

**Chapter 13.04 RCW
BASIC JUVENILE COURT ACT**

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RCW 13.04.005 Short title. This chapter shall be known as the "basic juvenile court act". [1977 ex.s. c 291 s 1.]

Effective dates—1977 ex.s. c 291: "Section 57 of this 1977 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of state government and its existing public institutions, and shall take effect on July 1, 1977. The remainder of this 1977 amendatory act shall take effect on July 1, 1978." [1977 ex.s. c 291 s 83.]

Severability—1977 ex.s. c 291: "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 291 s 82.]

RCW 13.04.011 Definitions. For purposes of this title:

(1) "Adjudication" has the same meaning as "conviction" in RCW 9.94A.030, but only for the purposes of sentencing under chapter 9.94A RCW;

(2) "Court" when used without further qualification means the juvenile court judge(s) or commissioner(s);

(3) "Custodian" means that person who has the legal right to custody of the child;

(4) "Department" means the department of children, youth, and families;

(5) Except as specifically provided in RCW 13.40.020 and chapters 13.24 and 13.34 RCW, "juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years;

(6) "Juvenile offender" and "juvenile offense" have the meaning ascribed in RCW 13.40.020;

(7) "Parent" or "parents," except as used in chapter 13.34 RCW, means that parent or parents who have the right of legal custody of the child. [2017 3rd sp.s. c 6 s 601; 2017 c 276 s 1; 2011 c 330 s 2; 2010 c 150 s 4; 1997 c 338 s 6; 1992 c 205 s 119; 1979 c 155 s 1; 1977 ex.s. c 291 s 2.]

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Effective date—2017 3rd sp.s. c 6 ss 601-631, 701-728, and 804: "Sections 601 through 631, 701 through 728, and 804 of this act take effect July 1, 2019." [2017 3rd sp.s. c 6 s 826.]

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

Intent—2013 c 39; 2011 c 330: "The Washington state legislature has consistently provided national leadership on safe housing and support to foster youth transitioning out of foster care. Since 2006, the legislature has addressed the needs of foster youth aging out of care with medicaid to twenty-one (2007), foster care to twenty-one (2006), the independent youth housing program (2007), and Washington's alignment with the federal fostering connections act (2009). As a result of this national leadership to provide safe and basic housing to youth aging out of foster care, the programs have demonstrated the significant cost-benefit to providing safe housing to our youth exiting foster care.

The United States congress passed the fostering connections to success and increasing adoptions act of 2008 in order to give states another financial tool to continue to provide foster care services to dependent youth who turn eighteen years old while in foster care. However, substantially declining revenues have resulted in markedly decreased funds for states to use to meet the federal requirements necessary to help these youth. Current fiscal realities require that the scope of programs must be narrowed.

The Washington state legislature intends to serve, within the resources available, the maximum number of foster youth who are legally dependent on the state and who reach the age of eighteen while still in foster care. The legislature intends to provide these youth continued foster care services to support basic and healthy transition into adulthood. The legislature recognizes the extremely poor outcomes of unsupported foster youth aging out of the foster care system and is committed to ensuring that those foster youth who engage in positive, age-appropriate activities receive support. It is the intent of the legislature to fully engage in the fostering connections act by providing support, including extended court supervision to foster youth pursuing a high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 to age twenty-one with the goal of increasing support to all children up to age twenty-one who are eligible under the federal fostering connections to success act as resources become available." [2013 c 39 s 1; 2011 c 330 s 1.]

Finding—Evaluation—Report—1997 c 338: See note following RCW 13.40.0357.

Severability—Effective dates—1997 c 338: See notes following RCW 5.60.060.

Part headings not law—Severability—1992 c 205: See notes following RCW 13.40.010.

Effective date—1979 c 155: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately [March 29, 1979]." [1979 c 155 s 89.]

Severability—1979 c 155: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 c 155 s 88.]

Effective dates—Severability—1977 ex.s. c 291: See notes following RCW 13.04.005.

