
SUBSTITUTE HOUSE BILL 1106

State of Washington

66th Legislature

2019 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Orwall, Kilduff, Wylie, Santos, Leavitt, and Walen)

1 AN ACT Relating to eliminating use of detention for violation of
2 a truancy-related court order while providing more opportunities for
3 truant youth to access services and treatment; amending RCW 7.21.030,
4 7.21.030, 28A.225.090, 28A.225.090, 28A.225.026, 28A.225.027,
5 13.32A.015, 13.32A.191, 13.32A.192, 13.32A.196, and 13.32A.250;
6 providing an effective date; and providing an expiration date.

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

8 **Sec. 1.** RCW 7.21.030 and 2001 c 260 s 6 are each amended to read
9 as follows:

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

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

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

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

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

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

12 (e) (i) In cases under chapters 13.32A(~~(7)~~) and 13.34(~~(7)~~~~and~~
13 ~~28A.225~~) RCW, commitment to juvenile detention for a period of time
14 not to exceed seven days. This sanction may be imposed in addition
15 to, or as an alternative to, any other remedial sanction authorized
16 by this chapter. This remedy is specifically determined to be a
17 remedial sanction.

18 (ii) In cases under chapter 28A.225 RCW, commitment to juvenile
19 detention for a period of time not to exceed two days. This sanction
20 may be imposed in addition to, or as an alternative to, any other
21 remedial sanction authorized by this chapter. This remedy is
22 specifically determined to be a remedial sanction.

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

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

33 **Sec. 2.** RCW 7.21.030 and 2001 c 260 s 6 are each amended to read
34 as follows:

35 (1) The court may initiate a proceeding to impose a remedial
36 sanction on its own motion or on the motion of a person aggrieved by
37 a contempt of court in the proceeding to which the contempt is
38 related. Except as provided in RCW 7.21.050, the court, after notice

1 and hearing, may impose a remedial sanction authorized by this
2 chapter.

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

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

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

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

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

18 (e) (i) In cases under chapters 13.32A(~~(7)~~) and 13.34(~~(7)~~~~and~~
19 ~~28A.225~~) RCW, commitment to juvenile detention for a period of time
20 not to exceed seven days. This sanction may be imposed in addition
21 to, or as an alternative to, any other remedial sanction authorized
22 by this chapter. This remedy is specifically determined to be a
23 remedial sanction.

24 (ii) Nothing in this subsection (2)(e) or in RCW 28A.225.090
25 shall be construed to limit the court's inherent contempt power or
26 curtail its exercise.

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

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

37 **Sec. 3.** RCW 28A.225.090 and 2017 c 291 s 5 are each amended to
38 read as follows:

1 (1) A court may order a child subject to a petition under RCW
2 28A.225.035 to do one or more of the following:

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

6 (b) If there is space available and the program can provide
7 educational services appropriate for the child, order the child to
8 attend another public school, an alternative education program,
9 center, a skill center, dropout prevention program, or another public
10 educational program;

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

14 (i) Consider the public and private programs available; (ii) find
15 that placement is in the best interest of the child; and (iii) find
16 that the private school or program is willing to accept the child and
17 will not charge any fees in addition to those established by contract
18 with the student's school district. If the court orders the child to
19 enroll in a private school or program, the child's school district
20 shall contract with the school or program to provide educational
21 services for the child. The school district shall not be required to
22 contract for a weekly rate that exceeds the state general
23 apportionment dollars calculated on a weekly basis generated by the
24 child and received by the district. A school district shall not be
25 required to enter into a contract that is longer than the remainder
26 of the school year. A school district shall not be required to enter
27 into or continue a contract if the child is no longer enrolled in the
28 district;

29 (d) Submit to a substance abuse assessment if the court finds on
30 the record that such assessment is appropriate to the circumstances
31 and behavior of the child and will facilitate the child's compliance
32 with the mandatory attendance law and, if any assessment, including a
33 urinalysis test ordered under this subsection indicates the use of
34 controlled substances or alcohol, order the minor to abstain from the
35 unlawful consumption of controlled substances or alcohol and adhere
36 to the recommendations of the substance abuse assessment at no
37 expense to the school; or

38 (e) Submit to a mental health evaluation or other diagnostic
39 evaluation and adhere to the recommendations of the drug assessment,
40 at no expense to the school, if the court finds on the court records

1 that such evaluation is appropriate to the circumstances and behavior
2 of the child, and will facilitate the child's compliance with the
3 mandatory attendance law.

