
SUBSTITUTE SENATE BILL 5426

State of Washington

69th Legislature

2025 Regular Session

By Senate Human Services (originally sponsored by Senators C. Wilson, Frame, Hasegawa, Nobles, Saldaña, Trudeau, and Valdez)

READ FIRST TIME 02/06/25.

1 AN ACT Relating to improving developmentally appropriate
2 alternatives for youth outside the formal court process; amending RCW
3 13.40.020, 13.40.080, 13.06.010, 13.06.030, 13.06.040, and 2.56.032;
4 adding a new section to chapter 13.40 RCW; adding a new section to
5 chapter 13.06 RCW; creating new sections; and providing an expiration
6 date.

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

8 NEW SECTION. **Sec. 1.** (1) The legislature finds that youth
9 diverted from the justice system have lower likelihood for future
10 arrests, higher rates of school completion and college enrollment,
11 and earn higher incomes in adulthood than youth who are adjudicated
12 through the court process.

13 (2) The legislature further finds that there is significant cost
14 benefit to offering youth diversion. A 2019 Washington state
15 institute for public policy analysis found that diverting youth
16 returned a societal benefit of more than \$11,000 per dollar spent due
17 to lower recidivism rates and improved outcomes.

18 (3) The legislature also finds that diversion is offered at
19 different rates in different counties, leading to justice by
20 geography and pointing to opportunities to expand the use of
21 diversion in Washington.

1 (4) Therefore, it is the intent of the legislature to strengthen
2 the ability of courts to offer robust diversion services, contract
3 with community providers to offer diversion, and improve the data and
4 accountability framework for diversions in Washington state.

5 **Sec. 2.** RCW 13.40.020 and 2024 c 117 s 4 are each amended to
6 read as follows:

7 For the purposes of this chapter:

8 (1) "Assessment" means an individualized examination of a child
9 to determine the child's psychosocial needs and problems, including
10 the type and extent of any mental health, substance abuse, or co-
11 occurring mental health and substance abuse disorders, and
12 recommendations for treatment. "Assessment" includes, but is not
13 limited to, drug and alcohol evaluations, psychological and
14 psychiatric evaluations, records review, clinical interview, and
15 administration of a formal test or instrument;

16 (2) "Community-based rehabilitation" means one or more of the
17 following: Employment; attendance of information classes; literacy
18 classes; counseling including an intake appointment, outpatient
19 substance abuse treatment programs, outpatient mental health
20 programs, anger management classes, education or outpatient treatment
21 programs to prevent animal cruelty, or other services including, when
22 appropriate, restorative justice programs; or attendance at school or
23 other educational programs appropriate for the juvenile as determined
24 by the school district. Placement in community-based rehabilitation
25 programs is subject to available funds;

26 (3) "Community-based sanctions" may include community restitution
27 not to exceed 150 hours of community restitution;

28 (4) "Community restitution" means compulsory service, without
29 compensation, performed for the benefit of the community by the
30 offender as punishment for committing an offense. Community
31 restitution may be performed through public or private organizations
32 or through work crews;

33 (5) "Community supervision" means an order of disposition by the
34 court of an adjudicated youth not committed to the department or an
35 order granting a deferred disposition. A community supervision order
36 for a single offense may be for a period of up to two years for a sex
37 offense as defined by RCW 9.94A.030 and up to one year for other
38 offenses. As a mandatory condition of any term of community
39 supervision, the court shall order the juvenile to refrain from

1 committing new offenses. As a mandatory condition of community
2 supervision, the court shall order the juvenile to comply with the
3 mandatory school attendance provisions of chapter 28A.225 RCW and to
4 inform the school of the existence of this requirement. Community
5 supervision is an individualized program comprised of one or more of
6 the following:

- 7 (a) Community-based sanctions;
- 8 (b) Community-based rehabilitation;
- 9 (c) Monitoring and reporting requirements;
- 10 (d) Posting of a probation bond;

11 (e) Residential treatment, where substance abuse, mental health,
12 and/or co-occurring disorders have been identified in an assessment
13 by a qualified mental health professional, psychologist,
14 psychiatrist, co-occurring disorder specialist, or substance use
15 disorder professional and a funded bed is available. If a child
16 agrees to voluntary placement in a state-funded long-term evaluation
17 and treatment facility, the case must follow the existing placement
18 procedure including consideration of less restrictive treatment
19 options and medical necessity.