RCW 13.04.021 Juvenile court—How constituted—Cases tried without jury. (1) The juvenile court shall be a division of the superior court. In judicial districts having more than one judge of the superior court, the judges of such court shall annually assign one or more of their number to the juvenile court division. In any judicial district having a court commissioner, the court commissioner shall have the power, authority, and jurisdiction, concurrent with a juvenile court judge, to hear all cases under this chapter and to enter judgment and make orders with the same power, force, and effect as any judge of the juvenile court, subject to motion or demand by any party within ten days from the entry of the order or judgment by the court commissioner as provided in RCW 2.24.050. In any judicial district having a family law commissioner appointed pursuant to chapter 26.12 RCW, the family law commissioner shall have the power, authority, and jurisdiction, concurrent with a juvenile court judge, to hear cases under Title 13 RCW and chapter 28A.225 RCW as provided in RCW 26.12.010, and to enter judgment and make orders with the same power, force, and effect as any judge of the juvenile court, subject to motion or demand by any party within ten days from the entry of the order or judgment by the court commissioner as provided in RCW 2.24.050.

(2) Cases in the juvenile court shall be tried without a jury. [1999 c 397 s 5; 1994 sp.s. c 7 s 538; 1988 c 232 s 3; 1979 c 155 s 2; 1977 ex.s. c 291 s 3.]

Finding—Intent—Severability—1994 sp.s. c 7: See notes following RCW 43.70.540.

Effective date—Severability—1979 c 155: See notes following RCW 13.04.011.

Effective dates—Severability—1977 ex.s. c 291: See notes following RCW 13.04.005.

RCW 13.04.030 Juvenile court—Exclusive original jurisdiction—Exceptions. (1) Except as provided in this section, the juvenile courts in this state shall have exclusive original jurisdiction over all proceedings:

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

(b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.161;

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

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

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

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

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

(iii) The alleged offense or infraction is a traffic, fish, boating, or game offense, or traffic or civil infraction committed by a juvenile 16 years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction, and no guardian ad litem is required in any such proceeding due to the juvenile's age. If such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters. The jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110 (1) or (2) or (e)(i) of this subsection. Courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060;

(iv) The alleged offense is a traffic or civil infraction, a violation of compulsory school attendance provisions under chapter 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction has assumed concurrent jurisdiction over those offenses as provided in *RCW 13.04.0301; or

(v) The juvenile is 16 or 17 years old on the date the alleged offense is committed and the alleged offense is:

(A) A serious violent offense as defined in RCW 9.94A.030;

(B) A violent offense as defined in RCW 9.94A.030 and the juvenile has a criminal history consisting of: One or more prior serious violent offenses; two or more prior violent offenses; or three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's 13th birthday and prosecuted separately; or

(C) Rape of a child in the first degree.

(I) In such a case the adult criminal court shall have exclusive original jurisdiction, except as provided in (e)(v)(C)(II) and (III) of this subsection.

(II) The juvenile court shall have exclusive jurisdiction over the disposition of any remaining charges in any case in which the juvenile is found not guilty in the adult criminal court of the charge or charges for which he or she was transferred, or is convicted in the adult criminal court of an offense that is not also an offense listed in (e)(v) of this subsection. The juvenile court shall maintain residual juvenile court jurisdiction up to age 25 if the juvenile has turned 18 years of age during the adult criminal court proceedings but only for the purpose of returning a case to juvenile court for disposition pursuant to RCW 13.40.300(2)(a)(ii).

(III) The prosecutor and respondent may agree to juvenile court jurisdiction and waive application of exclusive adult criminal jurisdiction in (e)(v)(A) through (C) of this subsection and remove the proceeding back to juvenile court with the court's approval.

If the juvenile challenges the state's determination of the juvenile's criminal history under (e)(v) of this subsection, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications

entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

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

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the divertee has attained 18 years of age;

(h) Relating to court validation of a voluntary consent to an out-of-home placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction; and

(i) Relating to petitions to compel disclosure of information filed by the department of social and health services pursuant to RCW 74.13.042.

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

(3) The juvenile court shall have concurrent original jurisdiction with the family or probate court over minor guardianship proceedings under chapter 11.130 RCW and parenting plans or residential schedules under chapter 26.09, 26.26A, or 26.26B RCW as provided for in RCW 13.34.155.

