

NOTE: Excerpt of Governor's veto message reads as follows:

Veto message,
excerpt.

"This bill creates a Washington State Arts Commission consisting of 21 members. During the past two years such a commission existed solely by virtue of executive action. I greatly appreciate the fact that the Legislature has recognized the merits of such a commission by granting it statutory existence. I would like to advise the members of the Legislature that the artists who have served in the past on this commission have done so at great personal sacrifice. They have served the State without receiving a per diem allowance, and without receiving even their actual traveling and other expenses incurred. Their collective wisdom and their recommendations have made all of us aware of the truism that 'man does not live by bread alone'.

"We in the State of Washington are greatly honored and justly proud of the fact that some of the greatest painters and poets and other artists of the nation reside in our State, or have been educated here.

"This bill is approved with the exception of section 8 which provides that no funds from the Governor's emergency fund shall be expended in carrying out the provisions of this Act. I would like to call the attention of the members of the Legislature to the fact that only recently, President Kennedy honored one of the great poets of this nation by having him deliver a poem at his inauguration. There may be need to utilize a small sum from my emergency fund for the purpose of supplying to the Art Commission stationery, stamps, and the services of a part-time secretary. I believe the attitude of some of the Legislators in attempting to prevent me from utilizing a small amount from my emergency fund for the purposes indicated is shortsighted, and betrays a Philistine attitude unbecoming the representatives of a great state. By disallowing me to utilize a very small portion of state funds for the purpose indicated you would in effect put the artists into a position of a second class citizen. This I will not allow.

"Let us be ever mindful that in centuries to come, when the labors of statesmen and legislators have become dust and ashes, the creative genius of our artists alone may survive. Let us, therefore, treat them with the respect that is due them by virtue of their creative ability.

"For the reasons indicated, section 8 is vetoed. The remainder of the bill is approved."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 302.

[H. B. 26.]

JUVENILE COURT LAW.

AN ACT relating to the juveniles, amending section 1, chapter 160, Laws of 1913 and RCW 13.04.010; amending section 7, chapter 160, Laws of 1913 and RCW 13.04.080; amending section 8, chapter 160, Laws of 1913 and RCW 13.04.100; amending section 1, chapter 188, Laws of 1955 and RCW 13.04.105; amending section 4, chapter 297, Laws of 1957 as amended by section 2, chapter 251, Laws of 1959 and RCW 13.08.190 and adding the same to chapter 160, Laws of 1913 and to chapter 13.04 RCW; adding eleven new sections to chapter 160, Laws of 1913 and chapter 13.04 RCW; and repealing section 1, chapter 103, Laws of 1891 as amended by section 1, chapter 19, Laws of 1905 and

RCW 13.08.080; section 2, chapter 103, Laws of 1891 as amended by section 2, chapter 19, Laws of 1905 and RCW 13.08.090; section 3, chapter 103, Laws of 1891 and RCW 13.08.100; section 4, chapter 103, Laws of 1891 and RCW 13.08.110; section 5, chapter 103, Laws of 1891 and RCW 13.08.120; section 6, chapter 103, Laws of 1891 and RCW 13.08.130; section 1, chapter 111, Laws of 1913 and RCW 13.08.140; section 3, page 257, chapter 97, Laws of 1909 and RCW 13.08.150; section 24, chapter 249, Laws of 1909 and RCW 13.08.160; section 6, chapter 157, Laws of 1913 and RCW 13.08.170; section 7, chapter 157, Laws of 1913 and RCW 13.08.180; section 5, chapter 297, Laws of 1957 and RCW 13.08.200; section 6, chapter 297, Laws of 1957 and RCW 13.08.210; section 72.16.080, chapter 28, Laws of 1959 and RCW 72.16.080; section 10, chapter 160, Laws of 1913 and RCW 13.04.090; amending section 2, chapter 160, Laws of 1913, as last amended by section 1, chapter 65, Laws of 1937, and RCW 13.04.030.

Be it enacted by the Legislature of the State of Washington:

RCW 13.04.010 amended.

SECTION 1. Section 1, chapter 160, Laws of 1913 and RCW 13.04.010 are each amended to read as follows:

Juvenile court law—Dependent or delinquent children—Wards of state.

This chapter shall be known as the “Juvenile Court Law” and shall apply to all minor children under the age of eighteen years who are delinquent or dependent; and to any person or persons who are responsible for or contribute to, the delinquency or dependency of such children.