4 (2)(a) If the child fails to comply with the court order, the
5 court may impose:

6 (i) Community restitution;

7 (ii) Nonresidential programs with intensive wraparound services;

8 (iii) A requirement that the child meet with a mentor for a
9 specified number of times; or

10 (iv) Other services and interventions that the court deems
11 appropriate.

12 (b) If the child continues to fail to comply with the court order
13 and the court makes a finding that other measures to secure
14 compliance have been tried but have been unsuccessful and no less
15 restrictive alternative is available, the court may order the child
16 to be subject to detention, as provided in RCW 7.21.030(2)(e).
17 (~~Failure by a child to comply with an order issued under this~~
18 ~~subsection shall not be subject to detention for a period greater~~
19 ~~than that permitted pursuant to a civil contempt proceeding against a~~
20 ~~child under chapter 13.32A RCW.)) Detention ordered under this
21 subsection may be for no longer than ((seven)) two days. Detention
22 ordered under this subsection shall preferably be served at a secure
23 crisis residential center close to the child's home rather than in a
24 juvenile detention facility. A warrant of arrest for a child under
25 this subsection may not be served on a child inside of school during
26 school hours in a location where other students are present.~~

27 (3) Any parent violating any of the provisions of either RCW
28 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than
29 twenty-five dollars for each day of unexcused absence from school.
30 The court shall remit fifty percent of the fine collected under this
31 section to the child's school district. It shall be a defense for a
32 parent charged with violating RCW 28A.225.010 to show that he or she
33 exercised reasonable diligence in attempting to cause a child in his
34 or her custody to attend school or that the child's school did not
35 perform its duties as required in RCW 28A.225.020. The court may
36 order the parent to provide community restitution instead of imposing
37 a fine. Any fine imposed pursuant to this section may be suspended
38 upon the condition that a parent charged with violating RCW
39 28A.225.010 shall participate with the school and the child in a
40 supervised plan for the child's attendance at school or upon

1 condition that the parent attend a conference or conferences
2 scheduled by a school for the purpose of analyzing the causes of a
3 child's absence.

4 (4) If a child continues to be truant after entering into a
5 court-approved order with the truancy board under RCW 28A.225.035,
6 the juvenile court shall find the child in contempt, and the court
7 may order the child to be subject to detention, as provided in RCW
8 7.21.030(2)(e), or may impose alternatives to detention such as
9 meaningful community restitution. Failure by a child to comply with
10 an order issued under this subsection may not subject a child to
11 detention for a period greater than (~~that permitted under a civil~~
12 ~~contempt proceeding against a child under chapter 13.32A RCW~~) two
13 days.

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

17 **Sec. 4.** RCW 28A.225.090 and 2017 c 291 s 5 are each amended to
18 read as follows:

19 (1) A court may order a child subject to a petition under RCW
20 28A.225.035 to do one or more of the following:

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

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

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

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

1 contract for a weekly rate that exceeds the state general
2 apportionment dollars calculated on a weekly basis generated by the
3 child and received by the district. A school district shall not be
4 required to enter into a contract that is longer than the remainder
5 of the school year. A school district shall not be required to enter
6 into or continue a contract if the child is no longer enrolled in the
7 district;

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

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

23 (2)(a) If the child fails to comply with the court order, the
24 court may impose:

- 25 (i) Community restitution;
- 26 (ii) Nonresidential programs with intensive wraparound services;
- 27 (iii) A requirement that the child meet with a mentor for a
28 specified number of times; or
- 29 (iv) Other services and interventions that the court deems
30 appropriate.

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

1 ~~under this subsection shall preferably be served at a secure crisis~~
2 ~~residential center close to the child's home rather than in a~~
3 ~~juvenile detention facility. A warrant of arrest for a child under~~
4 ~~this subsection may not be served on a child inside of school during~~
5 ~~school hours in a location where other students are present):~~

6 (i) Order that the department of children, youth, and families
7 complete a family assessment; and

8 (ii) If the assessment indicates that services and assistance
9 available to at-risk youth pursuant to chapter 13.32A RCW may
10 facilitate compliance with the mandatory attendance law, recommend
11 that an at-risk youth petition be filed by:

12 (A) The child's parent or guardian, with assistance from the
13 department of children, youth, and families; or

14 (B) The department of children, youth, and families if the parent
15 or guardian does not file.