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

(5) Nothing in subsection (1) of this section deprives the superior courts in this state of original jurisdiction granted by the Constitution or by other laws. [2024 c 232 s 2; 2024 c 117 s 3; 2022 c 243 s 2; 2020 c 41 s 4. Prior: 2019 c 322 s 9; 2019 c 46 s 5015; 2018 c 162 s 2; (2018 c 162 s 1 expired July 1, 2019); 2017 3rd sp.s. c 6 s 602; prior: 2009 c 526 s 1; 2009 c 454 s 1; prior: 2005 c 290 s 1; 2005 c 238 s 1; 2000 c 135 s 2; prior: 1997 c 386 s 17; 1997 c 341 s 3; 1997 c 338 s 7; prior: 1995 c 312 s 39; 1995 c 311 s 15; 1994 sp.s. c 7 s 519; 1988 c 14 s 1; 1987 c 170 s 1; 1985 c 354 s 29; 1984 c 272 s 1; 1981 c 299 s 1; 1980 c 128 s 6; 1979 c 155 s 3; 1977 ex.s. c 291 s 4; 1937 c 65 s 1; 1929 c 176 s 1; 1921 c 135 s 1; 1913 c 160 s 2; RRS s 1987-2.]

Reviser's note: *(1) RCW 13.04.0301 was decodified September 2003.

(2) This section was amended by 2024 c 117 s 3 and by 2024 c 232 s 2, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Application—2024 c 117: See note following RCW 13.40.300.

Findings—Intent—2019 c 322: See note following RCW 72.01.410.

Effective date—2018 c 162 ss 2 and 7: "Sections 2 and 7 of this act take effect July 1, 2019." [2018 c 162 s 11.]

Expiration date—2018 c 162 ss 1 and 6: "Sections 1 and 6 of this act expire July 1, 2019." [2018 c 162 s 10.]

Effective date—2017 3rd sp.s. c 6 ss 601-631, 701-728, and 804: See note following RCW 13.04.011.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

Application—1997 c 386: See note following RCW 13.50.010.

Finding—Intent—1997 c 341: "The legislature finds that a swift and certain response to a juvenile who begins engaging in acts of delinquency may prevent the offender from becoming a chronic or more serious offender. However, given pressing demands to address serious offenders, the system does not always respond to minor offenders expeditiously and effectively. Consequently, this act is adopted to implement an experiment to determine whether granting courts of limited jurisdiction concurrent jurisdiction over certain juvenile offenses will improve the system's effectiveness in curbing delinquency. The legislature may ascertain whether this approach might be successful on a larger scale by conducting an experiment with local governments, which are the laboratories of democracy." [1997 c 341 s 1.]

Finding—Evaluation—Report—1997 c 338: See note following RCW 13.40.0357.

Severability—Effective dates—1997 c 338: See notes following RCW 5.60.060.

Short title—1995 c 312: See note following RCW 13.32A.010.

Application of 1994 sp.s. c 7 amendments: "Provisions governing exceptions to juvenile court jurisdiction in the amendments to RCW 13.04.030 contained in section 519, chapter 7, Laws of 1994 sp. sess. shall apply to serious violent and violent offenses committed on or after June 13, 1994. The criminal history which may result in loss of juvenile court jurisdiction upon the alleged commission of a serious violent or violent offense may have been acquired on, before, or after June 13, 1994." [1994 sp.s. c 7 s 540.]

Finding—Intent—Severability—Effective dates—Contingent expiration date—1994 sp.s. c 7: See notes following RCW 43.70.540.

Savings—1988 c 14: "Any court validation of a voluntary consent to relinquishment or adoption of an Indian child which was obtained in a juvenile court or superior court pursuant to chapter 26.33 RCW after July 25, 1987, and before June 9, 1988, shall be valid and effective in all respects." [1988 c 14 s 2.]

Severability—1987 c 170: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 c 170 s 15.]

Effective date—Severability—1980 c 128: See notes following RCW 46.63.060.

Effective date—Severability—1979 c 155: See notes following RCW 13.04.011.

Effective dates—Severability—1977 ex.s. c 291: See notes following RCW 13.04.005.

Court commissioners: Chapter 2.24 RCW, state Constitution Art. 4 s 23.

Jurisdiction of superior courts: State Constitution Art. 4 s 6 (Amendment 65).

RCW 13.04.033 Appeal of court order—Procedure—Priority, when.