For the purpose of this chapter the words “dependent child” shall mean any child under the age of eighteen years:

(1) Who has no home or any settled place of abode, or any proper guardianship, or any visible means of subsistence; or

(2) Who has no parent, guardian or other responsible person; or who has no parent or guardian willing to exercise, or capable of exercising, proper parental control; or

(3) Whose home by reason of neglect, cruelty or depravity of his parents or either of them, or on the part of his guardian, or on the part of the person

in whose custody or care he may be, or for any other reason, is an unfit place for such child; or

(4) Who frequents the company of reputed criminals; vagrants or prostitutes; or

(5) Who is found living or being in any house of prostitution or assignation; or

(6) Who habitually visits any saloon, or place where spirituous, vinous, or malt liquors are consumed or sold, bartered, or given away; or

(7) Who is incorrigible; that is, who is beyond the control and power of his parents, guardian, or custodian by reason of the conduct or nature of said child; or

(8) Who is in danger of being brought up to lead an idle, dissolute or immoral life; or

(9) Who is an habitual truant, as defined in the school laws of the state of Washington; or

(10) Who uses intoxicating liquor as a beverage, or who uses opium, cocaine, morphine, heroin, or marijuana, or other similar drug, without the direction of a competent physician; or

(11) Who wanders about in the nighttime without being on any lawful business or occupation; or

(12) Who is grossly and wilfully neglected as to medical care necessary for his well-being.

The words "delinquent child" mean any child under the age of eighteen years who violates any law of this state, or any ordinance of any town, city, or county of this state defining a crime or who has violated any federal law or law of another state defining a crime, and whose case has been referred to the juvenile court by any jurisdiction whatsoever.

For the purpose of this chapter only, all children who have been adjudicated delinquent and dependent children within the state shall be considered wards of this state and their persons shall be subject to the custody, care, guardianship and control of the court as hereinafter provided.

New section.

SEC. 2. There is added to chapter 160, Laws of 1913 and chapter 13.04 RCW a new section to read as follows:

Detention of child— Notification of parent or guardian— Requisites for continued detention.

Whenever any child is taken into custody, the parent or guardian must be immediately notified. Such requirement may be waived by the court in cases where the parent or guardian cannot be located.

No child shall be held in detention or shelter longer than seventy-two hours excluding Sundays and holidays, unless a petition as provided for in RCW 13.04.060 has been filed. No child may be held longer than seventy-two hours after the filing of such a petition unless an order for such continued detention or shelter has been signed by the juvenile court judge. No child shall be detained for longer than thirty days without an order, signed by the judge, authorizing continued detention. In every order authorizing continued detention the court shall make and enter its findings upon which continued detention is based.

New section.

SEC. 3. There is added to chapter 160, Laws of 1913 and chapter 13.04 RCW a new section to read as follows:

Informal disposition of cases authorized.

Whenever any child is brought to their attention the probation officers in each county may with the consent of the parent, parents, or legal guardian make whatever informal adjustment or disposition of the case as is practical without the filing of a petition as provided in RCW 13.04.060 subject to the review of the juvenile court judge.

RCW 13.04.080 amended.

SEC. 4. Section 7, chapter 160, Laws of 1913 and RCW 13.04.080 are each amended to read as follows:

Publication of summons.

In any case where it shall appear by the petition or verified statement, that the person standing in the position of natural or legal guardian of the person of any child, is a nonresident of this state, or that the name or place of residence or whereabouts of such

person is unknown, as well as in all cases where, after due diligence, the officer has been unable to make service of the summons or notice provided for in RCW 13.04.070, and a copy of said notice has been deposited in the post office, postage prepaid, directed to such person at his last known place of residence, the court may order said notice published in a legal newspaper printed in the county, qualified to publish summons, once a week for three consecutive weeks, the first publication of said notice to be at least twenty-five days prior to the date fixed for the hearing. Such notice shall be directed to the parent, parents, or other person claiming the right to the custody of the child, if their names are known, or if unknown, the phrase "To whom it may concern" shall be used and apply to, and be binding upon, any such persons whose names are unknown. The name of the court, the name of the child (or children if of one family), the date of the filing of the petition and the date of hearing and the object of the proceeding in general terms, shall be set forth and the whole shall be subscribed by the clerk. There shall be filed with the clerk an affidavit showing due publication of the notice and the cost of publication shall be paid by the county at not to exceed the rate paid by the county for other legal notices. The publication of notice shall be deemed equivalent to personal service upon all persons, known or unknown, who have been designated as provided in this section.