20 (i) A court may order residential treatment after consideration
21 and findings regarding whether:

- 22 (A) The referral is necessary to rehabilitate the child;
- 23 (B) The referral is necessary to protect the public or the child;
- 24 (C) The referral is in the child's best interest;
- 25 (D) The child has been given the opportunity to engage in less
26 restrictive treatment and has been unable or unwilling to comply; and
- 27 (E) Inpatient treatment is the least restrictive action
28 consistent with the child's needs and circumstances.

29 (ii) In any case where a court orders a child to inpatient
30 treatment under this section, the court must hold a review hearing no
31 later than 60 days after the youth begins inpatient treatment, and
32 every 30 days thereafter, as long as the youth is in inpatient
33 treatment;

34 (6) "Community transition services" means a therapeutic and
35 supportive community-based custody option in which:

36 (a) A person serves a portion of their term of confinement
37 residing in the community, outside of department institutions and
38 community facilities;

1 (b) The department supervises the person in part through the use
2 of technology that is capable of determining or identifying the
3 monitored person's presence or absence at a particular location;

4 (c) The department provides access to developmentally
5 appropriate, trauma-informed, racial equity-based, and culturally
6 relevant programs to promote successful reentry; and

7 (d) The department prioritizes the delivery of available
8 programming from individuals who share characteristics with the
9 individual being served related to: Race, ethnicity, sexual identity,
10 and gender identity;

11 (7) "Confinement" means physical custody by the department of
12 children, youth, and families in a facility operated by or pursuant
13 to a contract with the state, or physical custody in a detention
14 facility operated by or pursuant to a contract with any county. The
15 county may operate or contract with vendors to operate county
16 detention facilities. The department may operate or contract to
17 operate detention facilities for juveniles committed to the
18 department. Pretrial confinement or confinement of less than 31 days
19 imposed as part of a disposition or modification order may be served
20 consecutively or intermittently, in the discretion of the court;

21 (8) "Court," when used without further qualification, means the
22 juvenile court judge(s) or commissioner(s);

23 (9) "Criminal history" includes all criminal complaints against
24 the respondent for which, prior to the commission of a current
25 offense(

26 ~~(a) The~~), the allegations were found correct by a court. If a
27 respondent is convicted of two or more charges arising out of the
28 same course of conduct, only the highest charge from among these
29 shall count as an offense for the purposes of this chapter(~~;~~~~or~~

30 ~~(b) The criminal complaint was diverted by a prosecutor pursuant~~
31 ~~to the provisions of this chapter on agreement of the respondent and~~
32 ~~after an advisement to the respondent that the criminal complaint~~
33 ~~would be considered as part of the respondent's criminal history)). A~~
34 successfully completed deferred adjudication that was entered before
35 July 1, 1998, or a deferred disposition shall not be considered part
36 of the respondent's criminal history. A successfully completed
37 diversion under RCW 13.40.080 may not be considered part of the
38 respondent's criminal history;

39 (10) "Custodial interrogation" means express questioning or other
40 actions or words by a law enforcement officer which are reasonably

1 likely to elicit an incriminating response from an individual and
2 occurs when reasonable individuals in the same circumstances would
3 consider themselves in custody;

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

6 (12) "Detention facility" means a county facility, paid for by
7 the county, for the physical confinement of a juvenile alleged to
8 have committed an offense or an adjudicated offender subject to a
9 disposition or modification order. "Detention facility" includes
10 county group homes, inpatient substance abuse programs, juvenile
11 basic training camps, and electronic monitoring;

12 (13) "Diversion unit" means any probation counselor who enters
13 into a diversion agreement with an alleged youthful offender, or any
14 other person, community accountability board, youth court under the
15 supervision of the juvenile court, or other entity with whom the
16 juvenile court administrator has contracted to arrange and supervise
17 such agreements pursuant to RCW 13.40.080, or any person, community
18 accountability board, or other entity specially funded by the
19 legislature to arrange and supervise diversion agreements in
20 accordance with the requirements of this chapter. For purposes of
21 this subsection, "community accountability board" means a board
22 comprised of members of the local community in which the juvenile
23 offender resides. The superior court shall appoint the members. The
24 boards shall consist of at least three and not more than seven
25 members. If possible, the board should include a variety of
26 representatives from the community, such as a law enforcement
27 officer, teacher or school administrator, high school student,
28 parent, and business owner, and should represent the cultural
29 diversity of the local community;

30 (14) "Foster care" means temporary physical care in a foster
31 family home or group care facility as defined in RCW 74.15.020 and
32 licensed by the department, or other legally authorized care;

