

"I am returning herewith without my approval as to one section Substitute Senate Bill No. 2254 entitled:

"AN ACT Relating to agriculture;"

I am aware of the problems concerning the necessary and adequate control of brucellosis. I am also cognizant of the differences of opinion expressed by some members of the legislature trying to determine how best to assure effective control of this disease. Additionally two vital industries are involved, both the dairy and beef cattle interests. This administration recognizes their different and legitimate concerns.

Even so, I have reservations about the need to include Section 23 in this comprehensive omnibus agricultural bill, Substitute Senate Bill No. 2254. The language of this section could be construed to require the Director of Agriculture to establish a mandatory test for infections, contagious, communicable, and dangerous diseases at each change of ownership of all eligible animals in intrastate commerce. This section originated as an amendment in the House of Representatives, and I understand that it was developed in an effort to address the current problem of brucellosis.

There are two points I wish to make here. First, the amendment failed to recognize the ongoing brucellosis control program of the Department, and the importance of vaccination as the cornerstone of that program. Second, Section 23 could be construed as eliminating departmental discretion and causing the perpetuation of an expensive and difficult program of full testing for brucellosis and other diseases whether necessary or not and beyond the time when the current brucellosis outbreak is brought under control.

I believe that powers conferred upon the Director of the Department of Agriculture as set forth in RCW 16.36.040, RCW 16.40.010 and RCW 16.65.340, properly exercised and with sufficient resources of personnel and funding are adequate to assure that the state will be free of this serious disease.

With the exception of Section 23, which I have vetoed, the remainder of Substitute Senate Bill No. 2254 is approved."

CHAPTER 155

[Engrossed Substitute Senate Bill No. 2768]

JUVENILE JUSTICE, CARE, CUSTODY, TREATMENT

AN ACT Relating to juveniles; amending section 9A.76.010, chapter 260, Laws of 1975 1st ex. sess. as amended by section 53, chapter 291, Laws of 1977 ex. sess. and RCW 9A.76.010; amending section 2, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.011; amending section 3, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.021; amending section 2, chapter 160, Laws of 1913 as last amended by section 4, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.030; amending section 5, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.033; amending section 6, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.035; amending section 3, chapter 160, Laws of 1913 as last amended by section 8, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.040; amending section 2, chapter 132, Laws of 1945 and RCW 13.04.130; amending section 14, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.278; amending section 31, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.030; amending section 33, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.050; amending section 34, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.060; amending section 6, chapter 160, Laws of 1913 as amended by section 35, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.070; amending section 7, chapter 160, Laws of 1913 as last amended by section 36, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.080; amending section 37, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.090; amending section 38, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.100; amending section 5, chapter 302, Laws of 1961 as amended by section 39, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.110; amending section 40, chapter 291, Laws of

1977 ex. sess. and RCW 13.34.120; amending section 41, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.130; amending section 46, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.180; amending section 47, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.190; amending section 49, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.210; amending section 56, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.020; amending section 57, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.030; amending section 58, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.040; amending section 59, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.050; amending section 60, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.060; amending section 61, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.070; amending section 62, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.080; amending section 64, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.100; amending section 65, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.110; amending section 66, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.120; amending section 67, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.130; amending section 68, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.140; amending section 69, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.150; amending section 70, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.160; amending section 73, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.190; amending section 74, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.200; amending section 75, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.210; amending section 77, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.230; amending section 1, chapter 170, Laws of 1975 1st ex. sess. and RCW 13.40.300; amending section 17, chapter 172, Laws of 1967 as last amended by section 22, chapter 291, Laws of 1977 ex. sess. and RCW 74.13.031; amending section 9, chapter 291, Laws of 1955 as amended by section 1, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.090; amending section 3, chapter 30, Laws of 1965 as last amended by section 21, chapter 291, Laws of 1977 ex. sess. and RCW 74.13.020; amending section 2, chapter 172, Laws of 1967 as amended by section 71, chapter 80, Laws of 1977 ex. sess. and RCW 74.15.020; adding a new section to chapter 291, Laws of 1977 ex. sess. and to chapter 13.04 RCW; adding a new section to chapter 13.24 RCW; adding new sections to chapter 13.34 RCW; adding new sections to chapter 291, Laws of 1977 ex. sess. and to chapter 13.40 RCW; adding new chapters to Title 13 RCW; adding new sections to chapter 74.13 RCW; adding a new section to chapter 74.15 RCW; creating new sections; repealing section 10, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.270; repealing section 11, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.272; repealing section 12, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.274; repealing section 16, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.010; repealing section 17, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.020; repealing section 18, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.030; repealing section 19, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.040; repealing section 23, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.010; repealing section 24, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.020; repealing section 25, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.030; repealing section 26, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.040; repealing section 27, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.050; repealing section 42, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.140; repealing section 71, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.170; repealing section 54, chapter 291, Laws of 1977 ex. sess. and RCW 26.09.400; making an appropriation; prescribing penalties; and declaring an emergency.

