
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5439

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Long, Franklin, Smith, Schow, Owen, Moyer, Oke, Strannigan, Gaspard, Snyder, Heavey, Haugen, Rasmussen, Quigley, Wojahn, Loveland, Bauer, Winsley, Deccio, Spanel, Hale, Hochstatter and Palmer)

Read first time 03/06/95.

1 AN ACT Relating to revising procedures for nonoffender at-risk
2 youth and their families; amending RCW 13.32A.010, 13.32A.030,
3 13.32A.040, 13.32A.050, 13.32A.060, 13.32A.070, 13.32A.090, 13.32A.120,
4 13.32A.130, 13.32A.140, 13.32A.150, 13.32A.160, 13.32A.170, 13.32A.175,
5 13.32A.177, 13.32A.180, 13.32A.190, 13.32A.192, 13.32A.194, 13.32A.196,
6 13.32A.250, 13.04.030, 13.04.040, 13.04.093, 70.96A.090, 70.96A.095,
7 71.34.030, 74.13.031, 74.13.032, 74.13.033, 74.13.034, 74.13.035,
8 74.13.036, 82.14.300, 82.14.320, 28A.225.020, 28A.225.030, 36.18.020,
9 28A.225.060, 28A.225.090, and 28A.225.110; adding new sections to
10 chapter 13.32A RCW; adding a new section to chapter 71.34 RCW; adding
11 a new section to chapter 74.13 RCW; adding new sections to chapter
12 28A.225 RCW; adding a new section to chapter 28A.600 RCW; creating new
13 sections; repealing RCW 28A.225.040, 28A.225.050, 28A.225.070,
14 28A.225.100, 28A.225.120, 28A.225.130, and 28A.225.150; prescribing
15 penalties; and providing effective dates.

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

17 **Sec. 1.** RCW 13.32A.010 and 1979 c 155 s 15 are each amended to
18 read as follows:

1 The legislature finds that within any group of people there exists
2 a need for guidelines for acceptable behavior and that, presumptively,
3 the experience and maturity ((are)) of parents make them better
4 ((qualifications for establishing)) qualified to establish guidelines
5 beneficial to and protective of ((individual members and the group as
6 a whole than are youth and inexperience)) their children. The
7 legislature further finds that it is the right and responsibility of
8 adults to establish laws for the benefit and protection of the society;
9 and that, in the same manner, the right and responsibility for
10 establishing reasonable guidelines for the family unit belongs to the
11 adults within that unit. Further, absent abuse or neglect, parents
12 should have the right to exercise control over their children. The
13 legislature reaffirms its position stated in RCW 13.34.020 that the
14 family unit is the fundamental resource of American life which should
15 be nurtured and that it should remain intact in the absence of
16 compelling evidence to the contrary.

17 The legislature recognizes there is a need for services and
18 assistance for parents and children who are in conflict. These
19 conflicts are manifested by children who exhibit various behaviors
20 including: Running away, substance abuse, serious acting out problems,
21 mental health needs, and other behaviors that endanger themselves or
22 others.

23 The legislature finds many parents do not know their rights
24 regarding their adolescent children and law enforcement. Parents and
25 courts feel they have insufficient legal recourse for the chronic
26 runaway child who is endangering himself or herself through his or her
27 behavior. The legislature further recognizes that for chronic runaways
28 whose behavior puts them in serious danger of harming themselves or
29 others, secure facilities must be provided to allow opportunities for
30 assessment, treatment, and to assist parents and protect their
31 children. The legislature intends to give tools to parents, courts,
32 and law enforcement to keep families together and reunite them whenever
33 possible.

34 The legislature recognizes that some children run away to protect
35 themselves from abuse or neglect in their homes. Abused and neglected
36 children should be dealt with pursuant to chapter 13.34 RCW and it is
37 not the intent of the legislature to handle dependency matters under
38 this chapter.

1 The legislature intends services offered under this chapter be on
2 a voluntary basis whenever possible to children and their families and
3 that the courts be used as a last resort.

4 The legislature intends to increase the safety of children through
5 the preservation of families and the provision of assessment,
6 treatment, and placement services for children in need of services and
7 at-risk youth. Within available funds, the legislature intends to
8 provide these services through crisis residential centers in which
9 children and youth may safely reside for a limited period of time. The
10 time in residence shall be used to conduct an assessment of the needs
11 of the children, youth, and their families. The assessments are
12 necessary to identify appropriate services and placement options that
13 will reduce the likelihood that children will place themselves in
14 dangerous or life-threatening situations.

15 The legislature recognizes that crisis residential centers provide
16 an opportunity for children to receive short-term necessary support and
17 nurturing in cases where there may be abuse or neglect. The
18 legislature intends that center staff provide an atmosphere of concern,
19 care, and respect for children in the center and their parents.

20 **Sec. 2.** RCW 13.32A.030 and 1990 c 276 s 3 are each amended to read
21 as follows:

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

24 (1) "At-risk youth" means a juvenile:

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

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

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

32 (2) "Child," "juvenile," and "youth" mean any unemancipated
33 individual who is under the chronological age of eighteen years.

34 (3) "Child in need of services" means a juvenile:

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

1 (b) Who has been reported to law enforcement as absent without
2 consent for at least twenty-four consecutive hours from the parent's
3 home or a crisis residential center on two or more separate occasions;
4 and

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

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

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

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

13 (iii) Whose parents have evidenced continuing but unsuccessful
14 efforts to maintain the family structure or are unable or unwilling to
15 continue efforts to maintain the family structure.

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

19 (5) "Custodian" means the person who has the legal right to the
20 custody of the child.

21 (6) "Department" means the department of social and health
22 services((†

23 (2) "Child," "juvenile," and "youth" mean any individual who is
24 under the chronological age of eighteen years;)).

25 ((†3)) (7) "Extended family members" means a grandparent, brother,
26 sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom
27 the child has a relationship and is comfortable, and who is willing and
28 available to care for the child.

29 (8) "Guardian" means that person or agency that (a) has been
30 appointed as the guardian of a child in a legal proceeding other than
31 a proceeding under chapter 13.34 RCW, and (b) has the right to legal
32 custody of the child pursuant to such appointment. The term "guardian"
33 does not include a "dependency guardian" appointed pursuant to a
34 proceeding under chapter 13.34 RCW.

35 (9) "Multidisciplinary team" means a group formed to provide
36 assistance and support to a child who is an at-risk youth or a child in
37 need of services and his or her parent. The team shall include the
38 parent, a department case worker, a local government representative
39 when authorized by the local government, and when appropriate, members

1 from the mental health and substance abuse disciplines. The team may
2 also include, but is not limited to, the following persons: Educators,
3 law enforcement personnel, probation officers, employers, church
4 persons, tribal members, therapists, medical personnel, social service
5 providers, placement providers, and extended family members. The team
6 members shall be volunteers who do not receive compensation while
7 acting in a capacity as a team member, unless the member's employer
8 chooses to provide compensation or the member is a state employee.

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

14 (11) "Parent" means the ((legal)) parent or parents who have the
15 legal right to custody of the child. "Parent" includes
16 custodian((s)) or guardian((s) of a child;)).

17 ((4)) (12) "Semi-secure facility" means any facility, including
18 but not limited to crisis residential centers or specialized foster
19 family homes, operated in a manner to reasonably assure that youth
20 placed there will not run away((: PROVIDED, That such facility shall
21 not be a secure institution or facility as defined by the federal
22 juvenile justice and delinquency prevention act of 1974 (P.L. 93-415;
23 42 U.S.C. Sec. 5634 et seq.) and regulations and clarifying
24 instructions promulgated thereunder)). Pursuant to rules established
25 by the department, the facility administrator shall establish
26 reasonable hours for residents to come and go from the facility such
27 that no residents are free to come and go at all hours of the day and
28 night. To prevent residents from taking unreasonable actions, the
29 facility administrator, where appropriate, may condition a resident's
30 leaving the facility upon the resident being accompanied by the
31 administrator or the administrator's designee and the resident may be
32 required to notify the administrator or the administrator's designee of
33 any intent to leave, his or her intended destination, and the probable
34 time of his or her return to the center. The facility administrator
35 shall notify a parent and the appropriate law enforcement agency within
36 four hours of all unauthorized leaves((;

37 (5) "At-risk youth" means an individual under the chronological age
38 of eighteen years who;

1 ~~(a) Is absent from home for more than seventy-two consecutive hours~~
2 ~~without consent of his or her parent;~~

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

6 ~~(c) Has a serious substance abuse problem for which there are no~~
7 ~~pending criminal charges related to the substance abuse)).~~

8 (13) "Secure crisis residential center" means a secure facility
9 licensed under chapter 74.13 RCW with doors, windows, or secured
10 perimeter that operates to prevent a child from leaving without
11 permission of the facility staff.

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

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

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

23 **Sec. 4.** RCW 13.32A.040 and 1994 c 304 s 3 are each amended to read
24 as follows:

25 Families who are in conflict or who are experiencing problems with
26 at-risk youth or a child who may be in need of services may request
27 family reconciliation services from the department. The department may
28 involve a multidisciplinary team in its response. Such services shall
29 be provided to alleviate personal or family situations which present a
30 serious and imminent threat to the health or stability of the child or
31 family and to maintain families intact wherever possible. Family
32 reconciliation services shall be designed to develop skills and
33 supports within families to resolve problems related to at-risk youth,
34 children in need of services, or family conflicts and may include but
35 are not limited to referral to services for suicide prevention,
36 psychiatric or other medical care, or psychological, mental health,
37 drug or alcohol treatment, welfare, legal, educational, or other social

1 services, as appropriate to the needs of the child and the family.
2 (~~Upon a referral by a school or other appropriate agency,~~) Family
3 reconciliation services may also include training in parenting,
4 conflict management, and dispute resolution skills.

5 **Sec. 5.** RCW 13.32A.050 and 1994 sp.s. c 7 s 505 are each amended
6 to read as follows:

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

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

11 (~~(2)~~) (b) If a law enforcement officer reasonably believes,
12 considering the child's age, the location, and the time of day, that a
13 child is in circumstances which constitute a danger to the child's
14 safety or that a child is violating a local curfew ordinance; or

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

18 (~~(4)~~) (d) If a law enforcement agency has been notified by the
19 juvenile court that the court finds probable cause exists to believe
20 that the child has violated a court placement order issued pursuant to
21 chapter 13.32A RCW or that the court has issued an order for law
22 enforcement pick-up of the child under this chapter.

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

26 (~~An officer who takes a child into custody under this section and
27 places the child in a designated crisis residential center shall inform
28 the department of such placement within twenty-four hours.~~)

29 (3) If a law enforcement officer takes a child into custody
30 pursuant to either subsection (1)(a) or (b) of this section and
31 transports the child to a crisis residential center, the officer shall,
32 within twenty-four hours of delivering the child to the center, provide
33 to the center a written report detailing the reasons the officer took
34 the child into custody.

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

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

4 (6) If a law enforcement officer has a reasonable suspicion that a
5 child is being unlawfully harbored under RCW 13.32A.080, the officer
6 shall remove the child from the custody of the person harboring the
7 child and shall transport the child to one of the locations specified
8 in RCW 13.32A.060.

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

11 **Sec. 6.** RCW 13.32A.060 and 1994 sp.s. c 7 s 506 are each amended
12 to read as follows:

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

16 (a) Transport the child to his or her home or to a parent at his or
17 her place of employment, if no parent is at home. The officer
18 releasing a child into the custody of the parent shall inform the
19 parent of the reason for the taking of the child into custody and shall
20 inform the child and the parent of the nature and location of
21 appropriate services available in their community. The parent may
22 direct the officer to take the child to the home of an adult extended
23 family member, responsible adult, or a licensed youth shelter. The
24 officer releasing a child into the custody of an adult extended family
25 member, responsible adult, or a licensed youth shelter shall inform the
26 child and the person receiving the child of the nature and location of
27 appropriate services available in the community; or

28 (b) Take the child to ~~((the home of an adult extended family~~
29 ~~member,))~~ a designated secure crisis residential center, ((or the home
30 of a responsible adult)) or a semi-secure crisis residential center if
31 a secure crisis residential center is full or is not available or
32 within a reasonable distance, after attempting to notify the parent or
33 legal guardian:

34 (i) If the child expresses fear or distress at the prospect of
35 being returned to his or her home which leads the officer to believe
36 there is a possibility that the child is experiencing ~~((in the home))~~
37 some type of child abuse or neglect, as defined in RCW 26.44.020~~((, as~~
38 ~~now law or hereafter amended))~~; or

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

3 (iii) If there is no parent available to accept custody of the
4 child.

5 (~~The officer releasing a child into the custody of an extended
6 family member or a responsible adult shall inform the child and the
7 extended family member or responsible adult of the nature and location
8 of appropriate services available in the community.~~)

9 (2) An officer taking a child into custody under RCW 13.32A.050
10 (~~(3)~~) (1) (c) or (~~(4)~~) (d) shall inform the child of the reason for
11 custody, and shall take the child to a designated secure crisis
12 residential center or, if not available or within a reasonable
13 distance, to a semi-secure crisis residential center, licensed by the
14 department and established pursuant to chapter 74.13 RCW. However, an
15 officer taking a child into custody under RCW 13.32A.050(~~(4)~~) (1)(d)
16 may place the child in a juvenile detention facility as provided in RCW
17 13.32A.065. The department shall ensure that all the law enforcement
18 authorities are informed on a regular basis as to the location of
19 (~~the~~) all designated secure and semi-secure crisis residential
20 (~~center or~~) centers in their (judicial district) jurisdiction,
21 where children taken into custody under RCW 13.32A.050 may be taken.