33 (15) "Institution" means a juvenile facility established pursuant
34 to chapters 72.05 and 72.16 through 72.20 RCW;

35 (16) "Intensive supervision program" means a parole program that
36 requires intensive supervision and monitoring, offers an array of
37 individualized treatment and transitional services, and emphasizes
38 community involvement and support in order to reduce the likelihood a
39 juvenile offender will commit further offenses;

1 (17) "Juvenile," "youth," and "child" mean any individual who is
2 under the chronological age of 18 years and who has not been
3 previously transferred to adult court pursuant to RCW 13.40.110,
4 unless the individual was convicted of a lesser charge or acquitted
5 of the charge for which he or she was previously transferred pursuant
6 to RCW 13.40.110 or who is not otherwise under adult court
7 jurisdiction;

8 (18) "Juvenile offender" means any juvenile who has been found by
9 the juvenile court to have committed an offense, including a person
10 18 years of age or older over whom the juvenile court has
11 jurisdiction under RCW 13.40.300;

12 (19) "Labor" means the period of time before a birth during which
13 contractions are of sufficient frequency, intensity, and duration to
14 bring about effacement and progressive dilation of the cervix;

15 (20) "Local sanctions" means one or more of the following: (a)
16 0-30 days of confinement; (b) 0-12 months of community supervision;
17 or (c) 0-150 hours of community restitution;

18 (21) "Manifest injustice" means a disposition that would either
19 impose an excessive penalty on the juvenile or would impose a
20 serious, and clear danger to society in light of the purposes of this
21 chapter;

22 (22) "Monitoring and reporting requirements" means one or more of
23 the following: Curfews; requirements to remain at home, school, work,
24 or court-ordered treatment programs during specified hours;
25 restrictions from leaving or entering specified geographical areas;
26 requirements to report to the probation officer as directed and to
27 remain under the probation officer's supervision; and other
28 conditions or limitations as the court may require which may not
29 include confinement;

30 (23) "Offense" means an act designated a violation or a crime if
31 committed by an adult under the law of this state, under any
32 ordinance of any city or county of this state, under any federal law,
33 or under the law of another state if the act occurred in that state;

34 (24) "Physical restraint" means the use of any bodily force or
35 physical intervention to control a juvenile offender or limit a
36 juvenile offender's freedom of movement in a way that does not
37 involve a mechanical restraint. Physical restraint does not include
38 momentary periods of minimal physical restriction by direct person-
39 to-person contact, without the aid of mechanical restraint,
40 accomplished with limited force and designed to:

1 (a) Prevent a juvenile offender from completing an act that would
2 result in potential bodily harm to self or others or damage property;

3 (b) Remove a disruptive juvenile offender who is unwilling to
4 leave the area voluntarily; or

5 (c) Guide a juvenile offender from one location to another;

6 (25) "Postpartum recovery" means (a) the entire period a woman or
7 youth is in the hospital, birthing center, or clinic after giving
8 birth and (b) an additional time period, if any, a treating physician
9 determines is necessary for healing after the youth leaves the
10 hospital, birthing center, or clinic;

11 (26) "Probation bond" means a bond, posted with sufficient
12 security by a surety justified and approved by the court, to secure
13 the offender's appearance at required court proceedings and
14 compliance with court-ordered community supervision or conditions of
15 release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means
16 a deposit of cash or posting of other collateral in lieu of a bond if
17 approved by the court;

18 (27) "Respondent" means a juvenile who is alleged or proven to
19 have committed an offense;

20 (28) "Restitution" means financial reimbursement by the offender
21 to the victim, and shall be limited to easily ascertainable damages
22 for injury to or loss of property, actual expenses incurred for
23 medical treatment for physical injury to persons, lost wages
24 resulting from physical injury, and costs of the victim's counseling
25 reasonably related to the offense. Restitution shall not include
26 reimbursement for damages for mental anguish, pain and suffering, or
27 other intangible losses. Nothing in this chapter shall limit or
28 replace civil remedies or defenses available to the victim or
29 offender;

30 (29) "Restorative justice" means practices, policies, and
31 programs informed by and sensitive to the needs of crime victims that
32 are designed to encourage offenders to accept responsibility for
33 repairing the harm caused by their offense by providing safe and
34 supportive opportunities for voluntary participation and
35 communication between the victim, the offender, their families, and
36 relevant community members;

37 (30) "Restraints" means anything used to control the movement of
38 a person's body or limbs and includes:

39 (a) Physical restraint; or

1 (b) Mechanical device including but not limited to: Metal
2 handcuffs, plastic ties, ankle restraints, leather cuffs, other
3 hospital-type restraints, tasers, or batons;

4 (31) "Risk assessment tool" means the statistically valid tool
5 used by the department to inform release or placement decisions
6 related to security level, release within the sentencing range,
7 community facility eligibility, community transition services
8 eligibility, and parole. The "risk assessment tool" is used by the
9 department to predict the likelihood of successful reentry and future
10 criminal behavior;

11 (32) "Screening" means a process that is designed to identify a
12 child who is at risk of having mental health, substance abuse, or co-
13 occurring mental health and substance abuse disorders that warrant
14 immediate attention, intervention, or more comprehensive assessment.
15 A screening may be undertaken with or without the administration of a
16 formal instrument;

17 (33) "Secretary" means the secretary of the department;

18 (34) "Services" means services, including restorative justice,
19 which provide alternatives to incarceration for those juveniles who
20 have pleaded or been adjudicated guilty of an offense or have signed
21 a diversion agreement pursuant to this chapter;

22 (35) "Sex offense" means an offense defined as a sex offense in
23 RCW 9.94A.030;

24 (36) "Sexual motivation" means that one of the purposes for which
25 the respondent committed the offense was for the purpose of the
26 respondent's sexual gratification;

27 (37) "Surety" means an entity licensed under state insurance laws
28 or by the state department of licensing, to write corporate,
29 property, or probation bonds within the state, and justified and
30 approved by the superior court of the county having jurisdiction of
31 the case;

32 (38) "Transportation" means the conveying, by any means, of an
33 incarcerated pregnant youth from the institution or detention
34 facility to another location from the moment she leaves the
35 institution or detention facility to the time of arrival at the other
36 location, and includes the escorting of the pregnant incarcerated
37 youth from the institution or detention facility to a transport
38 vehicle and from the vehicle to the other location;

1 (39) "Violation" means an act or omission, which if committed by
2 an adult, must be proven beyond a reasonable doubt, and is punishable
3 by sanctions which do not include incarceration;

4 (40) "Violent offense" means a violent offense as defined in RCW
5 9.94A.030;

6 (41) "Youth court" means a diversion unit under the supervision
7 of the juvenile court.

8 **Sec. 3.** RCW 13.40.080 and 2022 c 34 s 1 are each amended to read
9 as follows:

10 (1) A diversion agreement shall be a contract between a juvenile
11 accused of an offense and a diversion unit whereby the juvenile
12 agrees to fulfill certain conditions in lieu of prosecution. A
13 juvenile's parent or guardian cannot decline to enter into a
14 diversion agreement on behalf of the juvenile and cannot prevent a
15 juvenile from entering into a diversion agreement. Such agreements
16 may be entered into only after the prosecutor, or probation counselor
17 pursuant to this chapter, has determined that probable cause exists
18 to believe that a crime has been committed and that the juvenile
19 committed it. Such agreements shall be entered into as expeditiously
20 as possible.

21 (2) A diversion agreement shall be limited to one or more of the
22 following:

23 (a) Community restitution not to exceed (~~one hundred fifty~~) 150
24 hours, not to be performed during school hours if the juvenile is
25 attending school;

26 (b) Restitution limited to the amount of actual loss incurred by
27 any victim, excluding restitution owed to any insurance provider
28 under Title 48 RCW;

29 (c) Attendance at up to (~~ten~~) 10 hours of counseling and/or up
30 to (~~twenty~~) 20 hours of positive youth development, restorative
31 justice, and educational or informational sessions at a community
32 agency. The educational or informational sessions may include
33 sessions relating to respect for self, others, and authority; victim
34 awareness; accountability; self-worth; responsibility; work ethics;
35 good citizenship; literacy; and life skills. If an assessment
36 identifies mental health or chemical dependency needs, a youth may
37 access up to (~~thirty~~) 30 hours of counseling. The counseling
38 sessions may include services demonstrated to improve behavioral
39 health and reduce recidivism. For purposes of this section,

1 "community agency" may also mean a community-based nonprofit
2 organization, a physician, a counselor, a school, or a treatment
3 provider, if approved by the diversion unit. The state shall not be
4 liable for costs resulting from the diversion unit exercising the
5 option to permit diversion agreements to mandate attendance at up to
6 (~~thirty~~) 30 hours of counseling and/or up to (~~twenty~~) 20 hours of
7 educational or informational sessions;

8 (d) Requirements to remain during specified hours at home,
9 school, or work, and restrictions on leaving or entering specified
10 geographical areas; and

11 (e) Upon request of any victim or witness, requirements to
12 refrain from any contact with victims or witnesses of offenses
13 committed by the juvenile.