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

Section 1. Section 2, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.011 are each amended to read as follows:

For purposes of this ((chapter)) title:

(1) Except as specifically provided in RCW 13.40.020 and chapter 13.24 RCW, as now or hereafter amended, "juvenile((;-))," "youth((;-))," and "child" ((shat)) mean any individual who is under the chronological age of eighteen years;

(2) "Juvenile offender" and "juvenile offense" ((shat)) have the meaning ascribed in RCW 13.40.010 through 13.40.240; ((and))

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

(4) "Parent" or "parents," except as used in chapter 13.34 RCW, as now or hereafter amended, means that parent or parents who have the right of legal custody of the child. "Parent" or "parents" as used in chapter 13.34 RCW, means the biological or adoptive parents of a child unless the legal rights of that person have been terminated by judicial proceedings;

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

Sec. 2. Section 3, chapter 291, Laws of 1977 ex. sess. and RCW 13.04-.021 are each amended to read as follows:

(1) The juvenile court shall be a division of the superior court. In judicial districts having more than one judge of the superior court, the judges of such court shall annually ~~(, in the month of January,)~~ assign one or more of their number to the juvenile court division. In any judicial district having a court commissioner, the court commissioner shall have the power, authority, and jurisdiction, concurrent with a juvenile court judge, to hear all cases under this chapter and to enter judgment and make orders with the same power, force, and effect as any judge of the juvenile court, subject to motion or demand by any party within ten days from the entry of the order or judgment by the court commissioner as provided in RCW 2.24.050.

(2) Cases in the juvenile court shall be tried without a jury.

Sec. 3. Section 2, chapter 160, Laws of 1913 as last amended by section 4, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.030 are each amended to read as follows:

The juvenile courts in the several counties of this state, shall have exclusive original jurisdiction over all proceedings:

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

(2) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170, as now or hereafter amended;

(3) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210, as now or hereafter amended;

(4) To approve or disapprove alternative residential placement as provided in ~~((RCW 13.32.020 through 13.32.050))~~ section 31 of this 1979 act;

(5) Relating to children alleged to be or found to be in need of involuntary civil commitment as provided in chapter 72.23 RCW;

(6) Relating to ~~((youth))~~ juveniles alleged or found to ~~((be a juvenile offender))~~ have committed offenses or violations as provided in RCW 13.40.020 through 13.40.230, as now or hereafter amended, unless:

(a) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110, as now or hereafter amended; or

(b) The ~~((period))~~ statute of limitations ~~((of actions))~~ applicable to adult prosecution for the offense ~~((alleged in the petition))~~ or violation has expired; or

(c) The alleged offense is a traffic, fish, boating, or game offense ~~((involves a violation of the traffic laws, which is not a misdemeanor, by juveniles over fifteen years of age))~~ committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried in a court of limited jurisdiction, in which instance the case shall be heard in the appropriate court of limited jurisdiction: PROVIDED, That where such an alleged offense and an alleged offense subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters: PROVIDED FURTHER, That the jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1) or subsection (6)(a) of this section; and

(7) Under the interstate compact on juveniles as provided in chapter 13.24 RCW.

Sec. 4. Section 5, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.033 are each amended to read as follows:

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

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

Sec. 5. Section 6, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.035 are each amended to read as follows:

Juvenile court, probation counselor, and detention services shall be administered by the superior court, except that by local court rule and agreement with the legislative authority of the county they may be administered by the legislative authority of the county in the manner prescribed by RCW 13.20.060: PROVIDED, That in any class AA county such services shall be administered in accordance with chapter 13.20 RCW. The administrative body shall appoint an administrator of juvenile court, probation counselor,

and detention services who shall be responsible for day-to-day administration of such services, and who may also serve in the capacity of a probation counselor. One person may, pursuant to the agreement of more than one administrative body, serve as administrator of more than one juvenile court.