(1) Any person aggrieved by a final order of the court may appeal the order as provided by this section. All appeals in matters other than those related to commission of a juvenile offense shall be taken in the same manner as in other civil cases. Except as otherwise provided in this title, all appeals in matters related to the commission of a juvenile offense shall be taken in the same manner as criminal cases and the right to collateral relief shall be the same as in criminal cases. The order of the juvenile court shall stand pending the disposition of the appeal: PROVIDED, That the court or the appellate court may upon application stay the order.

(2) If the final order from which an appeal is taken grants the custody of the child to, or withholds it from, any of the parties, or if the child is committed as provided under this chapter, the appeal shall be given priority in hearing.

(3) In the absence of a specific direction from the party seeking review to file the notice, or the court-appointed guardian ad litem, the court may dismiss the review pursuant to RAP 18.9. To the extent that this enactment [1990 c 284] conflicts with the requirements of RAP 5.3(a) or RAP 5.3(b) this enactment [1990 c 284] shall supersede the conflicting rule. [1990 c 284 s 35; 1979 c 155 s 4; 1977 ex.s. c 291 s 5.]

Rules of court: *Rules of Appellate Procedure.*

Finding—Effective date—1990 c 284: See notes following RCW 74.13.250.

Effective date—Severability—1979 c 155: See notes following RCW 13.04.011.

Effective dates—Severability—1977 ex.s. c 291: See notes following RCW 13.04.005.

RCW 13.04.035 Administrator of juvenile court, probation counselor, and detention services—Appointment. Juvenile court shall be administered by the superior court, except that by local court rule and agreement with the legislative authority of the county this service may be administered by the legislative authority of the county. Juvenile probation counselor and detention services shall be

administered by the superior court, except that (1) by local court rule and agreement with the county legislative authority, these services may be administered by the county legislative authority; (2) for the consortium in existence on July 23, 2017, if a consortium of three or more counties, located east of the Cascade mountains and whose combined population exceeds two hundred thousand, jointly operates a juvenile correctional facility, the county legislative authorities may prescribe for alternative administration of the juvenile correctional facility by ordinance; and (3) in any county with a population of one million or more, probation and detention services shall be administered in accordance with chapter 13.20 RCW. The administrative body shall appoint an administrator of juvenile court, probation counselor, and detention services who shall be responsible for day-to-day administration of such services, and who may also serve in the capacity of a probation counselor. One person may, pursuant to the agreement of more than one administrative body, serve as administrator of more than one juvenile court. If a county participating in a consortium authorized under subsection (2) of this section withdraws from participation, the withdrawing county may rejoin the consortium at a later time so long as a majority of the consortium members agree. [2017 c 278 s 1; 1996 c 284 s 1; 1991 c 363 s 10; 1979 c 155 s 5; 1977 ex.s. c 291 s 6.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Effective date—Severability—1979 c 155: See notes following RCW 13.04.011.

Effective dates—Severability—1977 ex.s. c 291: See notes following RCW 13.04.005.

Prosecuting attorney as party to juvenile court proceedings—Exception, procedure: RCW 13.40.090.

RCW 13.04.037 Administrator—Adoption of standards for detention facilities for juveniles—Revision and inspection. The administrator shall after consultation with the state planning agency established under Title II of the federal juvenile justice and delinquency prevention act of 1974 (P.L. No. 93-415; 42 U.S.C. 5611 et seq.) following a public hearing, and after approval of the body responsible for administering the juvenile court, and no later than one hundred eighty days after the effective date of chapter 291, Laws of 1977 ex. sess., adopt standards for the regulation and government of detention facilities for juveniles. Such standards may be revised from time to time, according to the procedure outlined in this section. Each detention facility shall keep a copy of such standards available for inspection at all times. Such standards shall be reviewed and the detention facilities shall be inspected annually by the administrator. [1977 ex.s. c 291 s 7.]

Effective dates—Severability—1977 ex.s. c 291: See notes following RCW 13.04.005.

RCW 13.04.040 Administrator—Appointment of probation counselors and persons in charge of detention facilities—Powers and duties, compensation—Collection of fines. The administrator shall, in any county or judicial district in the state, appoint or designate one or more persons of good character to serve as probation counselors during the pleasure of the administrator. The probation counselor shall:

(1) Receive and examine referrals to the juvenile court for the purpose of considering the filing of a petition or information pursuant to chapter 13.32A or 13.34 RCW or RCW 13.40.070;

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

(3) Arrange and supervise diversion agreements as provided in RCW 13.40.080, and ensure that the requirements of such agreements are met except as otherwise provided in this title;

(4) Prepare predisposition studies as required in RCW 13.40.130, and be present at the disposition hearing to respond to questions regarding the predisposition study: PROVIDED, That such duties shall be performed by the department for cases relating to dependency or to the termination of a parent and child relationship which is filed by the department unless otherwise ordered by the court; and

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

All probation counselors shall possess all the powers conferred upon sheriffs and police officers to serve process and make arrests of juveniles under their supervision for the violation of any state law or county or city ordinance.