14 (3) Notwithstanding the provisions of subsection (2) of this
15 section, youth courts are not limited to the conditions imposed by
16 subsection (2) of this section in imposing sanctions on juveniles
17 pursuant to RCW 13.40.630.

18 (4) In assessing periods of community restitution to be performed
19 and restitution to be paid by a juvenile who has entered into a
20 diversion agreement, the court officer to whom this task is assigned
21 shall consult with the juvenile's custodial parent or parents or
22 guardian. To the extent possible, the court officer shall advise the
23 victims of the juvenile offender of the diversion process, offer
24 victim impact letter forms and restitution claim forms, and involve
25 members of the community. Such members of the community may meet with
26 the juvenile and may advise the court officer as to the terms of the
27 diversion agreement and may supervise the juvenile in carrying out
28 its terms.

29 (5)(a) A diversion agreement may not exceed a period of six
30 months and may include a period extending beyond the (~~eighteenth~~)
31 21st birthday of the divertee.

32 (b) If additional time is necessary for the juvenile to complete
33 the terms of the agreement or restitution to a victim, the time
34 period limitations of this subsection may be extended by an
35 additional six months at the request of the juvenile.

36 (c) If the juvenile has not paid the full amount of restitution
37 by the end of the additional six-month period, then the juvenile
38 shall be referred to the juvenile court for entry of a civil order
39 establishing the amount of restitution still owed to the victim. In
40 this order, the court shall also determine the terms and conditions

1 of the restitution, including a payment plan extending up to (~~ten~~)
2 10 years if the court determines that the juvenile does not have the
3 means to make full restitution over a shorter period. For the
4 purposes of this subsection (5)(c), the juvenile shall remain under
5 the court's jurisdiction for a maximum term of (~~ten~~) 10 years after
6 the juvenile's (~~eighteenth~~) 18th birthday. Prior to the expiration
7 of the initial (~~ten~~) 10 year period, the juvenile court may extend
8 the judgment for restitution an additional (~~ten~~) 10 years. The
9 court may relieve the juvenile of the requirement to pay full or
10 partial restitution if the juvenile reasonably satisfies the court
11 that he or she does not have the means to make full or partial
12 restitution and could not reasonably acquire the means to pay the
13 restitution over a (~~ten~~) 10 year period. If the court relieves the
14 juvenile of the requirement to pay full or partial restitution, the
15 court may order an amount of community restitution that the court
16 deems appropriate. The county clerk shall make disbursements to
17 victims named in the order. The restitution to victims named in the
18 order shall be paid prior to any payment for other penalties or
19 monetary assessments. A juvenile under obligation to pay restitution
20 may petition the court for modification of the restitution order.

21 (d) A diversion agreement may be completed by the juvenile any
22 time prior to an order terminating the agreement.

23 (6) The juvenile shall retain the right to be referred to the
24 court at any time prior to the signing of the diversion agreement.

25 (7) Divertees and potential divertees shall be afforded due
26 process in all contacts with a diversion unit regardless of whether
27 the juveniles are accepted for diversion or whether the diversion
28 program is successfully completed. Such due process shall include,
29 but not be limited to, the following:

30 (a) A written diversion agreement shall be executed stating all
31 conditions in clearly understandable language;

32 (b) Violation of the terms of the agreement shall be the only
33 grounds for termination;

34 (c) No divertee may be terminated from a diversion program
35 without being given a court hearing, which hearing shall be preceded
36 by:

37 (i) Written notice of alleged violations of the conditions of the
38 diversion program; and

39 (ii) Disclosure of all evidence to be offered against the
40 divertee;

1 (d) The hearing shall be conducted by the juvenile court and
2 shall include:

3 (i) Opportunity to be heard in person and to present evidence;

4 (ii) The right to confront and cross-examine all adverse
5 witnesses;

6 (iii) A written statement by the court as to the evidence relied
7 on and the reasons for termination, should that be the decision; and

8 (iv) Demonstration by evidence that the divertee has
9 substantially violated the terms of his or her diversion agreement;

10 (e) The prosecutor may file an information on the offense for
11 which the divertee was diverted:

12 (i) In juvenile court if the divertee is under ~~((eighteen))~~ 21
13 years of age; or

14 (ii) In superior court or the appropriate court of limited
15 jurisdiction if the divertee is ~~((eighteen))~~ 21 years of age or
16 older;

17 (f) In no case may a court terminate a diversion agreement on or
18 after the juvenile's 21st birthday and, thereafter, any pending
19 information in the case diverted and any pending motion to terminate
20 shall be dismissed with prejudice.