Sec. 6. Section 3, chapter 160, Laws of 1913 as last amended by section 8, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.040 are each amended to read as follows:

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

(1) Receive and examine referrals to the juvenile court for the purpose of considering the filing of a petition or information pursuant to RCW ~~((13.32.020,))~~ 13.34.040, 13.34.180, and 13.40.070 as now or hereafter amended, and section 29 of this 1979 act;

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

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

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

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

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

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

The probation counselors and persons appointed to have charge of detention facilities shall each receive compensation which shall be fixed by the ~~((board))~~ legislative authority of the county ((commissioners)), or in cases of joint counties, judicial districts of more than one county, or joint judicial

districts such sums as shall be agreed upon by the (~~boards of county commissioners~~) legislative authorities of the counties affected, and such persons shall be paid as other county officers are paid.

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

Sec. 7. Section 2, chapter 132, Laws of 1945 and RCW 13.04.130 are each amended to read as follows:

(1) Neither the fingerprints nor a photograph (~~shall be taken~~) of any (~~child under the age of eighteen years~~) juvenile may be taken (~~into custody for any purpose~~) without the consent of juvenile court, except as provided in subsection (2) of this section and RCW 10.64.110.

(2) A law enforcement agency may fingerprint and photograph a juvenile arrested for a felony offense. If the court finds a juvenile's arrest for a felony offense unlawful, the court shall order the fingerprints and photographs of the juvenile taken pursuant to that arrest expunged, unless the court, after a hearing, orders otherwise.

NEW SECTION. Sec. 8. (1) For purposes of this chapter:

(a) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the department of social and health services and its contracting agencies, and persons or public or private agencies having children committed to their custody;

(b) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders;

(c) "Social file" means the juvenile court file containing the records and reports of the probation counselor;

(d) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information;

(b) An agency shall take reasonable steps to insure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment, or to individuals or agencies engaged in legitimate research for educational, scientific, or public purposes. The court may also permit inspection of, or release of information from, records which have been sealed pursuant to section 9(11) of this act. Access to records or information for research purposes shall be permitted only if the anonymity of all persons mentioned in the records or information will be preserved. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

NEW SECTION. Sec. 9. (1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (11) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section and section 8 of this act.

(4) Except as otherwise provided in this section and section 8 of this act, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being

pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized.

(8) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(9) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding may be released to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system may be released to the adult corrections system.

(10) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(11) The court shall grant the motion to seal records made pursuant to subsection (10) of this section if it finds that:

(a) Two years have elapsed from the later of: (i) Final discharge of the person from the supervision of any agency charged with supervising juvenile offenders; or (ii) from the entry of a court order relating to the commission of a juvenile offense or a criminal offense;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense; and

(c) No proceeding is pending seeking the formation of a diversion agreement with that person.

(12) The person making a motion pursuant to subsection (10) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(13) If the court grants the motion to seal made pursuant to subsection (10) of this section, it shall order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(14) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in section 8(8) of this act.

(15) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order.

(16) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person who is the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and order the destruction of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(17) The court may grant the motion to destroy records made pursuant to subsection (16) of this section if it finds:

- (a) The person making the motion is at least twenty-three years of age;
- (b) The person has not subsequently been convicted of a felony;
- (c) No proceeding is pending against that person seeking the conviction of a criminal offense; and
- (d) The person has never been found guilty of a serious offense.

(18) If the court grants the motion to destroy records made pursuant to subsection (16) of this section, it shall order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

(19) The person making the motion pursuant to subsection (16) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(20) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

(21) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

(22) Any juvenile justice or care agency may, subject to the limitations in subparagraphs (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

NEW SECTION. Sec. 10. (1) This section governs records not covered by section 9 of this act.

(2) Records covered by this section shall be confidential and shall be released only pursuant to this section and section 8 of this act.

(3) Records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility of supervising the juvenile.

(4) A juvenile, his or her parents, the juvenile's attorney and the juvenile's parent's attorney, shall, upon request, be given access to all records and information collected or retained by a juvenile justice or care agency which pertain to the juvenile except:

(a) If it is determined by the agency that release of this information is likely to cause severe psychological or physical harm to the juvenile or his or her parents the agency may withhold the information subject to other order of the court: PROVIDED, That if the court determines that limited release of the information is appropriate, the court may specify terms and conditions for the release of the information; or

(b) If the information or record has been obtained by a juvenile justice or care agency in connection with the provision of counseling, psychological, psychiatric, or medical services to the juvenile, and the juvenile has a legal right to receive those services without the consent of any person or agency, then the information or record may not be disclosed to the juvenile's parents without the informed consent of the juvenile.