22 (~~(3) "Extended family members" means a grandparent, brother,~~
23 ~~sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom~~
24 ~~the child has a relationship and is comfortable, and who is willing and~~
25 ~~available to care for the child.~~)

26 **Sec. 7.** RCW 13.32A.070 and 1986 c 288 s 2 are each amended to read
27 as follows:

28 (1) (~~An officer taking a child into custody under RCW 13.32A.050~~
29 ~~may, at his or her discretion, transport the child to the home of a~~
30 ~~responsible adult who is other than the child's parent where the~~
31 ~~officer reasonably believes that the child will be provided with~~
32 ~~adequate care and supervision and that the child will remain in the~~
33 ~~custody of such adult until such time as the department can bring about~~
34 ~~the child's return home or an alternative residential placement can be~~
35 ~~agreed to or determined pursuant to this chapter. An officer placing~~
36 ~~a child with a responsible adult other than his or her parent shall~~
37 ~~immediately notify the department's local community service office of~~
38 ~~this fact and of the reason for taking the child into custody.~~)

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

7 ~~((3))~~) (2) A person (~~(other than a parent of such child who~~
8 ~~receives)~~) with whom a child is placed pursuant to this chapter and who
9 acts reasonably and in good faith (~~(in doing so)~~) is immune from civil
10 or criminal liability for the act of receiving (~~(such)~~) the child.
11 (~~(Such)~~) The immunity does not release (~~(such)~~) the person from
12 liability under any other law (~~(including the laws regulating licensed~~
13 ~~child care and prohibiting child abuse)~~).

14 NEW SECTION. Sec. 8. A new section is added to chapter 13.32A RCW
15 to read as follows:

16 The parents of a child placed in a secure crisis residential center
17 shall contribute fifty dollars per day, for not more than five
18 consecutive days, for the expense of the child's placement. However,
19 the secretary may establish a payment schedule that requires a lesser
20 payment based on a parent's ability to pay. The payment shall be made
21 to the department. No child may be denied placement in, or removed
22 from, a secure crisis residential center based solely on the income of
23 the parent.

24 Sec. 9. RCW 13.32A.090 and 1990 c 276 s 6 are each amended to read
25 as follows:

26 (1) The person in charge of a designated crisis residential center
27 or the department (~~(pursuant to RCW 13.32A.070)~~) shall perform the
28 duties under subsection (2) of this section:

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

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

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

35 (d) Upon learning that a child has been placed with a responsible
36 adult pursuant to RCW (~~(13.32A.070)~~) 13.32A.060.

1 (2) When any of the circumstances under subsection (1) of this
2 section are present, the person in charge of a center shall perform the
3 following duties:

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

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

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

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

22 (e) Arrange transportation for the child to an ((~~alternative~~
23 ~~residential~~)) out-of-home placement which may include a licensed group
24 care facility or foster family when agreed to by the child and parent
25 at the latter's expense to the extent of his or her ability to pay,
26 with any unmet transportation expenses assumed by the department;

27 (f) Immediately notify the department of the placement.

28 **Sec. 10.** RCW 13.32A.120 and 1990 c 276 s 7 are each amended to
29 read as follows:

30 (1) Where either a child or the child's parent or the person or
31 facility currently providing shelter to the child notifies the center
32 that such individual or individuals cannot agree to the continuation of
33 an ((~~alternative—residential~~)) out-of-home placement arrived at
34 pursuant to RCW 13.32A.090(2)(e), the center shall immediately contact
35 the remaining party or parties to the agreement and shall attempt to
36 bring about the child's return home or to an alternative living
37 arrangement agreeable to the child and the parent as soon as
38 practicable.

1 (2) If a child and his or her parent cannot agree to an
2 (~~alternative residential~~) out-of-home placement under RCW
3 13.32A.090(2)(e), either the child or parent may file with the juvenile
4 court a petition to approve an (~~alternative residential~~) 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 (3) If a child and his or her parent cannot agree to the
9 continuation of an (~~alternative residential~~) out-of-home placement
10 arrived at under RCW 13.32A.090(2)(e), either the child or parent may
11 file with the juvenile court a petition to approve an (~~alternative~~
12 ~~residential~~) out-of-home placement or the parent may file with the
13 juvenile court a petition in the interest of a child alleged to be an
14 at-risk youth under this chapter.

15 **Sec. 11.** RCW 13.32A.130 and 1994 sp.s. c 7 s 508 are each amended
16 to read as follows:

17 (1) A child admitted to a crisis residential center under this
18 chapter who is not returned to the home of his or her parent, is not
19 placed in a semi-secure crisis residential center pursuant to a
20 temporary out-of-home placement order, or (who) is not placed in an
21 (~~alternative residential~~) out-of-home placement (~~under an agreement~~
22 ~~between the parent and child,~~) shall(~~(, except as provided for by RCW~~
23 ~~13.32A.140 and 13.32A.160(2),)~~) reside in the (~~placement~~) center
24 under the rules (~~established for~~) of the center for a period not less
25 than three and not to exceed five consecutive days from the time of
26 intake(, except as otherwise provided by this chapter). The parents
27 may remove the child at any time during the five-day period if no
28 allegations of abuse or neglect have been made against the parents.
29 The department may remove the child whenever a dependency petition is
30 filed under chapter 13.34 RCW.

31 (2) Crisis residential center staff shall make (~~a concerted~~)
32 every reasonable effort to protect the child and achieve a
33 reconciliation of the family. If a reconciliation and voluntary return
34 of the child has not been achieved within forty-eight hours from the
35 time of intake, and if the person in charge of the center does not
36 consider it likely that reconciliation will be achieved within the
37 five-day period, then the person in charge shall inform the parent and
38 child of (~~(1)~~) (a) the availability of counseling services; (~~(2)~~)

1 (b) the right to file a child in need of services petition for an
2 ((~~alternative residential~~)) out-of-home placement, the right of a
3 parent to file an at-risk youth petition, and the right of the parent
4 and child to obtain assistance in filing the petition; (c) the right to
5 request the department to form a multidisciplinary team; and ((+3))
6 (d) the right to request a review of any ((~~alternative residential~~))
7 out-of-home placement.

8 (3) At no time shall information regarding a parent's or child's
9 rights be withheld ((if requested)). The department shall develop and
10 distribute to all law enforcement agencies and to each crisis
11 residential center administrator a written statement delineating the
12 services and rights. Every officer taking a child into custody shall
13 provide the child and his or her parent(s) or responsible adult with
14 whom the child is placed with a copy of the statement. In addition,
15 the administrator of the facility or his or her designee shall provide
16 every resident and parent with a copy of the statement.

17 NEW SECTION. Sec. 12. A new section is added to chapter 13.32A
18 RCW to read as follows:

19 (1)(a) The administrator of a crisis residential center may convene
20 a multidisciplinary team at the request of a child placed at the center
21 or the child's parent.

22 (b) If the administrator has reasonable cause to believe that a
23 child is a child in need of services and the parent is unavailable or
24 unwilling to continue efforts to maintain the family structure, the
25 administrator shall immediately convene a multidisciplinary team.

26 (c) A parent may disband a team twenty-four hours, excluding
27 weekends and holidays, after receiving notice of formation of the team
28 under (b) of this subsection unless a petition has been filed under RCW
29 13.32A.140. If a petition has been filed the parent may not disband
30 the team until the hearing is held under section 18 of this act. The
31 court may allow the team to continue if an out-of-home placement is
32 ordered under section 18(3) of this act. Upon the filing of an at-risk
33 youth or dependency petition, the team shall cease to exist unless the
34 parent requests continuation of the team.

35 (2) The secretary shall request participation of appropriate state
36 agencies in the multidisciplinary teams. Those agencies that agree to
37 participate shall provide the secretary all information necessary to
38 facilitate forming a multidisciplinary team and the secretary shall

1 provide this information to the administrator of each crisis
2 residential center.

3 (3) The secretary shall designate within each region a department
4 employee who shall have responsibility for coordination of the state
5 response to a request for creation of a multidisciplinary team. The
6 secretary shall advise the administrator of each crisis residential
7 center of the name of the appropriate employee. Upon a request of the
8 administrator to form a multidisciplinary team the employee shall
9 provide a list of the agencies that have agreed to participate in the
10 multidisciplinary team.

11 (4) The administrator shall also seek participation from
12 representatives of mental health and drug and alcohol treatment
13 providers as appropriate.

14 (5) A parent shall be advised of the request to form a
15 multidisciplinary team and may select additional members of the
16 multidisciplinary team. The parent or child may request any person or
17 persons to participate including, but not limited to, educators, law
18 enforcement personnel, court personnel, family therapists, licensed
19 health care practitioners, social service providers, youth residential
20 placement providers, other family members, church representatives, and
21 members of their own community. The administrator shall assist in
22 obtaining the prompt participation of persons requested by the parent
23 or child.

24 (6) When an administrator of a crisis residential center requests
25 the formation of a team, the state agencies must respond as soon as
26 possible. The team shall have the authority to evaluate the juvenile,
27 and family members, if appropriate and agreed to by the parent, and
28 shall:

29 (a) With parental input, develop a plan of appropriate available
30 services and assist the family in obtaining those services;

31 (b) Make a referral to the designated chemical dependency
32 specialist or the county designated mental health professional, if
33 appropriate;

34 (c) Recommend no further intervention because the juvenile and his
35 or her family have resolved the problem causing the family conflict; or

36 (d) With the parent's consent, work with them to achieve
37 reconciliation of the child and family.

1 (7) The purpose of the multidisciplinary team is to assist in a
2 coordinated referral of the family to available social and health-
3 related services.

4 (8) At the first meeting of the multidisciplinary team, it shall
5 choose a member to coordinate the team's efforts. The parent member of
6 the multidisciplinary team must agree with the choice of coordinator.
7 The team shall meet or communicate as often as necessary to assist the
8 family.

9 (9) The coordinator of the multidisciplinary team may assist in
10 filing a child in need of services petition when requested by the
11 parent or child or an at-risk youth petition when requested by the
12 parent. The multidisciplinary team shall have no standing as a party
13 in any action under this title.

14 (10) If the administrator is unable to contact the child's parent,
15 the multidisciplinary team may be used for assistance. If the parent
16 has not been contacted within five days the administrator shall contact
17 the department and request the case be reviewed for a dependency filing
18 under chapter 13.34 RCW.

19 **Sec. 13.** RCW 13.32A.140 and 1990 c 276 s 9 are each amended to
20 read as follows:

21 The department shall file a child in need of services petition to
22 approve an (~~alternative residential~~) out-of-home placement on behalf
23 of a child under any of the following sets of circumstances:

24 (1) The child has been admitted to a crisis residential center or
25 has been placed with a responsible person other than his or her parent,
26 and:

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

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

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

33 (d) No child in need of services petition (~~requesting approval of~~
34 ~~an alternative residential placement~~) has been filed by either the
35 child or parent (~~or legal custodian~~);

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

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

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

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

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

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

8 (3) An agreement between parent and child made pursuant to RCW
9 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer
10 acceptable to parent or child, and:

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

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

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

17 (d) No child in need of services petition (~~requesting approval of~~
18 ~~an alternative residential placement~~) has been filed by either the
19 child or the parent;

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

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

23 Under the circumstances of subsections (1), (2), or (3) of this
24 section, the child shall remain in (~~a licensed child care facility,~~
25 ~~including but not limited to a crisis residential center, or in any~~
26 ~~other suitable residence to be determined by the department until~~) an
27 (~~alternative residential~~) out-of-home placement until a child in need
28 of services petition filed by the department on behalf of the child is
29 reviewed by the juvenile court and is resolved by such court. The
30 department may authorize emergency medical or dental care for a child
31 placed under this section. The state, when the department files a
32 child in need of services petition (~~for alternative residential~~
33 ~~placement~~) under this section, shall be represented as provided for in
34 RCW 13.04.093.

35 If the department files a petition under this section, the
36 department shall submit in a supporting affidavit any information
37 provided under section 29 of this act.

1 **Sec. 14.** RCW 13.32A.150 and 1992 c 205 s 208 are each amended to
2 read as follows:

3 (1) Except as otherwise provided in this ~~((section))~~ chapter, the
4 juvenile court shall not accept the filing of ~~((an alternative~~
5 ~~residential placement))~~ a child in need of services petition by the
6 child or the parents or the filing of an at-risk youth petition by the
7 parent, unless verification is provided that a family assessment has
8 been completed by the department. The family assessment shall be aimed
9 at family reconciliation and avoidance of the out-of-home placement of
10 the child. If the department is unable to complete an assessment
11 within two working days following a request for assessment the child or
12 the parents may proceed under subsection (2) of this section or the
13 parent may proceed under ~~((subsection (3) of this))~~ section 22 of this
14 act.