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

33 (4) If a child continues to be truant after entering into a
34 court-approved order with the truancy board under RCW 28A.225.035,
35 the juvenile ~~((court shall find the child in contempt, and the))~~
36 court may ~~((order the child to be subject to detention, as provided~~
37 ~~in RCW 7.21.030(2)(e), or may))~~:

38 (a) Impose alternatives to detention ((such as meaningful
39 community restitution. Failure by a child to comply with an order
40 issued under this subsection may not subject a child to detention for

1 ~~a period greater than that permitted under a civil contempt~~
2 ~~proceeding against a child under chapter 13.32A RCW)~~ consistent with
3 best practice models for reengagement with school; or

4 (b) Make such orders and recommendations as permitted by
5 subsection (2)(b) of this section.

6 (5) Nothing in this section shall be construed to limit the
7 court's inherent contempt power or curtail its exercise.

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

11 **Sec. 5.** RCW 28A.225.026 and 2017 c 291 s 4 are each amended to
12 read as follows:

13 (1) By the beginning of the 2017-18 school year, juvenile courts
14 must establish, through a memorandum of understanding with each
15 school district within their respective counties, a coordinated and
16 collaborative approach to address truancy through the establishment
17 of a community truancy board or, with respect to certain small
18 districts, through other means as provided in subsection (3) of this
19 section.

20 (2) Except as provided in subsection (3) of this section, each
21 school district must enter into a memorandum of understanding with
22 the juvenile court in the county in which it is located with respect
23 to the operation of a community truancy board. A community truancy
24 board may be operated by a juvenile court, a school district, or a
25 collaboration between both entities, so long as the agreement is
26 memorialized in a memorandum of understanding. For a school district
27 that is located in more than one county, the memorandum of
28 understanding shall be with the juvenile court in the county that
29 acts as the school district's treasurer.

30 (3) A school district with fewer than three hundred students must
31 enter into a memorandum of understanding with the juvenile court in
32 the county in which it is located with respect to: (a) The operation
33 of a community truancy board; or (b) addressing truancy through other
34 coordinated means of intervention aimed at identifying barriers to
35 school attendance, and connecting students and their families with
36 community services, culturally appropriate promising practices, and
37 evidence-based services such as functional family therapy. School
38 districts with fewer than three hundred students may work
39 cooperatively with other school districts or the school district's

1 educational service district to ensure access to a community truancy
2 board or to provide other coordinated means of intervention.

3 (4) All school districts must designate, and identify to the
4 local juvenile court and to the office of the superintendent of
5 public instruction, a person or persons to coordinate school district
6 efforts to address excessive absenteeism and truancy, including tasks
7 associated with: Outreach and conferences pursuant to RCW
8 28A.225.018; entering into a memorandum of understanding with the
9 juvenile court; establishing protocols and procedures with the court;
10 coordinating trainings; sharing evidence-based and culturally
11 appropriate promising practices; identifying a person within every
12 school to serve as a contact with respect to excessive absenteeism
13 and truancy; and assisting in the recruitment of community truancy
14 board members.

15 (5) As has been demonstrated by school districts and county
16 juvenile courts around the state that have worked together and led
17 the way with community truancy boards, success has resulted from
18 involving the entire community and leveraging existing dollars from a
19 variety of sources, including public and private, local and state,
20 and court, school, and community. In emulating this coordinated and
21 collaborative approach statewide pursuant to local memoranda of
22 understanding, courts and school districts are encouraged to create
23 strong community-wide partnerships and to leverage existing dollars
24 and resources.

25 (6) The legislature applauds the collaborative efforts currently
26 underway in some communities across the state, between juvenile
27 courts on the one hand, and school districts, educational service
28 districts, and community truancy boards on the other hand, aimed at
29 improving attendance through case management and intervention, and
30 the provision of supports and services such as classes and activities
31 to help engage children in productive and positive activities,
32 screenings to identify barriers to attendance and specific needs of
33 individual children, trauma-informed approaches to discipline,
34 evidence-based treatments that have been found to be effective in
35 supporting at-risk youth and their families, such as functional
36 family therapy and dialectical behavioral therapy, and culturally
37 appropriate promising practices. The legislature encourages other
38 juvenile courts to follow the lead of those already engaged in
39 collaborative, community-wide efforts to improve attendance and to
40 use distributions received pursuant to the omnibus appropriations act

1 for truancy petitions to engage in similar collaborative efforts
2 aimed at improving attendance.

3 **Sec. 6.** RCW 28A.225.027 and 2016 c 205 s 20 are each amended to
4 read as follows:

5 (1) Subject to funds appropriated for this purpose, the office of
6 the superintendent of public instruction shall allocate to community
7 truancy boards grant funds that may be used to supplement existing
8 funds in order to pay for training for board members or the provision
9 of services and treatment to children and their families. Twenty-five
10 percent of the funds appropriated may be allocated as grant funds for
11 training and seventy-five percent of the funds appropriated may be
12 allocated as grant funds for the provision of services and treatment
13 to children and their families.