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

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

The administrator is hereby authorized, and to the extent possible is encouraged to, contract with private agencies existing within the community for the provision of services to youthful offenders and youth who have entered into diversion agreements pursuant to RCW 13.40.080.

The administrator shall establish procedures for the collection of fines assessed under *RCW 13.40.080 (2) (d) and (14) and for the payment of the fines into the county general fund. [2004 c 120 s 10; 1995 c 312 s 40; 1983 c 191 s 14; 1979 c 155 s 6; 1977 ex.s. c 291 s 8; 1959 c 331 s 9; 1951 c 270 s 1; 1921 c 43 s 1; 1913 c 160 s 3; RRS s 1987-3.]

***Reviser's note:** RCW 13.40.080 was amended by 2015 c 265 s 25, deleting subsection (2) (d).

Effective date—2004 c 120: See note following RCW 13.40.010.

Short title—1995 c 312: See note following RCW 13.32A.010.

Effective date—Severability—1979 c 155: See notes following RCW 13.04.011.

Effective dates—Severability—1977 ex.s. c 291: See notes following RCW 13.04.005.

RCW 13.04.043 Administrator—Obtaining interpreters. The administrator of juvenile court shall obtain interpreters as needed consistent with the intent and practice of chapter 2.43 RCW, to enable non-English-speaking youth and their families to participate in detention, probation, or court proceedings and programs. [1993 c 415 s 6.]

Intent—1993 c 415: See note following RCW 2.56.030.

RCW 13.04.047 Administrator or staff—Health and dental examination and care—Consent. (1) The administrator of the juvenile court or authorized staff may consent as provided in this section to the provision of health and dental examinations and care, and necessary treatment for medical and dental conditions requiring prompt attention, for juveniles lawfully detained at or sentenced to a detention facility. The treatment may include treatment provided at medical or dental facilities outside the juvenile detention facility and treatment provided within the juvenile detention facility for the period of time the youth is in the custody of the facility. Juveniles shall not be transported for treatment outside the facility if treatment services are available within the facility.

(2) The examination, care, and treatment may be provided without parental consent when prompt attention is required if the administrator of the juvenile court or authorized staff have been unable to secure permission for treatment from the parent or parents, guardian, or other person having custody of the child after reasonable attempts to do so before the provision of the medical and dental services.

(3) Treatment shall not be authorized for juveniles whose parent or parents, guardian, or other person having custody of the child informs the administrator of the juvenile court of objections to the treatment before the treatment is provided except where *RCW 69.54.060 applies. [1983 c 267 s 2.]

***Reviser's note:** RCW 69.54.060 was repealed by 1989 c 270 s 35.

Employment of dental hygienist without supervision of dentist authorized: RCW 18.29.056.

RCW 13.04.050 Expenses of probation officers. The probation officers, and assistant probation officers, and deputy probation officers in all counties of the state shall be allowed such necessary incidental expenses as may be authorized by the judge of the juvenile court, and the same shall be a charge upon the county in which the court appointing them has jurisdiction, and the expenses shall be paid out of the county treasury upon a written order of the judge of the juvenile court of said county directing the county auditor to draw his

or her warrant upon the county treasurer for the specified amount of such expenses. [2010 c 8 s 4001; 1913 c 160 s 4; RRS s 1987-4.]