15 (2) A child or a child's parent may file with the juvenile court a
16 child in need of services petition to approve an ~~((alternative~~
17 ~~residential))~~ out-of-home placement for the child ~~((outside the~~
18 ~~parent's home))~~. The department shall, when requested, assist either
19 a parent or child in the filing of the petition. The petition shall
20 only ask that the placement of a child outside the home of his or her
21 parent be approved. The filing of a petition to approve ~~((such))~~ the
22 placement is not dependent upon the court's having obtained any prior
23 jurisdiction over the child or his or her parent, and confers upon the
24 court a special jurisdiction to approve or disapprove an ~~((alternative~~
25 ~~residential))~~ out-of-home placement.

26 ~~((3) A child's parent may file with the juvenile court a petition~~
27 ~~in the interest of a child alleged to be an at risk youth. The~~
28 ~~department shall, when requested, assist the parent in filing the~~
29 ~~petition. The petition shall be filed in the county where the~~
30 ~~petitioning parent resides. The petition shall set forth the name,~~
31 ~~age, and residence of the child and the names and residence of the~~
32 ~~child's parents and shall allege that:~~

33 ~~(a) The child is an at risk youth as defined in this chapter;~~

34 ~~(b) The petitioning parent has the right to legal custody of the~~
35 ~~child;~~

36 ~~(c) Court intervention and supervision are necessary to assist the~~
37 ~~parent to maintain the care, custody, and control of the child; and~~

38 ~~(d) Alternatives to court intervention have been attempted or there~~
39 ~~is good cause why such alternatives have not been attempted.~~

1 The petition shall set forth facts that support the allegations in
2 this subsection and shall generally request relief available under this
3 chapter. The petition need not specify any proposed disposition
4 following adjudication of the petition. The filing of an at-risk youth
5 petition is not dependent upon the court's having obtained any prior
6 jurisdiction over the child or his or her parent and confers upon the
7 court the special jurisdiction to assist the parent in maintaining
8 parental authority and responsibility for the child. An at-risk youth
9 petition may not be filed if the court has approved an alternative
10 residential placement petition regarding the child or if the child is
11 the subject of a proceeding under chapter 13.34 RCW. A petition may be
12 accepted for filing only if alternatives to court intervention have
13 been attempted. Juvenile court personnel may screen all at-risk youth
14 petitions and may refuse to allow the filing of any petition that lacks
15 merit, fails to comply with the requirements of this section, or fails
16 to allege sufficient facts in support of allegations in the petition.)

17 **Sec. 15.** RCW 13.32A.160 and 1990 c 276 s 11 are each amended to
18 read as follows:

19 (1) When a proper child in need of services petition to approve an
20 (~~alternative residential~~) out-of-home placement is filed under RCW
21 13.32A.120, 13.32A.140, or 13.32A.150 the juvenile court shall: (a)
22 Schedule a (~~date for a~~) fact-finding hearing to be held within three
23 judicial days; notify the parent, child, and the department of such
24 date; (b) notify the parent of the right to be represented by counsel
25 and, if indigent, to have counsel appointed for him or her by the
26 court; (c) appoint legal counsel for the child; (d) inform the child
27 and his or her parent of the legal consequences of the court approving
28 or disapproving an (~~alternative residential~~) out-of-home placement
29 petition; (e) notify the parents of their rights under this chapter and
30 chapters 11.88, 13.34, 70.96A, and 71.34 RCW, including the right to
31 file an at-risk youth petition, the right to submit on application for
32 admission of their child to a treatment facility for alcohol, chemical
33 dependency, or mental health treatment, and the right to file a
34 guardianship petition; and (~~(e)~~) (f) notify all parties, including
35 the department, of their right to present evidence at the fact-finding
36 hearing.

37 (2) Upon filing of (~~an alternative residential placement~~) a child
38 in need of services petition, the child may be placed, if not already

1 placed, by the department in a crisis residential center, foster family
2 home, group home facility licensed under chapter 74.15 RCW, or any
3 other suitable residence to be determined by the department.

4 (3) If the child has been placed in a foster family home or group
5 care facility under chapter 74.15 RCW, the child shall remain there, or
6 in any other suitable residence as determined by the department,
7 pending resolution of the ~~((alternative residential placement))~~
8 petition by the court. Any placement may be reviewed by the court
9 within three ~~((court))~~ judicial days upon the request of the juvenile
10 or the juvenile's parent.

11 **Sec. 16.** RCW 13.32A.170 and 1989 c 269 s 3 are each amended to
12 read as follows:

13 (1) The court shall hold a fact-finding hearing to consider a
14 proper child in need of services petition ~~((and may approve or deny
15 alternative residential placement))~~, giving due weight to the intent of
16 the legislature that families have the right to place reasonable
17 restrictions and rules upon their children, appropriate to the
18 individual child's developmental level. The court may appoint legal
19 counsel and/or a guardian ad litem to represent the child and advise
20 parents of their right to be represented by legal counsel. The court
21 may approve an order stating that the child shall be placed in a
22 residence other than the home of his or her parent only if it is
23 established by a preponderance of the evidence, including a
24 departmental recommendation for approval or dismissal of the petition,
25 that:

26 (a) The petition is not capricious;

27 (b) The petitioner, if a ~~((parent or the))~~ child, has made a
28 reasonable effort to resolve the conflict;

29 (c) The conflict ~~((which exists))~~ cannot be resolved by delivery of
30 services to the family during continued placement of the child in the
31 parental home;

32 (d) Reasonable efforts have been made to prevent or eliminate the
33 need for removal of the child from the child's home and to make it
34 possible for the child to return home; and

35 (e) A suitable out-of-home placement resource is available.

36 The court may not grant a petition filed by the child or the
37 department if it is established that the petition is based only upon a

1 dislike of reasonable rules or reasonable discipline established by the
2 parent.

3 (2) ~~((The order approving out of home placement shall direct the~~
4 ~~department to submit a disposition plan for a three month placement of~~
5 ~~the child that is designed to reunite the family and resolve the family~~
6 ~~conflict. Such plan shall delineate any conditions or limitations on~~
7 ~~parental involvement. In making the order, the court shall further~~
8 ~~direct the department to make recommendations, as to which agency or~~
9 ~~person should have physical custody of the child, as to which parental~~
10 ~~powers should be awarded to such agency or person, and as to parental~~
11 ~~visitation rights. The court may direct the department to consider the~~
12 ~~cultural heritage of the child in making its recommendations.~~

13 (3) ~~The hearing to consider the recommendations of the department~~
14 ~~for a three month disposition plan shall be set no later than fourteen~~
15 ~~days after the approval of the court of a petition to approve~~
16 ~~alternative residential placement. Each party shall be notified of the~~
17 ~~time and place of such disposition hearing.~~

18 (4) ~~If the court approves or denies a petition for an alternative~~
19 ~~residential placement, a written statement of the reasons shall be~~
20 ~~filed. If the court denies a petition requesting that a child be~~
21 ~~placed in a residence other than the home of his or her parent, the~~
22 ~~court shall enter an order requiring the child to remain at or return~~
23 ~~to the home of his or her parent.~~

24 (5) ~~If the court denies the petition, the court shall impress upon~~
25 ~~the party filing the petition of the legislative intent to restrict the~~
26 ~~proceedings to situations where a family conflict is so great that it~~
27 ~~cannot be resolved by the provision of in home services.~~

28 (6) ~~A child who fails to comply with a court order directing that~~
29 ~~the child remain at or return to the home of his or her parent shall be~~
30 ~~subject to contempt proceedings, as provided in this chapter, but only~~
31 ~~if the noncompliance occurs within ninety calendar days after the day~~
32 ~~of the order.~~

33 (7) ~~The department may request, and the juvenile court may grant,~~
34 ~~dismissal of an alternative residential placement order when it is not~~
35 ~~feasible for the department to provide services due to one or more of~~
36 ~~the following circumstances:~~

37 (a) ~~The child has been absent from court approved placement for~~
38 ~~thirty consecutive days or more;~~

1 ~~(b) The parents or the child, or all of them, refuse to cooperate~~
2 ~~in available, appropriate intervention aimed at reunifying the family;~~
3 ~~or~~

4 ~~(c) The department has exhausted all available and appropriate~~
5 ~~resources that would result in reunification.)~~

6 Following the fact-finding hearing the court shall: (a) Enter a
7 temporary out-of-home placement for a period not to exceed fourteen
8 days pending approval of a disposition decision to be made under
9 section 18(2) of this act; (b) approve an at-risk youth petition filed
10 by the parents; (c) dismiss the petition; or (d) order the department
11 to review the case to determine whether the case is appropriate for a
12 dependency petition under chapter 13.34 RCW.

13 **Sec. 17.** RCW 13.32A.175 and 1987 c 435 s 13 are each amended to
14 read as follows:

15 In any proceeding in which the court approves an (~~alternative~~
16 ~~residential~~) out-of-home placement, the court shall inquire into the
17 ability of parents to contribute to the child's support. If the court
18 finds that the parents are able to contribute to the support of the
19 child, the court shall order them to make such support payments as the
20 court deems equitable. The court may enforce such an order by
21 execution or in any way in which a court of equity may enforce its
22 orders. However, payments shall not be required of a parent who has
23 both opposed the placement and continuously sought reconciliation with,
24 and the return of, the child. All orders entered in a proceeding
25 approving (~~alternative residential~~) out-of-home placement shall be in
26 compliance with the provisions of RCW 26.23.050.

27 NEW SECTION. **Sec. 18.** A new section is added to chapter 13.32A
28 RCW to read as follows:

29 (1) A hearing shall be held no later than fourteen days after the
30 approval of the temporary out-of-home placement. The parents, child,
31 and department shall be notified of the time and place of the hearing.

32 (2) At the commencement of the hearing the court shall advise the
33 parents of their rights as set forth in RCW 13.32A.160(1)(e). If the
34 court approves or denies a child in need of services petition, a
35 written statement of the reasons shall be filed. At the conclusion of
36 the hearing the court may: (a) Reunite the family and dismiss the
37 petition; (b) approve an at-risk youth petition filed by the parents;

1 (c) approve a voluntary out-of-home placement requested by the parents;
2 (d) order any conditions set forth in RCW 13.32A.196(2); or (e) order
3 the department to file a petition for dependency under chapter 13.34
4 RCW.

5 (3) At the conclusion of the hearing, if the court has not taken
6 action under subsection (2) of this section it may, at the request of
7 the child or department, enter an order for out-of-home placement for
8 not more than ninety days. The court may only enter an order under
9 this subsection if it finds by clear, cogent, and convincing evidence
10 that: (a)(i) The order is in the best interest of the family; (ii) the
11 parents have not requested an out-of-home placement; (iii) the parents
12 have not exercised any other right listed in RCW 13.32A.160(1)(e); (iv)
13 the child has made reasonable efforts to resolve the conflict; (v) the
14 conflict cannot be resolved by delivery of services to the family
15 during continued placement of the child in the parental home; (vi)
16 reasonable efforts have been made to prevent or eliminate the need for
17 removal of the child from the child's home and to make it possible for
18 the child to return home; and (vii) a suitable out-of-home placement
19 resource is available; (b)(i) the order is in the best interest of the
20 child; and (ii) the parents are unavailable; or (c) the parent's
21 actions cause an imminent threat to the child's health or safety.

22 (4) A child who fails to comply with a court order issued under
23 this section shall be subject to contempt proceedings, as provided in
24 this chapter, but only if the noncompliance occurs within one year
25 after the entry of the order.

26 (5) The parents or the department may request, and the court may
27 grant, dismissal of a placement order when it is not feasible for the
28 department to provide services due to one or more of the following
29 circumstances:

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

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

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

37 (6) The court shall dismiss a placement made under subsection
38 (2)(c) of this section upon the request of the parents.

1 **Sec. 19.** RCW 13.32A.177 and 1988 c 275 s 14 are each amended to
2 read as follows:

3 A determination of ((child)) support payments ordered under RCW
4 13.32A.175 shall be based upon ~~((the child support schedule and~~
5 ~~standards adopted under))~~ chapter 26.19 RCW ~~((26.19.040))~~.

6 **Sec. 20.** RCW 13.32A.180 and 1979 c 155 s 32 are each amended to
7 read as follows:

8 (1) ~~((At a dispositional hearing held to consider the three month~~
9 ~~dispositional plan presented by the department the court shall consider~~
10 ~~all such recommendations included therein. The court, consistent with~~
11 ~~the stated goal of resolving the family conflict and reuniting the~~
12 ~~family, may modify such plan and shall make its dispositional order~~
13 ~~for))~~ If the court orders a three-month out-of-home placement for the
14 child((-)), the court ~~((dispositional order))~~ shall specify the person
15 or agency with whom the child shall be placed, those parental powers
16 which will be temporarily awarded to such agency or person including
17 but not limited to the right to authorize medical, dental, and optical
18 treatment, and parental visitation rights. Any agency or residence at
19 which the child is placed must, at a minimum, comply with minimum
20 standards for licensed family foster homes.

21 (2) No placement made pursuant to this section may be in a secure
22 residence as defined by the federal Juvenile Justice and Delinquency
23 Prevention Act of 1974 ~~((and clarifying interpretations and regulations~~
24 ~~promulgated thereunder))~~.