21 (8) The diversion unit shall, subject to available funds, be
22 responsible for providing interpreters when juveniles need
23 interpreters to effectively communicate during diversion unit
24 hearings or negotiations.

25 (9) The diversion unit shall be responsible for advising a
26 divertee of his or her rights as provided in this chapter.

27 (10) The diversion unit may refer a juvenile to a restorative
28 justice program, community-based counseling, or treatment programs.

29 (11) The right to counsel shall inure prior to the initial
30 interview for purposes of advising the juvenile as to whether he or
31 she desires to participate in the diversion process or to appear in
32 the juvenile court. The juvenile may be represented by counsel at any
33 critical stage of the diversion process, including intake interviews
34 and termination hearings. The juvenile shall be fully advised at the
35 intake of his or her right to an attorney and of the relevant
36 services an attorney can provide. For the purpose of this section,
37 intake interviews mean all interviews regarding the diversion
38 agreement process.

39 ~~((The juvenile shall be advised that a diversion agreement shall~~
40 ~~constitute a part of the juvenile's criminal history as defined by~~

1 ~~RCW 13.40.020(8).~~) A signed acknowledgment of such advisement shall
2 be obtained from the juvenile, and the document shall be maintained
3 by the diversion unit together with the diversion agreement, and a
4 copy of both documents shall be delivered to the prosecutor if
5 requested by the prosecutor. The supreme court shall promulgate rules
6 setting forth the content of such advisement in simple language.

7 (12) When a juvenile enters into a diversion agreement, the
8 juvenile court may receive only the following information for
9 dispositional purposes:

10 (a) The fact that a charge or charges were made;

11 (b) The fact that a diversion agreement was entered into;

12 (c) The juvenile's obligations under such agreement;

13 (d) Whether the alleged offender performed his or her obligations
14 under such agreement; and

15 (e) The facts of the alleged offense.

16 (13) A diversion unit may refuse to enter into a diversion
17 agreement with a juvenile. When a diversion unit refuses to enter a
18 diversion agreement with a juvenile, it shall immediately refer such
19 juvenile to the court for action and shall forward to the court the
20 criminal complaint and a detailed statement of its reasons for
21 refusing to enter into a diversion agreement. The diversion unit
22 shall also immediately refer the case to the prosecuting attorney for
23 action if such juvenile violates the terms of the diversion
24 agreement.

25 (14) A diversion unit may, in instances where it determines that
26 the act or omission of an act for which a juvenile has been referred
27 to it involved no victim, or where it determines that the juvenile
28 referred to it has no prior criminal history and is alleged to have
29 committed an illegal act involving no threat of or instance of actual
30 physical harm and involving not more than (~~fifty dollars~~) \$50 in
31 property loss or damage and that there is no loss outstanding to the
32 person or firm suffering such damage or loss, counsel and release or
33 release such a juvenile without entering into a diversion agreement.
34 A diversion unit's authority to counsel and release a juvenile under
35 this subsection includes the authority to refer the juvenile to
36 community-based counseling or treatment programs or a restorative
37 justice program. Any juvenile released under this subsection shall be
38 advised that the act or omission of any act for which he or she had
39 been referred shall constitute a part of the juvenile's criminal
40 history as defined by RCW 13.40.020(8). A signed acknowledgment of

1 such advisement shall be obtained from the juvenile, and the document
2 shall be maintained by the unit, and a copy of the document shall be
3 delivered to the prosecutor if requested by the prosecutor. The
4 supreme court shall promulgate rules setting forth the content of
5 such advisement in simple language. A juvenile determined to be
6 eligible by a diversion unit for release as provided in this
7 subsection shall retain the same right to counsel and right to have
8 his or her case referred to the court for formal action as any other
9 juvenile referred to the unit.

10 (15) A diversion unit may supervise the fulfillment of a
11 diversion agreement entered into before the juvenile's (~~eighteenth~~)
12 18th birthday and which includes a period extending beyond the
13 divertee's (~~eighteenth~~) 18th birthday.

14 (16) If restitution required by a diversion agreement cannot
15 reasonably be paid due to a change of circumstance, the diversion
16 agreement may be modified at the request of the divertee and with the
17 concurrence of the diversion unit to convert unpaid restitution into
18 community restitution. The modification of the diversion agreement
19 shall be in writing and signed by the divertee and the diversion
20 unit. The number of hours of community restitution in lieu of a
21 monetary penalty shall be converted at the rate of the prevailing
22 state minimum wage per hour.