RCW 13.04.093 Hearings—Duties of prosecuting attorney or attorney general. It shall be the duty of the prosecuting attorney to act in proceedings relating to the commission of a juvenile offense as provided in RCW 13.40.070 and 13.40.090 and in proceedings as provided in chapter 71.34 RCW. It shall be the duty of the prosecuting attorney to handle delinquency cases under chapter 13.24 RCW and it shall be the duty of the attorney general to handle dependency cases under chapter 13.24 RCW. It shall be the duty of the attorney general in contested cases brought by the department to present the evidence supporting any petition alleging dependency or seeking the termination of a parent and child relationship or any contested case filed under RCW 26.33.100 or approving or disapproving out-of-home placement: PROVIDED, That in each county with a population of less than two hundred ten thousand, the attorney general may contract with the prosecuting attorney of the county to perform the duties of the attorney general under this section. [1995 c 312 s 41; 1991 c 363 s 11; 1985 c 354 s 30; 1985 c 7 s 4; 1979 ex.s. c 165 s 6; 1977 ex.s. c 291 s 9.]

Short title—1995 c 312: See note following RCW 13.32A.010.

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Effective dates—Severability—1977 ex.s. c 291: See notes following RCW 13.04.005.

RCW 13.04.116 Juvenile not to be confined in jail or holding facility for adults, exceptions—Enforcement. (1) A juvenile shall not be confined in a jail or holding facility for adults, except:

- (a) For a period not exceeding twenty-four hours excluding weekends and holidays and only for the purpose of an initial court appearance in a county where no juvenile detention facility is available, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates;
- (b) For not more than six hours and pursuant to a lawful detention in the course of an investigation, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates; or
- (c) For a juvenile who is subject to exclusive adult criminal court jurisdiction under RCW 13.04.030 or who has been transferred to adult criminal court under RCW 13.40.110, the juvenile may not be held in a jail or holding facility for a period exceeding twenty-four hours excluding weekends and holidays, unless a court finds, after a hearing and in writing, that it is in the interest of justice.

- (i) If a court determines that it is in the interest of justice to permit a juvenile who is subject to exclusive adult criminal court jurisdiction under RCW 13.04.030 or who has been transferred to adult criminal court under RCW 13.40.110 to be held in a jail or holding facility, the juvenile may not have sight or sound contact with adult inmates, unless the court also finds, after a hearing and in writing,

that it is in the interest of justice to permit sight or sound contact with adult inmates. In making the determination regarding sight or sound contact with adult inmates under this subsection, the court shall consider:

- (A) The age of the juvenile;
- (B) The physical and mental maturity of the juvenile;
- (C) The present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to himself or herself;
- (D) The nature and circumstances of the alleged offense;
- (E) The juvenile's history of prior delinquent acts;
- (F) The relative ability of the available adult and juvenile detention facilities to meet the specific needs of the juvenile, protect the safety of the public, and protect other detained juveniles; and
- (G) Any other relevant factors.

(ii) If a court determines that it is in the interest of justice to permit a juvenile who is subject to exclusive adult criminal court jurisdiction under RCW 13.04.030 or who has been transferred to adult criminal court under RCW 13.40.110 to be held in a jail or holding facility or have sight or sound contact with adult inmates under this section:

(A) The court shall hold a hearing at least once every thirty days to review whether it is still in the interest of justice to permit the juvenile to be held in a jail or holding facility, as defined under RCW 70.48.020, or have sight or sound contact with adult inmates; and

(B) The juvenile shall not be held in any jail or holding facility or permitted to have sight or sound contact with adult inmates, for more than one hundred eighty days, unless:

(I) The court, in writing, determines that there is good cause to allow an extension beyond one hundred eighty days; or

(II) The juvenile expressly waives this limitation.

(iii) A juvenile who is subject to exclusive adult criminal court jurisdiction under RCW 13.04.030 or who has been transferred to adult criminal court under RCW 13.40.110 has the right to be represented by counsel, and if indigent, to have counsel appointed for him or her by the court at any hearing held to determine whether to place the juvenile in a jail or holding facility or to continue the juvenile's placement in such a facility.

(2) The department shall monitor and enforce compliance with this section. The department may use information regarding juveniles confined in a jail gathered under the authority granted by this subsection in the report required in RCW 13.22.060(1) with respect to juveniles in the custody of a jail or holding facility.

A detention facility and a governing unit for a jail or holding facility must provide assistance to the department in gathering information regarding juveniles confined in a jail or holding facility. This information must include:

- (a) The age, race, and gender of each juvenile;
- (b) The circumstances requiring the juvenile to be placed in the jail or holding facility; and
- (c) The length of time the juvenile was held in the jail or holding facility.

(3) This section shall not be construed to expand or limit the authority to lawfully detain juveniles.