SEC. 5. There is added to chapter 160, Laws of 1913 and chapter 13.04 RCW a new section to read as follows: New section.

All hearings may be conducted at any time or place within the limits of the county, and such cases shall not be heard in conjunction with other business of the court. The general public shall be excluded and only such persons shall be admitted

Hearings—
Private—
Records of.

who are found by the judge to have a direct interest in the case or in the work of the court.

Stenographic notes or any device which accurately records the proceedings may be required as provided in other civil cases pursuant to RCW 2.32.200.

New section.

SEC. 6. There is added to chapter 160, Laws of 1913 and chapter 13.04 RCW a new section to read as follows:

Commitment orders—Scope.

When any child shall be found to be delinquent or dependent, within the meaning of this chapter, the court shall make such order for the care, custody, or commitment of the child as the child's welfare in the interest of the state require. Subject to further order, the court may commit the child:

- (1) To the care of such child's parents, subject to supervision of the probation officer; or
- (2) To the custody of a probation officer, subject to such conditions as the judge may impose; or
- (3) To a reputable citizen or association able and willing to receive and care for such child; or
- (4) To an appropriate private agency authorized to care for children; or
- (5) To the department of public assistance; or
- (6) To the department of institutions.

In no case shall a child be committed beyond the age of twenty-one years. A child committed to the department of institutions shall be subject to the supervision and control thereof and the department shall have the power to parole such child under such conditions as may be prescribed.

The department of institutions shall have the power to discharge such child from custody, and the court shall have the power to rescind the commitment of such child, whenever his or her reformation shall be deemed complete.

RCW 13.04.100 amended.

SEC. 7. Section 8, chapter 160, Laws of 1913 and RCW 13.04.100 are each amended to read as follows:

An order of commitment may be temporary or

permanent in the discretion of the court, and may be revoked or modified as the circumstances of the case may thereafter require. In any case in which the court shall find the child dependent or delinquent, it may in the same or subsequent proceeding upon the parent or parents, guardian, or other person having custody of said child, being duly summoned or voluntarily appearing, proceed to inquire into the ability of such persons or person to support the child or contribute to its support, and if the court shall find such person or persons able to support the child or contribute thereto, the court may enter such order or decree as shall be according to equity in the premises, and may enforce the same by execution, or in any way in which a court of equity may enforce its decrees. In any case where it appears that the parents, guardian, or other person having custody of the child is unable to support the child, or contribute to his support, the court shall give notice of such fact to the department of public assistance, and in all such cases the department shall be given an opportunity to appear and be heard. In event such child is ordered committed other than to the department of institutions, or the department of public assistance, the court may further order that the department of public assistance support, or contribute to the support of the child to the extent that the total of such support will not exceed the rate per month as from time to time may be fixed by said department for other children in similar foster care. If, under emergency circumstances, immediate placement in foster care is necessary, or desirable for the welfare of the child, the court may place a child directly with a foster parent or parents in a foster home not then having a certificate as such, and in such case the court shall notify the department of public assistance of such placement.

Commitment
of child—
Financial
support.

The department of public assistance shall prompt-

ly evaluate the home in relation to the needs of the child, report its findings to the court and keep the court informed of the progress of the child. In the event of such emergency placement, the department of public assistance shall pay for such foster care from the time of placement. Such foster care may be provided for a child who is, by order, under the supervision of a probation officer.

Whenever a child is committed to the department of public assistance, the department shall report to the court, from time to time as the court may require, as to the financial condition of the parent or guardian: *Provided*, That no order for the payment by the department of public assistance of all or part of the expense of support and maintenance of a dependent or delinquent child shall be effective for more than six months, unless a new order is secured at the expiration of that period.

RCW 13.04.105
amended.

SEC. 8. Section 1, chapter 188, Laws of 1955 and RCW 13.04.105 are each amended to read as follows:

Judgment
for financial
support.

In any case in which an order or decree of the juvenile court requiring a parent or parents, guardian, or other person having custody of a child to pay for detention care and/or support of such child is not complied with, the court may, upon such person or persons being duly summoned or voluntarily appearing, proceed to inquire into the amount due upon said order or decree and enter judgment for such amount against the defaulting party or parties, and such judgment shall be docketed as are other judgments for the payment of money.

In such judgments, the county in which the same are entered shall be denominated the judgment creditor, or the state may be the judgment creditor where the child is in the custody of a state agency and said judgments may be enforced by the prosecuting attorney of such county, or the attorney gen-

eral where the state is the judgment creditor and any moneys recovered thereon shall be paid into the registry of the juvenile court and shall be disbursed to such person, persons, agency, or governmental department as the court shall find to be entitled thereto.