25 **Sec. 21.** RCW 13.32A.190 and 1989 c 269 s 5 are each amended to
26 read as follows:

27 (1) Upon making a dispositional order under ~~((RCW 13.32A.180))~~
28 section 18 of this act, the court shall schedule the matter on the
29 calendar for review within three months, advise the parties of the date
30 thereof, appoint legal counsel and/or a guardian ad litem to represent
31 the child at the review hearing, advise parents of their right to be
32 represented by legal counsel at the review hearing, and notify the
33 parties of their rights to present evidence at the hearing. Where
34 resources are available, the court shall encourage the parent and child
35 to participate in ~~((mediation))~~ programs for reconciliation of their
36 conflict.

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

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

20 (4) The parents and the department may request, and the juvenile
21 court may grant, dismissal of an ~~((alternative residential))~~ out-of-
22 home placement order when it is not feasible for the department to
23 provide services due to one or more 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 section 18(3) of this act.

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

36 (1) A child's parent may file with the juvenile court a petition in
37 the interest of a child alleged to be an at-risk youth. The department
38 shall, when requested, assist the parent in filing the petition. The

1 petition shall be filed in the county where the petitioner resides.
2 The petition shall set forth the name, age, and residence of the child
3 and the names and residence of the child's parents and shall allege
4 that:

5 (a) The child is an at-risk youth as defined in this chapter;

6 (b) The petitioner has the right to legal custody of the child;

7 (c) Court intervention and supervision are necessary to assist the
8 parent to maintain the care, custody, and control of the child; and

9 (d) Alternatives to court intervention have been attempted or there
10 is good cause why such alternatives have not been attempted.

11 (2) The petition shall set forth facts that support the allegations
12 in this section and shall generally request relief available under this
13 chapter. The petition need not specify any proposed disposition
14 following adjudication of the petition. The filing of an at-risk youth
15 petition is not dependent upon the court's having obtained any prior
16 jurisdiction over the child or his or her parent and confers upon the
17 court the special jurisdiction to assist the parent in maintaining
18 parental authority and responsibility for the child.

19 (3) A petition may not be filed if a dependency petition is pending
20 under chapter 13.34 RCW.

21 **Sec. 23.** RCW 13.32A.192 and 1990 c 276 s 12 are each amended to
22 read as follows:

23 (1) When a proper at-risk youth petition is filed by a child's
24 parent under ((RCW 13.32A.120 or 13.32A.150)) this chapter, the
25 juvenile court shall:

26 (a) Schedule a fact-finding hearing to be held within three
27 judicial days and notify the parent and the child of such date;

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

30 (c) Appoint legal counsel for the child;

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

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

35 (2) Unless out-of-home placement of the child is otherwise
36 authorized or required by law, the child shall reside in the home of
37 his or her parent or in an ((~~alternative residential~~)) out-of-home
38 placement requested by the parent or child and approved by the parent.

1 (~~Upon request by the parent, the court may enter a court order~~
2 ~~requiring the child to reside in the home of his or her parent or an~~
3 ~~alternative residential placement approved by the parent.~~)

4 (3) If upon sworn written or oral declaration of the petitioning
5 parent, the court has reason to believe that a child has willfully and
6 knowingly violated a court order issued pursuant to subsection (2) of
7 this section, the court may issue an order directing law enforcement to
8 take the child into custody and place the child in a juvenile detention
9 facility or in a secure crisis residential center (~~licensed by the~~
10 ~~department and established pursuant to chapter 74.13 RCW~~). If the
11 child is placed in detention, a review shall be held as provided in RCW
12 13.32A.065.

13 (4) If both (~~an alternative residential placement~~) a child in
14 need of services petition and an at-risk youth petition have been filed
15 with regard to the same child, the petitions and proceedings shall be
16 consolidated (~~for purposes of fact-finding~~) as an at-risk youth
17 petition. Pending a fact-finding hearing regarding the petition, the
18 child may be placed(~~(-)~~) in the parent's home or in an out-of-home
19 placement if not already placed(~~(-)~~) in (~~an alternative residential~~)
20 a temporary out-of-home placement (~~as provided in RCW 13.32A.160~~
21 ~~unless the court has previously entered an order requiring the child to~~
22 ~~reside in the home of his or her parent~~). The child or the parent may
23 request a review of the child's placement including a review of any
24 court order requiring the child to reside in the parent's home. (~~At~~
25 ~~the review the court, in its discretion, may order the child placed in~~
26 ~~the parent's home or in an alternative residential placement pending~~
27 ~~the hearing.~~)

28 **Sec. 24.** RCW 13.32A.194 and 1990 c 276 s 13 are each amended to
29 read as follows:

30 (1) The court shall hold a fact-finding hearing to consider a
31 proper at-risk youth petition. The court (~~may~~) shall grant the
32 petition and enter an order finding the child to be an at-risk youth if
33 the allegations in the petition are established by a preponderance of
34 the evidence(~~(. The court shall not enter such an order if the court~~
35 ~~has approved an alternative residential placement petition regarding~~
36 ~~the child or if)~~), unless the child is the subject of a proceeding
37 under chapter 13.34 RCW. If the petition is granted, the court shall
38 enter an order requiring the child to reside in the home of his or her

1 parent or (~~in an alternative residential placement approved by the~~
2 ~~parent~~) in an out-of-home placement as provided in RCW 13.32A.192(2).

3 (2) 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. If the court orders the department to prepare
6 a plan, the department shall provide copies of the plan to the parent,
7 the child, and the court. If the parties or the court desire the
8 department to be involved in any future proceedings or case plan
9 development, the department shall be provided timely notification of
10 all court hearings.

11 (3) A dispositional hearing shall be held no later than fourteen
12 days after the court has granted an at-risk youth petition. Each party
13 shall be notified of the time and date of the hearing.

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

19 **Sec. 25.** RCW 13.32A.196 and 1991 c 364 s 14 are each amended to
20 read as follows:

21 (1) At the dispositional hearing regarding an adjudicated at-risk
22 youth, the court shall consider the recommendations of the parties and
23 the recommendations of any dispositional plan submitted by the
24 department. The court may enter a dispositional order that will assist
25 the parent in maintaining the care, custody, and control of the child
26 and assist the family to resolve family conflicts or problems.

27 (2) The court may set conditions of supervision for the child that
28 include:

29 (a) Regular school attendance;

30 (b) Counseling;

31 (c) Participation in a substance abuse or mental health outpatient
32 treatment program;

33 (d) Reporting on a regular basis to the department or any other
34 designated person or agency; and

35 (e) Any other condition the court deems an appropriate condition of
36 supervision including but not limited to: Employment, participation in
37 an anger management program, and refraining from using alcohol or
38 drugs.

1 (3) No dispositional order or condition of supervision ordered by
2 a court pursuant to this section shall include involuntary commitment
3 of a child for substance abuse or mental health treatment.

4 (4) The court may order the parent to participate in counseling
5 services or any other services for the child requiring parental
6 participation. The parent shall cooperate with the court-ordered case
7 plan and shall take necessary steps to help implement the case plan.
8 The parent shall be financially responsible for costs related to the
9 court-ordered plan; however, this requirement shall not affect the
10 eligibility of the parent or child for public assistance or other
11 benefits to which the parent or child may otherwise be entitled.

12 (5) The parent may request dismissal of an at-risk youth proceeding
13 or out-of-home placement at any time and upon such a request, the court
14 shall dismiss the matter and cease court supervision of the child
15 unless a contempt action is pending in the case. The court may retain
16 jurisdiction over the matter for the purpose of concluding any pending
17 contempt proceedings, including the full satisfaction of any penalties
18 imposed as a result of a contempt finding.

19 ((+5)) (6) The court may order the department to monitor
20 compliance with the dispositional order, assist in coordinating the
21 provision of court-ordered services, and submit reports at subsequent
22 review hearings regarding the status of the case.

23 **Sec. 26.** RCW 13.32A.250 and 1990 c 276 s 16 are each amended to
24 read as follows:

25 (1) In all ((alternative residential placement)) child in need of
26 services proceedings and at-risk youth proceedings, the court shall
27 verbally notify the parents and the child of the possibility of a
28 finding of contempt for failure to comply with the terms of a court
29 order entered pursuant to this chapter. The court shall treat the
30 parents and the child equally for the purposes of applying contempt of
31 court processes and penalties under this section.

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

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

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

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

9 NEW SECTION. **Sec. 27.** A new section is added to chapter 13.32A
10 RCW to read as follows:

11 No superior court may refuse to accept for filing a properly
12 completed and presented child in need of services petition or an at-
13 risk youth petition. To be properly presented, the petitioner shall
14 verify that the family assessment required under RCW 13.32A.150 has
15 been completed. In the event of an improper refusal that is appealed
16 and reversed, the petitioner shall be awarded actual damages, costs,
17 and attorneys' fees.

18 NEW SECTION. **Sec. 28.** A new section is added to chapter 13.32A
19 RCW to read as follows:

20 (1) Any person who provides shelter to a child for at least six
21 consecutive hours and who has reasonable cause to believe that the
22 child is absent from his or her home without permission shall, not
23 later than the end of the six-hour period:

24 (a) Attempt to notify the parent of the child of the location of
25 the child and return the child to the parent unless there has been a
26 placement ordered under this title;

27 (b) Notify the law enforcement agency of the jurisdiction in which
28 the person lives if (i) the parent cannot be located; (ii) the parent
29 declines to take custody of the child; or (iii) a placement order has
30 been entered under this chapter; or

31 (c) Notify the department.

32 (2) If a person provides the notices required in this section he or
33 she is immune from liability for any cause of action arising from
34 providing shelter to the child. The immunity shall not extend to acts
35 of intentional misconduct or gross negligence by the person providing
36 the shelter.

1 NEW SECTION. **Sec. 29.** A new section is added to chapter 13.32A
2 RCW to read as follows:

3 Upon the admissions of a child to a crisis residential center the
4 administrator of the facility shall request the department to provide:
5 (1) The name of any sibling of the child who has been: (a) Placed
6 under the jurisdiction of the juvenile rehabilitation administration;
7 or (b) subject to a proceeding under chapter 13.34 RCW; and (2)
8 information regarding whether the child has run away multiple times.

9 The department shall provide the information as soon as feasible.
10 The administrator may utilize the information in assessing the needs of
11 the child but a petition filed under this chapter may not be based
12 solely on this information.

13 **Sec. 30.** RCW 13.04.030 and 1994 sp.s. c 7 s 519 are each amended
14 to read as follows:

15 (1) Except as provided in subsection (2) of this section, the
16 juvenile courts in the several counties of this state, shall have
17 exclusive original jurisdiction over all proceedings:

18 (a) Under the interstate compact on placement of children as
19 provided in chapter 26.34 RCW;

20 (b) Relating to children alleged or found to be dependent as
21 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170;

22 (c) Relating to the termination of a parent and child relationship
23 as provided in RCW 13.34.180 through 13.34.210;

24 (d) To approve or disapprove (~~(alternative residential))~~ out-of-
25 home placement as provided in RCW 13.32A.170;

26 (e) Relating to juveniles alleged or found to have committed
27 offenses, traffic infractions, or violations as provided in RCW
28 13.40.020 through 13.40.230, unless:

29 (i) The juvenile court transfers jurisdiction of a particular
30 juvenile to adult criminal court pursuant to RCW 13.40.110; or

31 (ii) The statute of limitations applicable to adult prosecution for
32 the offense, traffic infraction, or violation has expired; or

33 (iii) The alleged offense or infraction is a traffic, fish,
34 boating, or game offense or traffic infraction committed by a juvenile
35 sixteen years of age or older and would, if committed by an adult, be
36 tried or heard in a court of limited jurisdiction, in which instance
37 the appropriate court of limited jurisdiction shall have jurisdiction
38 over the alleged offense or infraction: PROVIDED, That if such an

1 alleged offense or infraction and an alleged offense or infraction
2 subject to juvenile court jurisdiction arise out of the same event or
3 incident, the juvenile court may have jurisdiction of both matters:
4 PROVIDED FURTHER, That the jurisdiction under this subsection does not
5 constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1)
6 or (e)(i) of this subsection: PROVIDED FURTHER, That courts of limited
7 jurisdiction which confine juveniles for an alleged offense or
8 infraction may place juveniles in juvenile detention facilities under
9 an agreement with the officials responsible for the administration of
10 the juvenile detention facility in RCW 13.04.035 and 13.20.060; or

11 (iv) The juvenile is sixteen or seventeen years old and the alleged
12 offense is: (A) A serious violent offense as defined in RCW 9.94A.030
13 committed on or after June 13, 1994; or (B) a violent offense as
14 defined in RCW 9.94A.030 committed on or after June 13, 1994, and the
15 juvenile has a criminal history consisting of: (I) One or more prior
16 serious violent offenses; (II) two or more prior violent offenses; or
17 (III) three or more of any combination of the following offenses: Any
18 class A felony, any class B felony, vehicular assault, or manslaughter
19 in the second degree, all of which must have been committed after the
20 juvenile's thirteenth birthday and prosecuted separately. In such a
21 case the adult criminal court shall have exclusive original
22 jurisdiction.

23 If the juvenile challenges the state's determination of the
24 juvenile's criminal history, the state may establish the offender's
25 criminal history by a preponderance of the evidence. If the criminal
26 history consists of adjudications entered upon a plea of guilty, the
27 state shall not bear a burden of establishing the knowing and
28 voluntariness of the plea;

29 (f) Under the interstate compact on juveniles as provided in
30 chapter 13.24 RCW;

31 (g) Relating to termination of a diversion agreement under RCW
32 13.40.080, including a proceeding in which the divertee has attained
33 eighteen years of age; and

34 (h) Relating to court validation of a voluntary consent to foster
35 care placement under chapter 13.34 RCW, by the parent or Indian
36 custodian of an Indian child, except if the parent or Indian custodian
37 and child are residents of or domiciled within the boundaries of a
38 federally recognized Indian reservation over which the tribe exercises
39 exclusive jurisdiction.