(4) For purposes of this section, the following definitions apply:

(a) "Detention facility" has the same meaning as provided under RCW 13.40.020.

(b) "Governing unit" has the same meaning as provided under RCW 70.48.020.

(c) "Holding facility" has the same meaning as provided under RCW 70.48.020.

(d) "Jail" has the same meaning as provided under RCW 70.48.020. [2020 c 333 s 8; 2017 3rd sp.s. c 6 s 603; 1987 c 462 s 1; 1985 c 50 s 1.]

Effective date—2017 3rd sp.s. c 6 ss 601-631, 701-728, and 804: See note following RCW 13.04.011.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

Effective dates—1987 c 462: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions. Sections 15 and 21 of this act shall take effect immediately. Sections 1 through 11 and sections 16, 17, 22 and 23 of this act shall take effect January 1, 1988." [1987 c 462 s 24.]

Places of detention: Chapter 13.16 RCW.

Transfer of juvenile to department of corrections facility: RCW 13.40.280.

RCW 13.04.135 Establishment of house or room of detention.

Counties containing more than fifty thousand inhabitants shall, and counties containing a lesser number of inhabitants may, provide and maintain at public expense, a detention room or house of detention, separated or removed from any jail, or police station, to be in charge of a matron, or other person of good character, wherein all children within the provisions of this chapter shall, when necessary, be sheltered. [1983 c 98 s 2; 1945 c 121 s 1; 1913 c 160 s 13; Rem. Supp. 1945 1987-13. Formerly RCW 13.16.010.]

Detention in facility under jurisdiction of juvenile court—Financial responsibility for cost of detention: RCW 13.34.161.

RCW 13.04.145 Educational program for juveniles in detention facilities—Application of chapter 28A.190 RCW.

A program of education shall be provided for by the several counties and school districts of the state for common school-age persons confined in each of the detention facilities staffed and maintained by the several counties of the state under this chapter and chapters 13.16 and 13.20 RCW. The division of duties, authority, and liabilities of the several counties and school districts of the state respecting the educational programs is the same in all respects as set forth in chapter 28A.190 RCW respecting programs of education for state residential school residents. Nothing in this section shall prohibit a school district from utilizing the services of an educational service district subject

to RCW 28A.310.180. [2021 c 164 s 16; 2017 3rd sp.s. c 6 s 604; 2014 c 157 s 5; 1990 c 33 s 551; 1983 c 98 s 1.]

Findings—Intent—2021 c 164: See note following RCW 28A.190.005.

Effective date—2017 3rd sp.s. c 6 ss 601-631, 701-728, and 804: See note following RCW 13.04.011.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

Purpose—Statutory references—Severability—1990 c 33: See RCW 28A.900.100 through 28A.900.102.

Juvenile facilities, educational programs: RCW 28A.190.010.

RCW 13.04.155 Notification to designated recipient of adjudication or conviction—Information exempt from disclosure. (1)

The provisions of this section apply only to persons who:

(a) Were adjudicated in juvenile court or convicted in adult criminal court of:

(i) A violent offense as defined in RCW 9.94A.030;

(ii) A sex offense as defined in RCW 9.94A.030;

(iii) Any crime under chapter 9.41 RCW; or

(iv) Unlawful possession or delivery, or both, of a controlled substance in violation of chapter 69.50 RCW;

(b) Are twenty-one years of age or younger; and

(c) Have not received a high school diploma or its equivalent.

(2) (a) The court must provide written notification of the juvenile court adjudication or adult criminal court conviction of a person described in subsection (1) of this section to the designated recipient of the school where the person:

(i) Was enrolled prior to adjudication or conviction; or

(ii) Has expressed an intention to enroll following adjudication or conviction.

(b) No notification is required if the person described in subsection (1) of this section is between eighteen and twenty-one years of age and:

(i) The person's prior or intended enrollment information cannot be obtained; or

(ii) The person asserts no intention of enrolling in an educational program.

(3) Any information received by a designated recipient under this section is exempt from disclosure under chapter 42.56 RCW and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994, 20 U.S.C. Sec. 1232g et seq.

(4) For the purposes of this section, "designated recipient" means: (a) The superintendent of the school district, or his or her designee, of a common school as defined in RCW 28A.150.020 or a school that is the subject of a state-tribal education compact under chapter 28A.715 RCW; (b) the administrator of a charter public school governed by chapter 28A.710 RCW; or (c) the administrator of a private school approved under chapter 28A.195 RCW. [2020 c 167 s 6; 2000 c 27 s 1; 1997 c 266 s 7.]