Such judgments shall remain as valid and enforceable judgments for a period of six years subsequent to the entry thereof.

Sec. 9. There is added to chapter 160, Laws of 1913 and chapter 13.04 RCW a new section to read as follows:

In every case involving the change of custody or deprivation of parental rights of custody of a child, the child, through his parent, parents or guardian having legal custody of the child, shall have the right to a jury trial and an appeal to the supreme court in the same manner as appeals are provided for in civil cases or by writ of certiorari at the election of the appellant: PROVIDED, That juvenile courts shall have no jurisdiction in cases involving a minor over the age of sixteen years who is charged solely with violating any state motor vehicle law or any city or town traffic ordinance. Police courts, justice courts, or superior courts having jurisdiction shall dispose of such cases in like manner as with cases involving adult defendants.

Vetoed.

SEC. 10. There is added to chapter 160, Laws of 1913 and chapter 13.04 RCW a new section to read as follows:

New section.

Any boy or girl between the ages of eight and eighteen years who has been found delinquent by the juvenile court may be committed by the juvenile court to the department of institutions, for institutional placement in such reception diagnostic center, or other juvenile correctional facility under the supervision of the department of institutions as shall be designated by the director of the department of

Commitment
of delinquents
—Notice.

institutions: *Provided*, That at such time as institutional placement for any boy or girl committed by the juvenile court to the department has been designated by the director, or any transfer in institutional placement shall be made, notice thereof shall be given to the committing court and to the parents or guardian of such child, or any agency legally responsible for such child.

RCW 13.08.190 amended, re-codified.

SEC. 11. Section 4, chapter 297, Laws of 1957 as amended by section 2, chapter 251, Laws of 1959 and RCW 13.08.190 are each amended to read as set forth in section 12 of this amendatory act and said section is added to chapter 160, Laws of 1913 and to chapter 13.04 RCW.

Commitment of incorrigible juvenile delinquents in state reformatory.

SEC. 12. The director of the department of institutions may designate the Washington state reformatory for the transfer in institutional placement of incorrigible juvenile delinquents over the age of sixteen years, the custody of such children to remain in the director, and such children in no event to remain at the Washington state reformatory beyond the time at which they are eligible for a complete release from the state training school as provided in RCW 13.08.140: *Provided*, That the term "incorrigible juvenile delinquent" for the purposes of this section shall mean conduct by a juvenile committed to the department by the juvenile court indicating over the course of a reasonable period of time that the rehabilitative program of the department can be of no further benefit to such juvenile, and that he is in need of closer security.

New section.

SEC. 13. There is added to chapter 160, Laws of 1913 and chapter 13.04 RCW a new section to read as follows:

Petition for review of commitment of delinquents.

The decision of the director on institutional placement or transfer of institutional placement of any juvenile committed under the provisions of sections 10 and 11 of this amendatory act may be reviewed by

the committing court, upon the petition of the parents or guardian of such juvenile, or any agency legally responsible for such juvenile or by the committing court on its own motion. Such petition must be filed in the committing juvenile court within thirty days from the date of the giving of notice of institutional placement or transfer in institutional placement by the director. A copy of the petition shall be served upon the director and the attorney general, either personally or by registered mail, at least ten days prior to the date set for hearing.

SEC. 14. There is added to chapter 160, Laws of 1913 and chapter 13.04 RCW a new section to read as follows: New section.

If the court finds that the decision of the director on the institutional placement or transfer of institutional placement of any juvenile committed under the provisions of sections 10 and 11 of this amendatory act is arbitrary, capricious, or contrary to law, the court may change, modify, or set aside the decision of the director. The ruling of the committing court shall be appealable to the state supreme court. Review of
commitment
of delinquents
—Order—
Appeal.

SEC. 15. There is added to chapter 160, Laws of 1913 and chapter 13.04 RCW a new section to read as follows: New section.

The probation officer's investigation record and report in each case, shall be withheld from public inspection, but such records shall be kept open to the inspection of the child, his parents, or guardians, or attorney, and to such other persons as may secure a special order of the court therefor. Such records shall be kept as unofficial records of the court and may be destroyed at the discretion of the court. Probation
officer's
investigation
record—
Private—
Destruction of.

SEC. 16. There is added to chapter 160, Laws of 1913 and chapter 13.04 RCW a new section to read as follows: New section.