1 (2) The family court shall have concurrent original jurisdiction
2 with the juvenile court over all proceedings under this section if the
3 superior court judges of a county authorize concurrent jurisdiction as
4 provided in RCW 26.12.010.

5 (3) A juvenile subject to adult superior court jurisdiction under
6 subsection (1)(e) (i) through (iv) of this section, who is detained
7 pending trial, may be detained in a county detention facility as
8 defined in RCW 13.40.020 pending sentencing or a dismissal.

9 **Sec. 31.** RCW 13.04.040 and 1983 c 191 s 14 are each amended to
10 read as follows:

11 The administrator shall, in any county or judicial district in the
12 state, appoint or designate one or more persons of good character to
13 serve as probation counselors during the pleasure of the administrator.
14 The probation counselor shall:

15 (1) Receive and examine referrals to the juvenile court for the
16 purpose of considering the filing of a petition or information pursuant
17 to chapter 13.32A or 13.34 RCW (~~((13.34.040, 13.34.180, and))~~) or RCW
18 13.40.070 (~~((as now or hereafter amended, and RCW 13.32A.150))~~);

19 (2) Make recommendations to the court regarding the need for
20 continued detention or shelter care of a child unless otherwise
21 provided in this title;

22 (3) Arrange and supervise diversion agreements as provided in RCW
23 13.40.080, (~~((as now or hereafter amended,))~~) and ensure that the
24 requirements of such agreements are met except as otherwise provided in
25 this title;

26 (4) Prepare predisposition studies as required in RCW 13.34.120 and
27 13.40.130, (~~((as now or hereafter amended,))~~) and be present at the
28 disposition hearing to respond to questions regarding the
29 predisposition study: PROVIDED, That such duties shall be performed by
30 the department (~~((of social and health services))~~) for cases relating to
31 dependency or to the termination of a parent and child relationship
32 which is filed by the department (~~((of social and health services))~~)
33 unless otherwise ordered by the court; and

34 (5) Supervise court orders of disposition to ensure that all
35 requirements of the order are met.

36 All probation counselors shall possess all the powers conferred
37 upon sheriffs and police officers to serve process and make arrests of

1 juveniles under their supervision for the violation of any state law or
2 county or city ordinance.

3 The administrator may, in any county or judicial district in the
4 state, appoint one or more persons who shall have charge of detention
5 rooms or houses of detention.

6 The probation counselors and persons appointed to have charge of
7 detention facilities shall each receive compensation which shall be
8 fixed by the legislative authority of the county, or in cases of joint
9 counties, judicial districts of more than one county, or joint judicial
10 districts such sums as shall be agreed upon by the legislative
11 authorities of the counties affected, and such persons shall be paid as
12 other county officers are paid.

13 The administrator is hereby authorized, and to the extent possible
14 is encouraged to, contract with private agencies existing within the
15 community for the provision of services to youthful offenders and youth
16 who have entered into diversion agreements pursuant to RCW 13.40.080(~~(~~
17 ~~as now or hereafter amended~~)).

18 The administrator shall establish procedures for the collection of
19 fines assessed under RCW 13.40.080 (2)(d) and (13) and for the payment
20 of the fines into the county general fund.

21 **Sec. 32.** RCW 13.04.093 and 1991 c 363 s 11 are each amended to
22 read as follows:

23 It shall be the duty of the prosecuting attorney to act in
24 proceedings relating to the commission of a juvenile offense as
25 provided in RCW 13.40.070 and 13.40.090 and in proceedings as provided
26 in chapter 71.34 RCW. It shall be the duty of the prosecuting attorney
27 to handle delinquency cases under chapter 13.24 RCW and it shall be the
28 duty of the attorney general to handle dependency cases under chapter
29 13.24 RCW. It shall be the duty of the attorney general in contested
30 cases brought by the department to present the evidence supporting any
31 petition alleging dependency or seeking the termination of a parent and
32 child relationship or any contested case filed under RCW 26.33.100 or
33 approving or disapproving (~~(alternative residential)~~) out-of-home
34 placement: PROVIDED, That in each county with a population of less
35 than two hundred ten thousand, the attorney general may contract with
36 the prosecuting attorney of the county to perform (~~(said)~~) the duties
37 of the attorney general under this section.

1 NEW SECTION. **Sec. 33.** The department of social and health
2 services shall develop a plan for the development of an intensive
3 treatment system for children whose behavior puts them at serious risk
4 of harm to themselves or others. In developing this plan, the
5 department shall work with service providers, community leaders,
6 representatives of different cultural communities, businesses,
7 educational institutions, community public health and safety networks,
8 and others to propose a continuum of services, including placement
9 alternatives, for children who might otherwise be on the street.

10 In developing this plan, the department shall identify existing
11 local and state services and barriers to those services for children.
12 The plan for intensive treatment services, to the extent possible,
13 shall build upon those existing resources.

14 The plan shall be presented to the legislature and the governor no
15 later than December 1, 1995.

16 NEW SECTION. **Sec. 34.** A new section is added to chapter 13.32A
17 RCW to read as follows:

18 Nothing in this chapter shall be construed to create an entitlement
19 to services nor to create judicial authority to order the provision at
20 public expense of services to any person or family where the department
21 has determined that such services are unavailable or unsuitable or that
22 the child or family are not eligible for such services.

23 NEW SECTION. **Sec. 35.** A new section is added to chapter 13.32A
24 RCW to read as follows:

25 In approving a petition under this chapter, a child may be placed
26 in a semi-secure crisis residential center as a temporary out-of-home
27 placement under the following conditions: (1) No other suitable out-
28 of-home placement is available; (2) space is available in the semi-
29 secure crisis residential center; and (3) no child will be denied
30 access for a five-day placement due to this placement.

31 Any child referred to a semi-secure crisis residential center by a
32 law enforcement officer, the department, or himself or herself shall
33 have priority over a temporary out-of-home placement in the facility.
34 Any out-of-home placement order shall be subject to this priority, and
35 the administrator of the semi-secure crisis residential center shall
36 transfer the temporary out-of-home placement youth to a new out-of-home

1 placement as necessary to ensure access for youth needing the semi-
2 secure crisis residential center.

3 **Sec. 36.** RCW 70.96A.090 and 1990 c 151 s 5 are each amended to
4 read as follows:

5 (1) The department shall adopt rules establishing standards for
6 approved treatment programs, the process for the review and inspection
7 program applying to the department for certification as an approved
8 treatment program, and fixing the fees to be charged by the department
9 for the required inspections. The standards may concern the health
10 standards to be met and standards of services and treatment to be
11 afforded patients.

12 (2) The department may suspend, revoke, limit, restrict, or modify
13 an approval, or refuse to grant approval, for failure to meet the
14 provisions of this chapter, or the standards adopted under this
15 chapter. RCW 43.20A.205 governs notice of a license denial,
16 revocation, suspension, or modification and provides the right to an
17 adjudicative proceeding.

18 (3) No treatment program may advertise or represent itself as an
19 approved treatment program if approval has not been granted, has been
20 denied, suspended, revoked, or canceled.

21 (4) Certification as an approved treatment program is effective for
22 one calendar year from the date of issuance of the certificate. The
23 certification shall specify the types of services provided by the
24 approved treatment program that meet the standards adopted under this
25 chapter. Renewal of certification shall be made in accordance with
26 this section for initial approval and in accordance with the standards
27 set forth in rules adopted by the secretary.

28 (5) Approved treatment programs shall not provide alcoholism or
29 other drug addiction treatment services for which the approved
30 treatment program has not been certified. Approved treatment programs
31 may provide services for which approval has been sought and is pending,
32 if approval for the services has not been previously revoked or denied.

33 (6) The department periodically shall inspect approved public and
34 private treatment programs at reasonable times and in a reasonable
35 manner.

36 (7) The department shall maintain and periodically publish a
37 current list of approved treatment programs.

1 (8) Each approved treatment program shall file with the department
2 on request, data, statistics, schedules, and information the department
3 reasonably requires. An approved treatment program that without good
4 cause fails to furnish any data, statistics, schedules, or information
5 as requested, or files fraudulent returns thereof, may be removed from
6 the list of approved treatment programs, and its certification revoked
7 or suspended.

8 (9) The department shall use the data provided in subsection (8) of
9 this section to evaluate each program in terms of rates of successful
10 treatment of drug or alcohol abuse. The evaluation shall be done at
11 least once every twelve months. In addition, the department shall
12 randomly select and review the information on individual children who
13 are admitted on application of the child's parent for the purpose of
14 determining whether the child was appropriately placed into treatment
15 based on an objective evaluation of the child's condition and the
16 success of the child's treatment.

17 (10) Upon petition of the department and after a hearing held upon
18 reasonable notice to the facility, the superior court may issue a
19 warrant to an officer or employee of the department authorizing him or
20 her to enter and inspect at reasonable times, and examine the books and
21 accounts of, any approved public or private treatment program refusing
22 to consent to inspection or examination by the department or which the
23 department has reasonable cause to believe is operating in violation of
24 this chapter.

25 **Sec. 37.** RCW 70.96A.095 and 1991 c 364 s 9 are each amended to
26 read as follows:

27 (1) Any person (~~fourteen~~) thirteen years of age or older may give
28 consent for himself or herself to the furnishing of counseling, care,
29 treatment, or rehabilitation by a treatment program or by any person.
30 Consent of the parent, parents, or legal guardian of a person less than
31 eighteen years of age is not necessary to authorize the care, except
32 that the person shall not become a resident of the treatment program
33 without such permission except as provided in RCW 70.96A.120 or
34 70.96A.140. The parent, parents, or legal guardian of a person less
35 than eighteen years of age are not liable for payment of care for such
36 persons pursuant to this chapter, unless they have joined in the
37 consent to the counseling, care, treatment, or rehabilitation.

1 (2) The parent of any minor child may apply to an approved
2 treatment program for the admission of his or her minor child for
3 purposes authorized in this chapter. The consent of the minor child
4 shall not be required for the application or admission. The approved
5 treatment program shall accept the application and evaluate the child
6 for admission. The ability of a parent to apply to an approved
7 treatment program for the involuntary admission of his or her minor
8 child does not create a right to obtain or benefit from any funds or
9 resources of the state. However, the state may provide services for
10 indigent minors to the extent that funds are available therefor.

11 **Sec. 38.** RCW 71.34.030 and 1985 c 354 s 3 are each amended to read
12 as follows:

13 (1) Any minor thirteen years or older may request and receive
14 outpatient treatment without the consent of the minor's parent.
15 Parental authorization is required for outpatient treatment of a minor
16 under the age of thirteen.

17 (2) When in the judgment of the professional person in charge of an
18 evaluation and treatment facility there is reason to believe that a
19 minor is in need of inpatient treatment because of a mental disorder,
20 and the facility provides the type of evaluation and treatment needed
21 by the minor, and it is not feasible to treat the minor in any less
22 restrictive setting or the minor's home, the minor may be admitted to
23 an evaluation and treatment facility in accordance with the following
24 requirements:

25 ~~(a) ((A minor under thirteen years of age may only be admitted on~~
26 ~~the application of the minor's parent.~~

27 ~~(b))~~ A minor ~~((thirteen years or older))~~ may be voluntarily
28 admitted by application of the parent. ~~((Such application must be~~
29 ~~accompanied by the written consent, knowingly and voluntarily given, of~~
30 ~~the minor.))~~ The consent of the minor is not required for the minor to
31 be evaluated and admitted as appropriate.

32 ~~((e))~~ (b) A minor thirteen years or older may, with the
33 concurrence of the professional person in charge of an evaluation and
34 treatment facility, admit himself or herself without parental consent
35 to the evaluation and treatment facility, provided that notice is given
36 by the facility to the minor's parent in accordance with the following
37 requirements:

1 (i) Notice of the minor's admission shall be in the form most
2 likely to reach the parent within twenty-four hours of the minor's
3 voluntary admission and shall advise the parent that the minor has been
4 admitted to inpatient treatment; the location and telephone number of
5 the facility providing such treatment; and the name of a professional
6 person on the staff of the facility providing treatment who is
7 designated to discuss the minor's need for inpatient treatment with the
8 parent.

9 (ii) The minor shall be released to the parent at the parent's
10 request for release unless the facility files a petition with the
11 superior court of the county in which treatment is being provided
12 setting forth the basis for the facility's belief that the minor is in
13 need of inpatient treatment and that release would constitute a threat
14 to the minor's health or safety.

15 (iii) The petition shall be signed by the professional person in
16 charge of the facility or that person's designee.

17 (iv) The parent may apply to the court for separate counsel to
18 represent the parent if the parent cannot afford counsel.

19 (v) There shall be a hearing on the petition, which shall be held
20 within three judicial days from the filing of the petition.

21 (vi) The hearing shall be conducted by a judge, court commissioner,
22 or licensed attorney designated by the superior court as a hearing
23 officer for such hearing. The hearing may be held at the treatment
24 facility.

