ~~resident of the treatment program without such permission except as~~
21 ~~provided in RCW 70.96A.120 or 70.96A.140))~~ unless the child does not
22 have a familial relationship, has not resided with either parent for
23 ninety days immediately preceding the request for treatment, and
24 attempts to involve the parents in treatment for the child have been
25 unsuccessful. Parental authorization is required for treatment of a
26 minor under the age of thirteen. The parent, parents, or legal
27 guardian of a person less than eighteen years of age are not liable for
28 payment of care for such persons pursuant to this chapter, unless they
29 have joined in the consent to the ~~((counseling, care,))~~ ~~treatment~~ ~~((, or~~
30 ~~rehabilitation))~~.

31 (2) The parent of any minor child may apply to ~~((an approved))~~ a
32 certified treatment program for the admission of his or her minor child
33 for purposes authorized in this chapter. The consent of the minor
34 child shall not be required for the application or admission. The
35 ~~((approved))~~ certified treatment program shall accept the application
36 and evaluate the child for admission. The ability of a parent to apply
37 to ~~((an approved))~~ a certified treatment program for the
38 ~~((involuntary))~~ admission of his or her minor child does not create a

1 right to obtain or benefit from any funds or resources of the state.
2 However, the state may provide services for indigent minors to the
3 extent that funds are available therefor.

4 **Sec. 36.** RCW 71.34.035 and 1995 c 312 s 58 are each amended to
5 read as follows:

6 The department shall randomly select and review the information on
7 children who are admitted to (~~in-patient~~) either a public or private
8 facility for inpatient treatment on application of the child's parent.
9 The review shall determine whether the children reviewed were
10 appropriately admitted into treatment based on an objective evaluation
11 of the child's condition and the outcome of the child's treatment.

12 NEW SECTION. **Sec. 37.** A new section is added to chapter 74.13 RCW
13 to read as follows:

14 Within available funds appropriated for this purpose, the
15 department shall establish, by contracts with private vendors,
16 transitional living programs for youths aged sixteen through eighteen
17 years old who have the ability to live with relative independence, do
18 not have an active addiction, and are actively involved in school or
19 employment. These programs shall be licensed under rules adopted by
20 the department.

--- END ---