23 (17) In no case may a diversion be entered into for an offense
24 committed on or after the juvenile's 18th birthday.

25 **Sec. 4.** RCW 13.06.010 and 1983 c 191 s 1 are each amended to
26 read as follows:

27 It is the intention of the legislature in enacting this chapter
28 to increase the protection afforded the citizens of this state, to
29 require community planning, to provide necessary services and
30 supervision for juvenile offenders in the community when appropriate,
31 to reduce reliance on state-operated correctional institutions for
32 offenders whose standard range disposition does not include
33 commitment of the offender to the department, (~~and~~) to encourage
34 the community to efficiently and effectively provide community
35 services to juvenile offenders through consolidation of service
36 delivery systems, and to provide effective services and referrals to
37 referred and diverted youth to prevent the need for formal court
38 involvement whenever possible.

1 **Sec. 5.** RCW 13.06.030 and 2017 3rd sp.s. c 6 s 717 are each
2 amended to read as follows:

3 (1) The department of children, youth, and families shall adopt
4 rules prescribing minimum standards for the operation of consolidated
5 juvenile services programs for juvenile offenders and such other
6 rules as may be necessary for the administration of the provisions of
7 this chapter.

8 (2) Consolidated juvenile services is a mechanism through which
9 the department of children, youth, and families supports local county
10 comprehensive program plans in providing services to offender groups.

11 (3) Standards for consolidated juvenile services shall be
12 sufficiently flexible to support current programs which have
13 demonstrated effectiveness and efficiency, to foster development of
14 innovative and improved services for juvenile offenders, to permit
15 direct contracting with private vendors, and to encourage community
16 support for and assistance to local programs.

17 (4) Consolidated juvenile services include programs and services
18 developed for referred and diverted youth.

19 (5) The secretary of children, youth, and families shall seek
20 advice from appropriate juvenile justice system participants in
21 developing standards and procedures for the operation of consolidated
22 juvenile services programs and the distribution of funds under this
23 chapter.

24 **Sec. 6.** RCW 13.06.040 and 2017 3rd sp.s. c 6 s 718 are each
25 amended to read as follows:

26 Any county or group of counties may make application to the
27 department of children, youth, and families in the manner and form
28 prescribed by the department for financial aid for the cost of
29 consolidated juvenile services programs. Any such application must
30 include a plan or plans for providing consolidated services to
31 juvenile offenders and diverted or referred youth in accordance with
32 standards of the department.

33 The state may make grants to local governments for the provision
34 of community-based programs for referred and diverted youth. The
35 grants must be made under a grant formula developed by the
36 department, in consultation with the Washington association of
37 juvenile court administrators. Allowable expenses include: Grants and
38 contracts with community partners, purchase of consumable goods,
39 supports for victims of juvenile crime including financial

1 compensation, and removal of barriers to participation in diversion
2 services.

3 NEW SECTION. **Sec. 7.** A new section is added to chapter 13.40
4 RCW to read as follows:

5 (1) Subject to the availability of funds appropriated for this
6 specific purpose, the department shall establish a grant program
7 within the office of juvenile justice to support community-based
8 programs that divert youth from entering or reentering the juvenile
9 justice system.

10 (2) Community-based programs selected to receive grant funding
11 under this section must:

12 (a) Aim to reduce racial and ethnic disparities; and

13 (b) (i) Apply in coordination with a school or school district,
14 law enforcement agency, prosecuting attorney's office, or juvenile
15 court; or

16 (ii) Apply as a school or school district.

17 (3) Grant funding provided under this section must be distributed
18 with a priority for:

19 (a) Community-based organizations as the primary applicant;

20 (b) Ensuring geographic diversity; and

21 (c) Smaller community-based organizations.

22 NEW SECTION. **Sec. 8.** A new section is added to chapter 13.06
23 RCW to read as follows:

24 (1) Subject to the availability of funds appropriated for this
25 specific purpose, the administrative office of the courts, in
26 consultation with the department of children, youth, and families,
27 and the Washington association of juvenile court administrators,
28 shall develop common definitions, outcome measures, and data
29 collection methods for both informal and formal juvenile diversion
30 programs.