14 (2) The superintendent of public instruction must select grant
15 recipients based on the criteria in this section. This is a
16 competitive grant process. A prerequisite to applying for either or
17 both grants is a memoranda of understanding, between a school
18 district and a court, to institute a new or maintain an existing
19 community truancy board that meets the requirements of RCW
20 28A.225.025.

21 (3) Successful applicants for an award of grant funds to
22 supplement existing funds to pay for the training of community
23 truancy board members must commit to the provision of training to
24 board members regarding the identification of barriers to school
25 attendance, the use of the Washington assessment of the risks and
26 needs of students (WARNS) or other assessment tools to identify the
27 specific needs of individual children, trauma-informed approaches to
28 discipline, research about adverse childhood experiences, evidence-
29 based treatments and culturally appropriate promising practices, as
30 well as the specific academic and community services and treatments
31 available in the school, court, community, and elsewhere. This
32 training may be provided by educational service districts.

33 (4) Successful applicants for an award of grant funds to
34 supplement existing funds to pay for services and treatments provided
35 to children and their families must commit to the provision of
36 academic services such as tutoring, credit retrieval and school
37 reengagement supports, community services, and evidence-based
38 treatments that have been found to be effective in supporting at-risk
39 youth and their families, such as functional family therapy and

1 dialectical behavioral therapy, or those that have been shown to be
2 culturally appropriate promising practices.

3 **Sec. 7.** RCW 13.32A.015 and 1990 c 276 s 1 are each amended to
4 read as follows:

5 It is the intent of the legislature to:

6 (1) Preserve, strengthen, and reconcile families experiencing
7 problems with at-risk youth;

8 (2) Provide a legal process by which parents who are experiencing
9 problems with at-risk youth or the department under RCW
10 28A.225.090(2)(b) can request and receive assistance from juvenile
11 courts in providing appropriate care, treatment, and supervision (~~to~~
12 ~~such~~) for youth; and

13 (3) Assess the effectiveness of the family reconciliation
14 services program.

15 The legislature does not intend by this enactment to grant any
16 parent the right to file an at-risk youth petition or receive
17 juvenile court assistance in dealing with an at-risk youth. The
18 purpose of chapter 276, Laws of 1990 is to create a process by which
19 a parent of an at-risk youth may request and receive assistance
20 subject to the availability of juvenile court services and resources.
21 Recognizing that these services and resources are limited, the
22 legislature intends that counties have the authority to impose
23 reasonable limits on the utilization of juvenile court services and
24 resources in matters related to at-risk youth. Any responsibilities
25 imposed upon the department under chapter 276, Laws of 1990 shall be
26 contingent upon the availability of funds specifically appropriated
27 by the legislature for such purpose.

28 **Sec. 8.** RCW 13.32A.191 and 2000 c 123 s 22 are each amended to
29 read as follows:

30 (1) A child's parent or the department under RCW
31 28A.225.090(2)(b) may file with the juvenile court a petition in the
32 interest of a child alleged to be an at-risk youth. The department
33 shall, when requested, assist the parent in filing the petition. The
34 petition shall be filed in the county where the petitioner resides.
35 The petition shall set forth the name, age, and residence of the
36 child and the names and residence of the child's parents and shall
37 allege that:

38 (a) The child is an at-risk youth;

1 (b) The petitioner has the right to legal custody of the child;
2 (c) Court intervention and supervision are necessary to assist
3 the parent to maintain the care, custody, and control of the child;
4 and

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

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

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

18 **Sec. 9.** RCW 13.32A.192 and 1997 c 146 s 8 are each amended to
19 read as follows:

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

22 (a)(i) Schedule a fact-finding hearing to be held: (A) For a
23 child who resides in a place other than his or her parent's home and
24 other than an out-of-home placement, within five calendar days unless
25 the last calendar day is a Saturday, Sunday, or holiday, in which
26 case the hearing shall be held on the preceding judicial day; or (B)
27 for a child living at home or in an out-of-home placement, within ten
28 days; and (ii) notify the parent and the child of such date;

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

31 (c) Appoint legal counsel for the child;

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

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

37 (2) Unless out-of-home placement of the child is otherwise
38 authorized or required by law, the child shall reside in the home of

1 his or her parent or in an out-of-home placement requested by the
2 parent or child and approved by the parent.