Findings—Intent—Severability—1997 c 266: See notes following RCW 28A.600.455.

RCW 13.04.160 Fees not allowed. No fees shall be charged or collected by any officer or other person for filing petition, serving summons, or other process under this chapter. [1913 c 160 s 16; RRS s 1987-16.]

RCW 13.04.180 Board of visitation. In each county, the judge presiding over the juvenile court sessions, as defined in this chapter, may appoint a board of four reputable citizens, who shall serve without compensation, to constitute a board of visitation, whose duty it shall be to visit as often as twice a year all institutions, societies and associations within the county receiving children under this chapter, as well as all homes for children or other places where individuals are holding themselves out as caretakers of children, also to visit other institutions, societies and associations within the state receiving and caring for children, whenever requested to do so by the judge of the juvenile court: PROVIDED, The actual expenses of such board may be paid by the county commissioners when members thereof are requested to visit institutions outside of the county seat, and no member of the board shall be required to visit any institutions outside the county unless his or her actual traveling expenses shall be paid as aforesaid. Such visits shall be made by not less than two members of the board, who shall go together or make a joint report. The board of visitors shall report to the court from time to time the condition of children received by or in charge of such institutions, societies, associations, or individuals. It shall be the duty of every institution, society, or association, or individual receiving and caring for children to permit any member or members of the board of visitation to visit and inspect such institution, society, association or home where such child is kept, in all its departments, so that a full report may be made to the court. [2010 c 8 s 4002; 1913 c 160 s 18; RRS s 1987-18.]

RCW 13.04.240 Court order not deemed conviction of crime. An order of court adjudging a child a juvenile offender or dependent under the provisions of this chapter shall in no case be deemed a conviction of crime. [2010 c 150 s 1; 1961 c 302 s 16. Prior: 1913 c 160 s 10, part; RCW 13.04.090, part.]

RCW 13.04.300 Juvenile may be both dependent and an offender. Nothing in chapter 13.04, 13.06, 13.32A, 13.34, or 13.40 RCW may be construed to prevent a juvenile from being found both dependent and an offender if there exists a factual basis for such a finding. [1983 c 3 s 15; 1979 c 155 s 14.]

Effective date—Severability—1979 c 155: See notes following RCW 13.04.011.

RCW 13.04.450 Chapters 13.04 and 13.40 RCW as exclusive authority for adjudication and disposition of juvenile offenders—Chapter 10.22 RCW does not apply to proceedings under chapter 13.40 RCW. The provisions of chapters 13.04 and 13.40 RCW, as now or hereafter amended, shall be the exclusive authority for the adjudication and disposition of juvenile offenders except where otherwise expressly provided. Chapter 10.22 RCW does not apply to juvenile offender proceedings, including diversion, under chapter 13.40 RCW. [1985 c 257 s 5; 1981 c 299 s 20.]

Severability—1985 c 257: See note following RCW 13.34.165.

RCW 13.04.800 Report to legislature—2021 c 206 ss 2 and 3; 2019 c 322 ss 2-6; 2018 c 162. (1) The Washington state institute for public policy must:

(a) Assess the impact of chapter 162, Laws of 2018, sections 2 through 6, chapter 322, Laws of 2019, and sections 2 and 3, chapter 206, Laws of 2021 on community safety, racial disproportionality, recidivism, state expenditures, and youth rehabilitation, to the extent possible; and

(b) Conduct a cost-benefit analysis, including health impacts and recidivism effects, of extending RCW 72.01.410 to include all offenses committed under the age of twenty-one.

(2) The institute shall submit, in compliance with RCW 43.01.036, a preliminary report on the requirements listed in subsection (1) of this section to the governor and the appropriate committees of the legislature by December 1, 2023, and a final report to the governor and the appropriate committees of the legislature by December 1, 2031. [2021 c 206 s 9; 2019 c 322 s 5; 2018 c 162 s 9.]

Contingent effective date—Findings—Appropriation—Rental vouchers—2021 c 206: See notes following RCW 72.01.412.

Findings—Intent—2019 c 322: See note following RCW 72.01.410.