25 (vii) At such hearing, the facility must demonstrate by a
26 preponderance of the evidence presented at the hearing that the minor
27 is in need of inpatient treatment and that release would constitute a
28 threat to the minor's health or safety. The hearing shall not be
29 conducted using the rules of evidence, and the admission or exclusion
30 of evidence sought to be presented shall be within the exercise of
31 sound discretion by the judicial officer conducting the hearing.

32 ~~((d))~~ (c) Written renewal of voluntary consent must be obtained
33 from the applicant ~~((and the minor thirteen years or older))~~ no less
34 than once every twelve months.

35 ~~((e))~~ (d) The minor's need for continued inpatient treatments
36 shall be reviewed and documented no less than every one hundred eighty
37 days.

38 (3) A notice of intent to leave shall result in the following:

1 (a) Any minor under the age of thirteen must be discharged
2 immediately upon written request of the parent.

3 (b) Any minor thirteen years or older voluntarily admitted may give
4 notice of intent to leave at any time. The notice need not follow any
5 specific form so long as it is written and the intent of the minor can
6 be discerned.

7 (c) The staff member receiving the notice shall date it
8 immediately, record its existence in the minor's clinical record, and
9 send copies of it to the minor's attorney, if any, the county-
10 designated mental health professional, and the parent.

11 (d) The professional person in charge of the evaluation and
12 treatment facility shall discharge the minor, thirteen years or older,
13 from the facility within twenty-four hours after receipt of the minor's
14 notice of intent to leave, unless the county-designated mental health
15 professional or a parent or legal guardian files a petition or an
16 application for initial detention within the time prescribed by this
17 chapter.

18 (4) The ability of a parent to apply to a certified evaluation and
19 treatment program for the involuntary admission of his or her minor
20 child does not create a right to obtain or benefit from any funds or
21 resources of the state. However, the state may provide services for
22 indigent minors to the extent that funds are available therefor.

23 NEW SECTION. Sec. 39. A new section is added to chapter 71.34 RCW
24 to read as follows:

25 The department shall randomly select and review the information on
26 children who are admitted to in-patient treatment on application of the
27 child's parent. The review shall determine whether the children
28 reviewed were appropriately admitted into treatment based on an
29 objective evaluation of the child's condition and the success of the
30 child's treatment.

31 **Sec. 40.** RCW 74.13.031 and 1990 c 146 s 9 are each amended to read
32 as follows:

33 The department shall have the duty to provide child welfare
34 services as defined in RCW 74.13.020, and shall:

35 (1) Develop, administer, supervise, and monitor a coordinated and
36 comprehensive plan that establishes, aids, and strengthens services for

1 the protection and care of homeless, runaway, dependent, or neglected
2 children.

3 (2) Develop a recruiting plan for recruiting an adequate number of
4 prospective adoptive and foster homes, both regular and specialized,
5 ~~((i.e.))~~ including homes for children of ethnic minority, ~~((including))~~
6 Indian homes for Indian children, sibling groups, handicapped and
7 emotionally disturbed, and annually submit the plan for review to the
8 ~~((house and senate committees on social and health services))~~
9 legislature. The plan shall include a section entitled "Foster Home
10 Turn-Over, Causes and Recommendations."

11 (3) Investigate complaints of neglect, abuse, or abandonment of
12 children, and on the basis of the findings of such investigation, offer
13 child welfare services in relation to the problem to such parents,
14 legal custodians, or persons serving in loco parentis, and/or bring the
15 situation to the attention of an appropriate court, or another
16 community agency~~((: PROVIDED, That an))~~. No investigation is ~~((not))~~
17 required of nonaccidental injuries which are clearly not the result of
18 a lack of care or supervision by the child's parents, legal custodians,
19 or persons serving in loco parentis. If ~~((the))~~ an investigation
20 reveals that a crime may have been committed, the department shall
21 notify the appropriate law enforcement agency.

22 (4) Offer, on a voluntary basis, family reconciliation services to
23 families who are in conflict.

24 (5) Monitor out-of-home placements, on a timely and routine basis,
25 to assure the safety, well-being, and quality of care being provided is
26 within the scope of the intent of the legislature as defined in RCW
27 74.13.010 and 74.15.010, and annually submit a report delineating the
28 results to the ~~((house and senate committees on social and health
29 services))~~ legislature.

30 (6) Have authority to accept custody of children from parents and
31 ~~((to accept custody of children from))~~ juvenile courts, where
32 authorized to do so under law, to provide child welfare services
33 including placement for adoption, and to provide for the physical care
34 of such children and make payment of maintenance costs if needed.
35 Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no
36 private adoption agency which receives children for adoption from the
37 department shall discriminate on the basis of race, creed, or color
38 when considering applications in their placement for adoption.

1 (7) Have authority to provide temporary shelter to children who
2 have run away from home and who are admitted to crisis residential
3 centers.

4 (8) Have authority to purchase care for children(~~(7)~~) and (~~shall~~
5 ~~follow in general the policy of using~~) use properly approved private
6 agency services for the (~~actual~~) care and supervision of such
7 children insofar as they are available, paying for care of such
8 children as are accepted by the department as eligible for support at
9 reasonable rates established by the department.

10 (9) Establish a children's services advisory committee which shall
11 assist the secretary in the development of a partnership plan for
12 utilizing resources of the public and private sectors, and advise on
13 all matters pertaining to child welfare, day care, licensing of child
14 care agencies, adoption, and related services (~~related thereto~~). At
15 least one-third of the membership shall be (~~composed of~~) child care
16 providers, and at least one member shall represent the adoption
17 community.

18 (10) Have authority to provide continued foster care or group care
19 for individuals from eighteen through twenty years of age to enable
20 them to complete their high school or vocational school program.

21 (11) Have authority within funds appropriated for foster care
22 services to purchase care for Indian children who are in the custody of
23 a federally recognized Indian tribe or tribally licensed child-placing
24 agency pursuant to parental consent, tribal court order, or state
25 juvenile court order(~~(7) and~~). The purchase of such care (~~shall be~~)
26 is subject to the same eligibility standards and rates of support
27 applicable to other children for whom the department purchases care.

28 Notwithstanding any other provision of RCW 13.32A.170 through
29 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
30 services to be provided by the department of social and health services
31 under subsections (4)(~~(7)~~) and (6)(~~(7) and (7)~~) of this section,
32 subject to the limitations of these subsections, may be provided by any
33 program offering such services funded pursuant to Titles II and III of
34 the federal juvenile justice and delinquency prevention act of 1974.

35 **Sec. 41.** RCW 74.13.032 and 1979 c 155 s 78 are each amended to
36 read as follows:

37 (1) The department shall establish, by contracts with private
38 vendors, (~~not less than eight~~) regional semi-secure crisis

1 residential centers, which shall be structured group care facilities
2 licensed under rules adopted by the department. Each regional center
3 shall have an average of at least four adult staff members and in no
4 event less than three adult staff members to every eight children.
5 (~~The staff shall be trained so that they may effectively counsel~~
6 ~~juveniles admitted to the centers, provide treatment, supervision, and~~
7 ~~structure to the juveniles, and carry out the responsibilities outlined~~
8 ~~in RCW 13.32A.090.~~)

9 (2) Within available funds appropriated for this purpose, the
10 department shall establish, by contracts with private vendors, secure
11 crisis residential centers which shall be facilities licensed under
12 rules adopted by the department.

13 (3) The department shall, in addition to the (~~regional~~)
14 facilities established under subsections (1) and (2) of this section,
15 establish (~~not less than thirty~~) additional crisis residential
16 centers pursuant to contract with licensed private group care (~~or~~
17 ~~specialized foster home~~) facilities.

18 (4) The staff at the facilities established under this section
19 shall be trained so that they may effectively counsel juveniles
20 admitted to the centers, provide treatment, supervision, and structure
21 to the juveniles that recognize the need for support and the varying
22 circumstances that cause children to leave their families, and carry
23 out the responsibilities stated in RCW 13.32A.090. The
24 responsibilities stated in RCW 13.32A.090 may, in any of the centers,
25 be carried out by the department.

26 (5) Secure crisis residential facilities shall be operated as
27 (~~semi-secure~~) secure facilities as defined in RCW 13.32A.030. The
28 facilities shall have an average of no more than three adult staff
29 members to every eight children. The staffing ratio shall continue to
30 ensure the safety of the children.

31 (6) A secure center created under this section may not be located
32 within, or on the same grounds as, other secure facilities including
33 jails, juvenile detention facilities operated by the state, or units of
34 local government. However, the secretary may, following consultation
35 with the appropriate county legislative authority, make a written
36 finding that location of a secure center on the same grounds as another
37 secure facility is the only practical location for a secure center.
38 Upon the written finding a secure center may be located on the same
39 grounds as a secure facility.

1 NEW SECTION. **Sec. 42.** A new section is added to chapter 74.13 RCW
2 to read as follows:

3 No contract may provide reimbursement or compensation to a center
4 for any service delivered or provided to a resident child after five
5 consecutive days of residence.

6 **Sec. 43.** RCW 74.13.033 and 1992 c 205 s 213 are each amended to
7 read as follows:

8 (1) If a resident of a center becomes by his or her behavior
9 disruptive to the facility's program, such resident may be immediately
10 removed to a separate area within the facility and counseled on an
11 individual basis until such time as the child regains his or her
12 composure. The department may set rules and regulations establishing
13 additional procedures for dealing with severely disruptive children on
14 the premises(~~(, which procedures are consistent with the federal~~
15 ~~juvenile justice and delinquency prevention act of 1974 and regulations~~
16 ~~and clarifying instructions promulgated thereunder)).~~ Nothing in this
17 section shall prohibit a center from referring any child who, as the
18 result of a mental or emotional disorder, or intoxication by alcohol or
19 other drugs, is suicidal, seriously assaultive or seriously destructive
20 toward others, or otherwise similarly evidences an immediate need for
21 emergency medical evaluation and possible care, for evaluation pursuant
22 to chapter 71.34 RCW or to a mental health professional pursuant to
23 chapter 71.05 RCW whenever such action is deemed appropriate and
24 consistent with law.

25 (2) When the juvenile resides in this facility, all services deemed
26 necessary to the juvenile's reentry to normal family life shall be made
27 available to the juvenile as required by chapter 13.32A RCW. In
28 providing these services, the facility shall:

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

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

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

35 (d) Provide additional crisis counseling as needed, to the end that
36 placement of the child in the crisis residential center will be
37 required for the shortest time possible, but not to exceed five
38 consecutive days.

1 (3) A juvenile taking unauthorized leave from this residence may be
2 apprehended and returned to it by law enforcement officers or other
3 persons designated as having this authority as provided in RCW
4 13.32A.050. If returned to the facility after having taken
5 unauthorized leave for a period of more than twenty-four hours a
6 juvenile may be supervised by such a facility for a period, pursuant to
7 this chapter, which, unless where otherwise provided, may not exceed
8 five consecutive days on the premises. Costs of housing juveniles
9 admitted to crisis residential centers shall be assumed by the
10 department for a period not to exceed five consecutive days.

11 **Sec. 44.** RCW 74.13.034 and 1992 c 205 s 214 are each amended to
12 read as follows:

13 (1) A child taken into custody and taken to a crisis residential
14 center established pursuant to RCW 74.13.032(~~((+2))~~) (3) may, if the
15 center is unable to provide appropriate treatment, supervision, and
16 structure to the child, be taken at department expense to another
17 crisis residential center (~~((or))~~), the nearest regional secure crisis
18 residential center, or a secure facility with which it is collocated
19 under RCW 74.13.032. Placement in both (~~((centers))~~) locations shall not
20 (~~((exceed))~~) be less than three nor more than five consecutive days from
21 the point of intake as provided in RCW 13.32A.130.

22 (2) A child taken into custody and taken to a crisis residential
23 center established by this chapter may be placed physically by the
24 department or the department's designee and, at departmental expense
25 and approval, in a secure juvenile detention facility operated by the
26 county in which the center is located for a maximum of forty-eight
27 hours, including Saturdays, Sundays, and holidays, if the child has
28 taken unauthorized leave from the center and the person in charge of
29 the center determines that the center cannot provide supervision and
30 structure adequate to ensure that the child will not again take
31 unauthorized leave. Juveniles placed in such a facility pursuant to
32 this section may not, to the extent possible, come in contact with
33 alleged or convicted juvenile or adult offenders.

34 (3) Any child placed in secure detention pursuant to this section
35 shall, during the period of confinement, be provided with appropriate
36 treatment by the department or the department's designee, which shall
37 include the services defined in RCW 74.13.033(2). If the child placed
38 in secure detention is not returned home or if an alternative living

1 arrangement agreeable to the parent and the child is not made within
2 twenty-four hours after the child's admission, the child shall be taken
3 at the department's expense to a crisis residential center. Placement
4 in the crisis residential center or centers plus placement in juvenile
5 detention shall not exceed five consecutive days from the point of
6 intake as provided in RCW 13.32A.130.

7 (4) Juvenile detention facilities used pursuant to this section
8 shall first be certified by the department to ensure that juveniles
9 placed in the facility pursuant to this section are provided with
10 living conditions suitable to the well-being of the child. Where space
11 is available, juvenile courts, when certified by the department to do
12 so, shall provide secure placement for juveniles pursuant to this
13 section, at department expense.