3 (3) If upon sworn written or oral declaration of the petitioning
4 parent, the court has reason to believe that a child has willfully
5 and knowingly violated a court order issued pursuant to subsection
6 (2) of this section, the court may issue an order directing law
7 enforcement to take the child into custody and place the child in a
8 juvenile detention facility or in a secure facility within a crisis
9 residential center. If the child is placed in detention, a review
10 shall be held as provided in RCW (~~13.32A.065~~) 43.185C.270.

11 (4) If both a child in need of services petition and an at-risk
12 youth petition have been filed with regard to the same child, the
13 petitions and proceedings shall be consolidated as an at-risk youth
14 petition. Pending a fact-finding hearing regarding the petition, the
15 child may be placed in the parent's home or in an out-of-home
16 placement if not already placed in a temporary out-of-home placement
17 pursuant to a child in need of services petition. The child or the
18 parent may request a review of the child's placement including a
19 review of any court order requiring the child to reside in the
20 parent's home.

21 **Sec. 10.** RCW 13.32A.196 and 2000 c 123 s 24 are each amended to
22 read as follows:

23 (1) A dispositional hearing shall be held no later than fourteen
24 days after the fact-finding hearing. Each party shall be notified of
25 the time and date of the hearing.

26 (2) At the dispositional hearing regarding an adjudicated at-risk
27 youth, the court shall consider the recommendations of the parties
28 and the recommendations of any dispositional plan submitted by the
29 department. The court may enter a dispositional order that will
30 assist the parent in maintaining the care, custody, and control of
31 the child and assist the family to resolve family conflicts or
32 problems.

33 (3) The court may set conditions of supervision for the child
34 that include:

35 (a) Regular school attendance;

36 (b) Counseling;

37 (c) Participation in a substance abuse or mental health
38 outpatient treatment program;

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

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

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

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

18 (6) The parent, or the department if the department initiated the
19 at-risk youth proceeding under RCW 28A.225.090(2)(b), may request
20 dismissal of an at-risk youth proceeding or out-of-home placement at
21 any time. Upon such a request, the court shall dismiss the matter and
22 cease court supervision of the child unless: (a) A contempt action is
23 pending in the case; (b) a petition has been filed under RCW
24 13.32A.150 and a hearing has not yet been held under RCW 13.32A.179;
25 or (c) an order has been entered under RCW 13.32A.179(3) and the
26 court retains jurisdiction under that subsection. The court may
27 retain jurisdiction over the matter for the purpose of concluding any
28 pending contempt proceedings, including the full satisfaction of any
29 penalties imposed as a result of a contempt finding.

30 (7) The court may order the department to monitor compliance with
31 the dispositional order, assist in coordinating the provision of
32 court-ordered services, and submit reports at subsequent review
33 hearings regarding the status of the case.

34 **Sec. 11.** RCW 13.32A.250 and 2000 c 162 s 14 are each amended to
35 read as follows:

36 (1) In all child in need of services proceedings and at-risk
37 youth proceedings, the court shall verbally notify the parents and
38 the child of the possibility of a finding of contempt for failure to
39 comply with the terms of a court order entered pursuant to this

1 chapter. Except as otherwise provided in this section, the court
2 shall treat the parents and the child equally for the purposes of
3 applying contempt of court processes and penalties under this
4 section.

5 (2) Failure by a party to comply with an order entered under this
6 chapter is a civil contempt of court as provided in RCW
7 7.21.030(2)(e), subject to the limitations of subsection (3) of this
8 section.

9 (3) The court may impose remedial sanctions including a fine of
10 up to one hundred dollars and confinement for up to seven days, or
11 both for contempt of court under this section.

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

15 (5) A motion for contempt may be made by a parent, a child,
16 juvenile court personnel, the department if the department initiated
17 the at-risk youth proceeding under RCW 28A.225.090(2)(b), or by any
18 public agency, organization, or person having custody of the child
19 under a court order adopted pursuant to this chapter.

20 (6) Whenever the court finds probable cause to believe, based
21 upon consideration of a motion for contempt and the information set
22 forth in a supporting declaration, that a child has violated a
23 placement order entered under this chapter, the court may issue an
24 order directing law enforcement to pick up and take the child to
25 detention. The order may be entered ex parte without prior notice to
26 the child or other parties. Following the child's admission to
27 detention, a detention review hearing must be held in accordance with
28 RCW (~~(13.32A.065)~~) 43.185C.070.

29 NEW SECTION. **Sec. 12.** Sections 1 and 3 of this act expire July
30 1, 2020.

31 NEW SECTION. **Sec. 13.** Sections 2, 4, and 7 through 11 of this
32 act take effect July 1, 2020.

--- END ---