An order of court adjudging a child delinquent

Judgment not conviction of crime.

or dependent under the provisions of this chapter shall in no case be deemed a conviction of crime.

Repeal.

SEC. 17. Section 1, chapter 103, Laws of 1891 as amended by section 1, chapter 19, Laws of 1905 and RCW 13.08.080; section 2, chapter 103, Laws of 1891 as amended by section 2, chapter 19, Laws of 1905 and RCW 13.08.090; section 3, chapter 103, Laws of 1891 and RCW 13.08.100; section 4, chapter 103, Laws of 1891 and RCW 13.08.110; section 5, chapter 103, Laws of 1891 and RCW 13.08.120; section 6, chapter 103, Laws of 1891 and RCW 13.08.130; section 1, chapter 111, Laws of 1913 and RCW 13.08.140; section 3, page 257, chapter 97, Laws of 1909 and RCW 13.08.150; section 24, chapter 249, Laws of 1909 and RCW 13.08.160; section 6, chapter 157, Laws of 1913 and RCW 13.08.170; section 7, chapter 157, Laws of 1913 and RCW 13.08.180; section 5, chapter 297, Laws of 1957 and RCW 13.08.200; section 6, chapter 297, Laws of 1957 and RCW 13.08.210; section 72.16.080, chapter 28, Laws of 1959 and RCW 72.16.080; section 10, chapter 160, Laws of 1913 and RCW 13.04.090; are each hereby repealed.

Passed the House March 8, 1961.

Passed the Senate March 6, 1961.

Approved by the Governor March 21, 1961, with the exception of Section 9, which is vetoed.

NOTE: Excerpt of Governor's veto message reads as follows:

Veto message, excerpt.

"House Bill No. 26 is a result of several years' work of numerous public and private agencies. The bill modernizes and improves many sections of our Juvenile Court Act. It also adds several new provisions to the Juvenile Code. I am sincerely convinced that the changes made are on the whole salutary, and that they will result in further improving our handling of juveniles.

"Section 9 of House Bill No. 26 provides: 1. That in cases involving change of or deprivation of custody of children a jury trial shall be had; 2. that in addition to the writ of certiorari appeal shall lie in juvenile cases involving custody; and 3. that juveniles charged with violating provisions of the Motor Vehicle Code, or city ordinances pertaining to motor vehicles, shall be tried by a police court, justice court, or superior court, respectively, rather than in Juvenile Court.

"Let me say at the outset, that I appreciate the well intentioned efforts of the members of the Legislature to curb through the provisions of section 9, certain tyrannical tendencies on the part of some of our juvenile courts which have been manifested in a few instances. However,

I cannot conscientiously approve of the proffered remedies contained in section 9, because I do not believe it wise to 'burn the barn to roast a pig'.

"It is my firm conviction that to permit section 9 to become law would constitute a step backward in the administration of justice for juveniles.

"From times immemorial, down to the present day, matters concerning the custody of children have always been treated by our system of jurisprudence as being of equitable cognizance. Thus, in divorce cases where custody of children is often determined, no jury trial is allowed. Jury trials in custody cases would often prolong judicial proceedings in situations, where for the benefit of the children involved, speed of decision is of utmost importance. Take, for instance, the several cases of which all of us have become aware during recent years, where it had become necessary to deprive parents of custody forthwith in order that lifesaving medical treatment could be administered to a child. In addition, prolonged delays of decision in juvenile cases would necessarily result in undesirable, prolonged detention of juveniles. Furthermore, there exists a real danger that the publicity, and the formality of a jury trial might leave a child a victim of severe psychological trauma. Finally, jury trials in such cases would add considerably to the cost of administering the juvenile law thereby diverting funds which otherwise would be free to be devoted to the care or rehabilitation of young people.

"Some of the reasons advanced against allowing trial by jury in juvenile cases obviously are also applicable to permitting juvenile traffic offenders to be tried in courts other than a juvenile court. In addition I should point out that juvenile courts have developed certain very successful correctional devices for juvenile traffic offenders such as requirements of attending a traffic school and suspension of driver's permit in cases of offenses where the law pertaining to adults would not allow such suspension.

"While I believe that there is some real merit in allowing the right of appeal in juvenile cases, it is highly questionable whether I can single out for purposes of veto, that portion of section 9 dealing with the right of appeal.

"For the reasons indicated, section 9 is vetoed; the remainder of the bill is approved."

ALBERT D. ROSELLINI,
Governor.