14 ~~((5) It is the intent of the legislature that by July 1, 1982,~~
15 ~~crisis residential centers, supplemented by community mental health~~
16 ~~programs and mental health professionals, will be able to respond~~
17 ~~appropriately to children admitted to centers under this chapter and~~
18 ~~will be able to respond to the needs of such children with appropriate~~
19 ~~treatment, supervision, and structure.))~~

20 **Sec. 45.** RCW 74.13.035 and 1979 c 155 s 81 are each amended to
21 read as follows:

22 Crisis residential centers shall compile ~~((yearly))~~ quarterly
23 records which shall be transmitted to the department and which shall
24 contain information regarding population profiles of the children
25 admitted to the centers during each past calendar year. Such
26 information shall include but shall not be limited to the following:

27 (1) The number, county of residency, age, and sex of children
28 admitted to custody;

29 (2) Who brought the children to the center;

30 (3) Services provided to children admitted to the center;

31 (4) The circumstances which necessitated the children being brought
32 to the center;

33 (5) The ultimate disposition of cases;

34 (6) The number of children admitted to custody who ran away from
35 the center and their ultimate disposition, if any;

36 (7) Length of stay.

1 The department may require the provision of additional information and
2 may require each center to provide all such necessary information in a
3 uniform manner.

4 The department shall report to the legislature within one year of
5 the initial contracts establishing secure crisis residential centers.
6 The report shall evaluate and compare the information required to be
7 compiled in this section for the secure and semi-secure crisis
8 residential centers and shall include plans for establishing secure
9 crisis residential centers as funds are appropriated.

10 A center may, in addition to being licensed as such, also be
11 licensed as a ((~~family foster home or~~)) group care facility and may
12 house on the premises juveniles assigned for temporary out-of-home
13 placement or foster or group care.

14 **Sec. 46.** RCW 74.13.036 and 1989 c 175 s 147 are each amended to
15 read as follows:

16 (1) The department of social and health services shall oversee
17 implementation of chapter 13.34 RCW and chapter 13.32A RCW. The
18 oversight shall be comprised of working with affected parts of the
19 criminal justice and child care systems as well as with local
20 government, legislative, and executive authorities to effectively carry
21 out these chapters. The department shall work with all such entities
22 to ensure that chapters 13.32A and 13.34 RCW are implemented in a
23 uniform manner throughout the state.

24 (2) The department shall((~~, by January 1, 1986,~~)) develop a plan
25 and procedures, in cooperation with the state-wide advisory committee,
26 to insure the full implementation of the provisions of chapter 13.32A
27 RCW. Such plan and procedures shall include but are not limited to:

28 (a) Procedures defining and delineating the role of the department
29 and juvenile court with regard to the execution of the ((~~alternative~~
30 ~~residential~~)) child in need of services placement process;

31 (b) Procedures for designating department staff responsible for
32 family reconciliation services;

33 (c) Procedures assuring enforcement of contempt proceedings in
34 accordance with RCW 13.32A.170 and 13.32A.250; and

35 (d) Procedures for the continued education of all individuals in
36 the criminal juvenile justice and child care systems who are affected
37 by chapter 13.32A RCW, as well as members of the legislative and
38 executive branches of government.

1 ((The plan and procedures required under this subsection shall be
2 submitted to the appropriate standing committees of the legislature by
3 January 1, 1986.))

4 There shall be uniform application of the procedures developed by
5 the department and juvenile court personnel, to the extent practicable.
6 Local and regional differences shall be taken into consideration in the
7 development of procedures required under this subsection.

8 (3) In addition to its other oversight duties, the department
9 shall:

10 (a) Identify and evaluate resource needs in each region of the
11 state;

12 (b) Disseminate information collected as part of the oversight
13 process to affected groups and the general public;

14 (c) Educate affected entities within the juvenile justice and child
15 care systems, local government, and the legislative branch regarding
16 the implementation of chapters 13.32A and 13.34 RCW;

17 (d) Review complaints concerning the services, policies, and
18 procedures of those entities charged with implementing chapters 13.32A
19 and 13.34 RCW; and

20 (e) Report any violations and misunderstandings regarding the
21 implementation of chapters 13.32A and 13.34 RCW.

22 (4) The secretary shall submit a quarterly report to the
23 appropriate local government entities.

24 (5) Where appropriate, the department shall request opinions from
25 the attorney general regarding correct construction of these laws.

26 **Sec. 47.** RCW 82.14.300 and 1990 2nd ex.s. c 1 s 1 are each amended
27 to read as follows:

28 The legislature finds and declares that local government criminal
29 justice systems are in need of assistance. Many counties and cities
30 are unable to provide sufficient funding for additional police
31 protection, mitigation of congested court systems, public safety
32 education, and relief of overcrowded jails.

33 In order to ensure public safety, it is necessary to provide fiscal
34 assistance to help local governments to respond immediately to these
35 criminal justice problems, while initiating a review of the criminal
36 justice needs of cities and counties and the resources available to
37 address those needs.

1 To provide for a more efficient and effective response to these
2 problems, the legislature encourages cities and counties to coordinate
3 strategies against crime and use multijurisdictional and innovative
4 approaches in addressing criminal justice problems.

5 ~~((The legislature intends to provide fiscal assistance to counties
6 and cities in the manner provided in this act until the report of the
7 task force created under RCW 82.14.301 is available for consideration
8 by the legislature.))~~

9 **Sec. 48.** RCW 82.14.320 and 1993 sp.s. c 21 s 2 are each amended to
10 read as follows:

11 (1) The municipal criminal justice assistance account is created in
12 the state treasury.

13 (2) No city may receive a distribution under this section from the
14 municipal criminal justice assistance account unless:

15 (a) The city has a crime rate in excess of one hundred twenty-five
16 percent of the state-wide average as calculated in the most recent
17 annual report on crime in Washington state as published by the
18 Washington association of sheriffs and police chiefs;

19 (b) The city has levied the tax authorized in RCW 82.14.030(2) at
20 the maximum rate or the tax authorized in RCW 82.46.010(3) at the
21 maximum rate; and

22 (c) The city has a per capita yield from the tax imposed under RCW
23 82.14.030(1) at the maximum rate of less than one hundred fifty percent
24 of the state-wide average per capita yield for all cities from such
25 local sales and use tax.

26 (3) The moneys deposited in the municipal criminal justice
27 assistance account for distribution under this section shall be
28 distributed at such times as distributions are made under RCW
29 82.44.150. The distributions shall be made as follows:

30 (a) Unless reduced by this subsection, thirty percent of the moneys
31 shall be distributed ratably based on population as last determined by
32 the office of financial management to those cities eligible under
33 subsection (2) of this section that have a crime rate determined under
34 subsection (2)(a) of this section which is greater than one hundred
35 seventy-five percent of the state-wide average crime rate. No city may
36 receive more than fifty percent of any moneys distributed under this
37 subsection (a) but, if a city distribution is reduced as a result of

1 exceeding the fifty percent limitation, the amount not distributed
2 shall be distributed under (b) of this subsection.

3 (b) The remainder of the moneys, including any moneys not
4 distributed in subsection (2)(a) of this section, shall be distributed
5 to all cities eligible under subsection (2) of this section ratably
6 based on population as last determined by the office of financial
7 management.

8 (4) No city may receive more than thirty percent of all moneys
9 distributed under subsection (3) of this section.

10 (5) Notwithstanding other provisions of this section, the
11 distributions to any city that substantially decriminalizes or repeals
12 its criminal code after July 1, 1990, and that does not reimburse the
13 county for costs associated with criminal cases under RCW 3.50.800 or
14 3.50.805(2), shall be made to the county in which the city is located.

15 (6) Moneys distributed under this section shall be expended
16 exclusively for criminal justice purposes and shall not be used to
17 replace or supplant existing funding. Criminal justice purposes are
18 defined as activities that substantially assist the criminal justice
19 system, which may include circumstances where ancillary benefit to the
20 civil justice system occurs, and which includes domestic violence
21 services such as those provided by domestic violence programs,
22 community advocates, and legal advocates, as defined in RCW 70.123.020,
23 and publications and public educational efforts designed to provide
24 information and assistance to parents in dealing with runaway or at-
25 risk youth. Existing funding for purposes of this subsection is
26 defined as calendar year 1989 actual operating expenditures for
27 criminal justice purposes. Calendar year 1989 actual operating
28 expenditures for criminal justice purposes exclude the following:
29 Expenditures for extraordinary events not likely to reoccur, changes in
30 contract provisions for criminal justice services, beyond the control
31 of the local jurisdiction receiving the services, and major
32 nonrecurring capital expenditures.

33 NEW SECTION. **Sec. 49.** A new section is added to chapter 28A.225
34 RCW to read as follows:

35 For purposes of this chapter, "community truancy board" means a
36 board composed of members of the local community in which the child
37 attends school. The local school district boards of directors may
38 create a community truancy board. Members of the board shall be

1 selected from representatives of the community. Duties of a community
2 truancy board shall include, but not be limited to, recommending
3 methods for improving school attendance.

4 **Sec. 50.** RCW 28A.225.020 and 1992 c 205 s 202 are each amended to
5 read as follows:

6 If a ~~((juvenile))~~ child required to attend school under the laws of
7 the state of Washington fails to attend school without valid
8 justification, the ~~((juvenile's))~~ child's school shall:

9 (1) Inform the ~~((juvenile's))~~ child's custodial parent, parents, or
10 guardian by a notice in writing or by telephone ~~((that))~~ whenever the
11 ~~((juvenile))~~ child has failed to attend school ~~((without valid~~
12 justification)) after one unexcused absence within any month during the
13 current school year;

14 (2) Schedule a conference or conferences with the custodial parent,
15 parents, or guardian and ~~((juvenile))~~ child at a time and place
16 reasonably convenient for all persons included for the purpose of
17 analyzing the causes of the ~~((juvenile's))~~ child's absences after two
18 unexcused absences within any month during the current school year. If
19 a regularly scheduled parent-teacher conference day is to take place
20 within thirty days of the second unexcused absence, then the school
21 district may schedule this conference on that day; and

22 (3) Take steps to eliminate or reduce the ~~((juvenile's))~~ child's
23 absences. These steps shall include, where appropriate, adjusting the
24 ~~((juvenile's))~~ child's school program or school or course assignment,
25 providing more individualized or remedial instruction, ~~((preparing the~~
26 juvenile for employment with specific)) providing appropriate
27 vocational courses or work experience, or ~~((both))~~ refer the child to
28 a community truancy board, ~~((and))~~ or assisting the parent or
29 ~~((student))~~ child to obtain supplementary services that might eliminate
30 or ameliorate the cause or causes for the absence from school.

31 **Sec. 51.** RCW 28A.225.030 and 1992 c 205 s 203 are each amended to
32 read as follows:

33 If the actions taken by a school ~~((pursuant to))~~ district under RCW
34 28A.225.020 ~~((is))~~ are not successful in substantially reducing ~~((a))~~
35 an enrolled student's absences from school, ~~((any of the following~~
36 actions may be taken after five or more)) upon the fifth unexcused
37 absence~~((s))~~ by a child within any month during the current school year

1 or upon the tenth unexcused absence during the current school year(~~(~~
2 ~~(1) The attendance officer of~~) the school district (~~(through its~~
3 ~~attorney may)~~) shall file a petition with the juvenile court (~~(to~~
4 ~~assume jurisdiction under RCW 28A.200.010, 28A.200.020, and 28A.225.010~~
5 ~~through 28A.225.150 for the purpose of)~~) alleging a violation of RCW
6 28A.225.010: (1) By the parent; ((or)) (2) ((a petition alleging a
7 ~~violation of RCW 28A.225.010 by a))~~ by the child (~~(may be filed with~~
8 ~~the juvenile court by the parent of such child or by the attendance~~
9 ~~officer of the school district through its attorney at the request of~~
10 ~~the parent. If the court assumes jurisdiction in such an instance, the~~
11 ~~provisions of RCW 28A.200.010, 28A.200.020, and 28A.225.010 through~~
12 ~~28A.225.150, except where otherwise stated, shall apply))~~); or (3) by
13 the parent and the child.

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

19 NEW SECTION. Sec. 52. A new section is added to chapter 28A.225
20 RCW to read as follows:

21 (1) A petition under RCW 28A.225.030 shall consist of a written
22 notification to the court alleging that:

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

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

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

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

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

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

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

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

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

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

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

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

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

18 **Sec. 53.** RCW 36.18.020 and 1993 c 435 s 1 are each amended to read
19 as follows:

20 Clerks of superior courts shall collect the following fees for
21 their official services:

22 (1) The party filing the first or initial paper in any civil
23 action, including an action for restitution, or change of name, shall
24 pay, at the time said paper is filed, a fee of one hundred ten dollars
25 except in proceedings filed under RCW 26.50.030 or 49.60.227 where the
26 petitioner shall pay a filing fee of twenty dollars, or in proceedings
27 filed under RCW 28A.225.030 alleging a violation of the compulsory
28 attendance laws where the petitioner shall not pay a filing fee, or an
29 unlawful detainer action under chapter 59.18 or 59.20 RCW where the
30 plaintiff shall pay a filing fee of thirty dollars. If the defendant
31 serves or files an answer to an unlawful detainer complaint under
32 chapter 59.18 or 59.20 RCW, the plaintiff shall pay, prior to
33 proceeding with the unlawful detainer action, an additional eighty
34 dollars which shall be considered part of the filing fee. The thirty
35 dollar filing fee under this subsection for an unlawful detainer action
36 shall not include an order to show cause or any other order or judgment
37 except a default order or default judgment in an unlawful detainer
38 action.