31 (2) In developing the items described in subsection (1) of this
32 section, the administrative office of the courts shall work towards:

33 (a) Obtaining timely and accurate data from the juvenile courts
34 regarding all formal diversion agreements that allow for reporting
35 the number and rate of formal diversions, disaggregated by
36 jurisdiction, race, ethnicity, and gender;

37 (b) Developing methods to define, categorize, and track the use
38 of informal diversion agreements;

1 (c) Engaging in partnerships with community-based organizations;
2 and

3 (d) Implementing goals identified by the administrative office of
4 the courts, the department of children, youth, and families, and the
5 Washington association of juvenile court administrators.

6 (3) By July 1, 2026, and in compliance with RCW 43.01.036, the
7 administrative office of the courts shall submit a report to the
8 appropriate committees of the legislature and the governor based on
9 the requirements of this section.

10 (4) This section expires July 1, 2027.

11 **Sec. 9.** RCW 2.56.032 and 2019 c 312 s 17 are each amended to
12 read as follows:

13 (1) (a) (~~To accurately track the extent to which courts order~~
14 ~~youth into a secure detention facility in Washington state for the~~
15 ~~violation of a court order related to a truancy, at-risk youth, or a~~
16 ~~child in need of services petition, all)) All juvenile courts shall
17 transmit youth-level secure detention data and juvenile diversion
18 agreement data to the administrative office of the courts.~~

19 (b) Data may either be entered into the statewide management
20 information system for juvenile courts or securely transmitted to the
21 administrative office of the courts at least monthly. Juvenile courts
22 shall provide, at a minimum, the name and date of birth for the
23 youth((~~r~~)) and the referral number or court case number ((assigned to
24 the petition~~r~~)) associated with the event. For secure detention
25 events, courts shall provide the reasons for admission to the
26 juvenile detention facility, the date of admission, the date of exit,
27 and the time the youth spent in secure confinement. For diversion
28 agreement events, the courts shall provide the date of the diversion
29 agreement and the outcome of the agreement.

30 (c) Courts are also encouraged to report individual-level data
31 reflecting ((~~whether~~)):

32 (i) Whether a detention alternative, such as electronic
33 monitoring, was used, and the time spent in detention alternatives;
34 and

35 (ii) Informal diversion events where no formal diversion
36 agreement is entered into.

37 (d) The administrative office of the courts and the juvenile
38 court administrators must work to develop uniform data standards for
39 detention and diversion.

1 (2) The administrative office of the courts shall deliver an
2 annual statewide report to the legislature that details the number of
3 Washington youth who are placed into detention facilities during the
4 preceding calendar year. The first report shall be delivered by March
5 1, 2017, and shall detail the most serious reason for detention and
6 youth gender, race, and ethnicity. The report must have a specific
7 emphasis on youth who are detained for reasons relating to a truancy,
8 at-risk youth, or a child in need of services petition. The report
9 must:

10 (a) Consider the written findings described in RCW
11 7.21.030(2)(e)(ii)(B), and provide an analysis of the rationale and
12 evidence used and the less restrictive options considered;

13 (b) Monitor the utilization of alternatives to detention;

14 (c) Track trends in the use of at-risk youth petitions;

15 (d) Track trends in the use of secure residential programs with
16 intensive wraparound services; and

17 (e) Track the race and gender of youth with at-risk petitions.

18 (3) The administrative office of the courts shall deliver an
19 annual statewide report to the legislature that details,
20 disaggregated by age, race, ethnicity, gender, tribal affiliation if
21 known, and county (including the rate per 1,000 youth), the number of
22 Washington youth who enter into a formal diversion agreement each
23 calendar year. The report must indicate:

24 (a) How many diversions are entered into before filing an
25 information and how many diversions are entered into after an
26 information is filed;

27 (b) The number of successfully completed diversions;

28 (c) The rate of successfully completed diversions;

29 (d) The types of alleged offenses referred to diversion;

30 (e) The number and rate of refused diversions and whether the
31 diversion was refused by the youth or the court;

32 (f) The number and type of disposition alternatives granted each
33 calendar year and how many are revoked;

34 (g) The number of law enforcement referrals to a prosecuting
35 attorney alleging the commission of a juvenile offense each calendar
36 year organized by referring agency; and

37 (h) The number of school referrals to a prosecuting attorney
38 alleging the commission of a juvenile offense each calendar year
39 organized by school district.

1 NEW SECTION. **Sec. 10.** RCW 13.40.020 applies to all completed
2 juvenile diversion agreements and those which are in place but not
3 yet completed on or after the effective date of this section,
4 regardless of when the underlying offense was committed.

--- END ---