1 (2) Any party, except a defendant in a criminal case, filing the
2 first or initial paper on an appeal from a court of limited
3 jurisdiction or any party on any civil appeal, shall pay, when said
4 paper is filed, a fee of one hundred ten dollars.

5 (3) The party filing a transcript or abstract of judgment or
6 verdict from a United States court held in this state, or from the
7 superior court of another county or from a district court in the county
8 of issuance, shall pay at the time of filing, a fee of fifteen dollars.

9 (4) For the filing of a tax warrant by the department of revenue of
10 the state of Washington, a fee of five dollars shall be paid.

11 (5) For the filing of a petition for modification of a decree of
12 dissolution, a fee of twenty dollars shall be paid.

13 (6) The party filing a demand for jury of six in a civil action,
14 shall pay, at the time of filing, a fee of fifty dollars; if the demand
15 is for a jury of twelve the fee shall be one hundred dollars. If,
16 after the party files a demand for a jury of six and pays the required
17 fee, any other party to the action requests a jury of twelve, an
18 additional fifty-dollar fee will be required of the party demanding the
19 increased number of jurors.

20 (7) For filing any paper, not related to or a part of any
21 proceeding, civil or criminal, or any probate matter, required or
22 permitted to be filed in the clerk's office for which no other charge
23 is provided by law, or for filing a petition, written agreement, or
24 memorandum as provided in RCW 11.96.170, the clerk shall collect twenty
25 dollars.

26 (8) For preparing, transcribing or certifying any instrument on
27 file or of record in the clerk's office, with or without seal, for the
28 first page or portion thereof, a fee of two dollars, and for each
29 additional page or portion thereof, a fee of one dollar. For
30 authenticating or exemplifying any instrument, a fee of one dollar for
31 each additional seal affixed.

32 (9) For executing a certificate, with or without a seal, a fee of
33 two dollars shall be charged.

34 (10) For each garnishee defendant named in an affidavit for
35 garnishment and for each writ of attachment, a fee of twenty dollars
36 shall be charged.

37 (11) For approving a bond, including justification thereon, in
38 other than civil actions and probate proceedings, a fee of two dollars
39 shall be charged.

1 (12) In probate proceedings, the party instituting such
2 proceedings, shall pay at the time of filing the first paper therein,
3 a fee of one hundred ten dollars: PROVIDED, HOWEVER, A fee of twenty
4 dollars shall be charged for filing a will only, when no probate of the
5 will is contemplated. Except as provided for in subsection (13) of
6 this section a fee of two dollars shall be charged for filing a
7 petition, written agreement, or memorandum as provided in RCW
8 11.96.170.

9 (13) For filing any petition to contest a will admitted to probate
10 or a petition to admit a will which has been rejected, or a petition
11 objecting to a written agreement or memorandum as provided in RCW
12 11.96.170, there shall be paid a fee of one hundred ten dollars.

13 (14) For the issuance of each certificate of qualification and each
14 certified copy of letters of administration, letters testamentary or
15 letters of guardianship there shall be a fee of two dollars.

16 (15) For the preparation of a passport application the clerk may
17 collect an execution fee as authorized by the federal government.

18 (16) For clerks' special services such as processing ex parte
19 orders by mail, performing historical searches, compiling statistical
20 reports, and conducting exceptional record searches the clerk may
21 collect a fee not to exceed twenty dollars per hour or portion of an
22 hour.

23 (17) For duplicated recordings of court's proceedings there shall
24 be a fee of ten dollars for each audio tape and twenty-five dollars for
25 each video tape.

26 (18) Upon conviction or plea of guilty, upon failure to prosecute
27 an appeal from a court of limited jurisdiction as provided by law, or
28 upon affirmance of a conviction by a court of limited jurisdiction, a
29 defendant in a criminal case shall be liable for a fee of one hundred
30 ten dollars.

31 (19) With the exception of demands for jury hereafter made and
32 garnishments hereafter issued, civil actions and probate proceedings
33 filed prior to midnight, July 1, 1972, shall be completed and governed
34 by the fee schedule in effect as of January 1, 1972: PROVIDED, That no
35 fee shall be assessed if an order of dismissal on the clerk's record be
36 filed as provided by rule of the supreme court.

37 (20) No fee shall be collected when a petition for relinquishment
38 of parental rights is filed pursuant to RCW 26.33.080 or for forms and
39 instructional brochures provided under RCW 26.50.030.

1 NEW SECTION. **Sec. 54.** A new section is added to chapter 28A.225
2 RCW to read as follows:

3 In any judicial district having a court commissioner, the court
4 commissioner shall have the power, authority, and jurisdiction,
5 concurrent with a juvenile court judge, to hear all cases under RCW
6 28A.225.030, 28A.225.090, and section 52 of this act and to enter
7 judgment and make orders with the same power, force, and effect as any
8 judge of the juvenile court, subject to motion or demand by any party
9 within ten days from the entry of the order or judgment by the court
10 commissioner as provided in RCW 2.24.050. In any judicial district
11 having a family law commissioner appointed pursuant to chapter 26.12
12 RCW, the family law commissioner shall have the power, authority, and
13 jurisdiction, concurrent with a juvenile court judge, to hear cases
14 under RCW 28A.225.030, 28A.225.090, and section 52 of this act and to
15 enter judgment and make orders with the same power, force, and effect
16 as any judge of the juvenile court, subject to motion or demand by any
17 party within ten days from the entry of the order or judgment by the
18 court commissioner as provided in RCW 2.24.050.

19 NEW SECTION. **Sec. 55.** A new section is added to chapter 28A.225
20 RCW to read as follows:

21 (1) Each school shall document the actions taken under RCW
22 28A.225.020 and 28A.225.030 and report this information at the end of
23 each grading period to the school district superintendent who shall
24 compile the data for all the schools in the district and prepare an
25 annual school district report for each school year and submit the
26 report to the superintendent of public instruction. The reports shall
27 be made upon forms furnished by the superintendent of public
28 instruction and shall be transmitted as determined by the
29 superintendent of public instruction.

30 (2) The reports under subsection (1) of this section shall include:

31 (a) The number of enrolled students and the number of excused and
32 unexcused absences;

33 (b) Documentation of the steps taken by the school district under
34 each subsection of RCW 28A.225.020;

35 (c) The number of enrolled students with ten or more unexcused
36 absences in a school year or five or more unexcused absences in a month
37 during a school year;

1 (d) Documentation of success by the school district in
2 substantially reducing enrolled student absences for students with five
3 or more absences in any month or ten or more unexcused absences in any
4 school year;

5 (e) The number of petitions filed by a school district or a parent
6 with the juvenile court; and

7 (f) The disposition of cases filed with the juvenile court,
8 including the frequency of contempt orders issued to enforce a court's
9 order under RCW 28A.225.090.

10 (3) A report required under this section shall not disclose the
11 name or other identification of a child or parent.

12 (4) The superintendent of public instruction shall collect these
13 reports from all school districts and prepare an annual report for each
14 school year to be submitted to the legislature no later than December
15 15th of each year.

16 NEW SECTION. **Sec. 56.** A new section is added to chapter 28A.225
17 RCW to read as follows:

18 A school district that fails to make a report, makes a false
19 report, or fails to substantially comply with its responsibilities and
20 duties under RCW 28A.225.010 through 28A.225.030 and section 55 of this
21 act, shall be subject to a fine in superior court of not more than ten
22 thousand dollars. A county or municipal prosecutor or the office of
23 the attorney general may file a petition in superior court alleging a
24 violation under this section.

25 **Sec. 57.** RCW 28A.225.060 and 1990 c 33 s 223 are each amended to
26 read as follows:

27 Any (~~attendance officer~~) school district official, sheriff,
28 deputy sheriff, marshal, police officer, or any other officer
29 authorized to make arrests, (~~shall~~) may take into custody without a
30 warrant a child who is required under the provisions of RCW 28A.225.010
31 through 28A.225.140 to attend school (~~(, such child then being a truant~~
32 ~~from instruction at the school which he or she is lawfully required to~~
33 ~~attend)) and is absent from school without an approved excuse, and
34 shall (~~forthwith~~) deliver (~~a child so detained either~~) the child
35 to: (1) (~~to~~) The custody of a person in parental relation to the
36 child (~~or~~); (2) (~~to~~) the school from which the child is (~~then a~~
37 ~~truant~~) absent; or (3) a program designated by the school district.~~

1 **Sec. 58.** RCW 28A.225.090 and 1992 c 205 s 204 are each amended to
2 read as follows:

3 Any person violating any of the provisions of either RCW
4 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five
5 dollars for each day of unexcused absence from school. However, a
6 child found to be in violation of RCW 28A.225.010 shall be required to
7 attend school and shall not be fined. If the child fails to comply
8 with the court order to attend school, the court may: (1) Order the
9 child be punished by detention; or ~~((may))~~ (2) impose alternatives to
10 detention such as community service hours or participation in dropout
11 prevention programs or referral to a community truancy board, if
12 available. Failure by a child to comply with an order issued under
13 this section shall not be punishable by detention for a period greater
14 than that permitted pursuant to a contempt proceeding against a child
15 under chapter 13.32A RCW. It shall be a defense for a parent charged
16 with violating RCW 28A.225.010 to show that he or she exercised
17 reasonable diligence in attempting to cause a child in his or her
18 custody to attend school or that the ~~((juvenile's))~~ child's school did
19 not perform its duties as required in RCW 28A.225.020. The court may
20 order the parent to provide community service at the child's school
21 instead of imposing a fine. Any fine imposed pursuant to this section
22 may be suspended upon the condition that a parent charged with
23 violating RCW 28A.225.010 shall participate with the school and the
24 ~~((juvenile))~~ child in a supervised plan for the ~~((juvenile's))~~ child's
25 attendance at school or upon condition that the parent attend a
26 conference or conferences scheduled by a school for the purpose of
27 analyzing the causes of a child's absence.

28 ~~((Attendance officers))~~ School districts shall make complaint for
29 violation of the provisions of RCW 28A.225.010 through 28A.225.140 to
30 a judge of the ~~((superior or district))~~ juvenile court.

31 **Sec. 59.** RCW 28A.225.110 and 1990 c 33 s 228 are each amended to
32 read as follows:

33 Notwithstanding the provisions of RCW 10.82.070, all fines except
34 as otherwise provided in RCW 28A.225.010 through 28A.225.140 shall
35 ~~((inure and be applied to the support of the public schools in the~~
36 ~~school district where such offense was committed: PROVIDED, That all~~
37 ~~fees, fines, forfeitures and penalties collected or assessed by a~~
38 ~~district court because of the violation of a state law shall be~~

1 ~~remitted as provided in chapter 3.62 RCW as now exists or is later~~
2 ~~amended)) be paid to the county treasurer who shall deposit the fine to~~
3 ~~the credit of the courts in the county for the exclusive purpose of~~
4 ~~enforcing the provisions of RCW 28A.225.010 through 28A.225.140.~~

5 NEW SECTION. **Sec. 60.** A new section is added to chapter 28A.600
6 RCW to read as follows:

7 School district boards of directors shall review school district
8 policies regarding access and egress by students from secondary school
9 grounds during school hours. Each school district board of directors
10 shall adopt a policy specifying any restrictions on students leaving
11 secondary school grounds during school hours.

12 NEW SECTION. **Sec. 61.** (1) Section 54 of this act shall take
13 effect September 1, 1995.

14 (2) Section 60 of this act shall take effect September 1, 1996.

15 NEW SECTION. **Sec. 62.** The following acts or parts of acts are
16 each repealed:

17 (1) RCW 28A.225.040 and 1990 c 33 s 221 & 1969 ex.s. c 223 s
18 28A.27.030;

19 (2) RCW 28A.225.050 and 1990 c 33 s 222, 1986 c 132 s 4, 1975 1st
20 ex.s. c 275 s 56, 1971 c 48 s 9, 1969 ex.s. c 176 s 105, & 1969 ex.s.
21 c 223 s 28A.27.040;

22 (3) RCW 28A.225.070 and 1990 c 33 s 224, 1975 1st ex.s. c 275 s 57,
23 1969 ex.s. c 176 s 106, & 1969 ex.s. c 223 s 28A.27.080;

24 (4) RCW 28A.225.100 and 1990 c 33 s 227, 1987 c 202 s 190, 1975 1st
25 ex.s. c 275 s 58, & 1970 ex.s. c 15 s 14;

26 (5) RCW 28A.225.120 and 1990 c 33 s 229, 1986 c 132 s 6, 1979 ex.s.
27 c 201 s 7, & 1969 ex.s. c 223 s 28A.27.110;

28 (6) RCW 28A.225.130 and 1990 c 33 s 230, 1987 c 202 s 192, & 1969
29 ex.s. c 223 s 28A.27.120; and

30 (7) RCW 28A.225.150 and 1992 c 205 s 205, 1990 c 33 s 232, & 1986
31 c 132 s 7.

32 NEW SECTION. **Sec. 63.** If specific funding for the purposes of
33 this act, referencing this act by bill number, is not provided by June

1 30, 1995, in the omnibus appropriations act, this act is null and void.

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