(5) A juvenile or his or her parent denied access to any records following an agency determination under subsection (4) of this section may file a motion in juvenile court requesting access to the records. The court shall grant the motion unless it finds access may not be permitted according to the standards found in subsections (4) (a) and (b) of this section.

(6) The person making a motion under subsection (5) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(7) Subject to the rules of discovery in civil cases, any party to a proceeding seeking a declaration of dependency or a termination of the parent-child relationship and any party's counsel and the guardian ad litem of any party, shall have access to the records of any natural or adoptive child of the parent, subject to the limitations in subsection (4) of this section.

(8) Information concerning a juvenile or a juvenile's family contained in records covered by this section may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

NEW SECTION. Sec. 11. This chapter applies to all juvenile justice or care agency records created on or after July 1, 1978.

NEW SECTION. Sec. 12. Sections 8 through 11 of this act shall constitute a new chapter in Title 13 RCW. RCW 13.04.276 and 13.04.278, each as now or hereafter amended, are decodified and shall be recodified as part of such new chapter.

Sec. 13. Section 14, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.278 are each amended to read as follows:

Notwithstanding any other provision of this chapter, whenever a child is arrested for a violation of any law, including municipal ordinances, regulating the operation of vehicles on the public highways, a copy of the traffic citation and a record of the action taken by the ((juvenile)) court shall be forwarded by the juvenile court to the ((director of licenses)) department of licensing in the same manner as provided in RCW ((46.20.280)) 46.20.270.

NEW SECTION. Sec. 14. There is added to chapter 291, Laws of 1977 ex. sess. and chapter 13.04 RCW a new section to read as follows:

Nothing in chapter 13.04, 13.06, 13.30, 13.32, 13.34, or 13.40 RCW may be construed to prevent a juvenile from being found both dependent and an offender if there exists a factual basis for such a finding.

NEW SECTION. Sec. 15. The legislature finds that within any group of people there exists a need for guidelines for acceptable behavior and that, presumptively, experience and maturity are better qualifications for establishing guidelines beneficial to and protective of individual members and the group as a whole than are youth and inexperience. The legislature further finds that it is the right and responsibility of adults to establish laws for the benefit and protection of the society; and that, in the same manner, the right and responsibility for establishing reasonable guidelines for the family unit belongs to the adults within that unit. The legislature reaffirms its position stated in RCW 13.34.020 that the family unit is the fundamental resource of American life which should be nurtured and that it should remain intact in the absence of compelling evidence to the contrary.

NEW SECTION. Sec. 16. This chapter shall be known and may be cited as the Procedures for Families in Conflict.

NEW SECTION. Sec. 17. As used in this chapter the following terms have the meanings indicated unless the context clearly requires otherwise:

- (1) "Department" means the department of social and health services;
- (2) "Child," "juvenile," and "youth" mean any individual who is under the chronological age of eighteen years;
- (3) "Parent" means the legal custodian(s) or guardian(s) of a child;
- (4) "Semi-secure facility" means any facility, including but not limited to crisis residential centers or specialized foster family homes, operated in a manner to reasonably assure that youth placed there will not run away: **PROVIDED,** That such facility shall not be a secure institution or facility as defined by the federal juvenile justice and delinquency prevention act of 1974 (P.L. 93-415; 42 U.S.C. Sec. 5634 et seq.) and regulations and clarifying instructions promulgated thereunder. Pursuant to rules established by the department, the facility administrator shall establish reasonable hours for residents to come and go from the facility such that no residents are free to come and go at all hours of the day and night. To prevent residents from taking unreasonable actions, the facility administrator, where appropriate, may condition a resident's leaving the facility upon the resident being accompanied by the administrator or the administrator's designee and the resident may be required to notify the administrator or the administrator's designee of any intent to leave, his or her intended destination, and the probable time of his or her return to the center.

NEW SECTION. Sec. 18. Families who are in conflict may request crisis intervention services from the department. Such services shall be provided to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or family and to maintain families intact wherever possible. Crisis intervention services shall be designed to develop skills and supports within families to resolve family conflicts and may include but are not limited to referral to services for suicide prevention, psychiatric or other medical care, or psychological, welfare, legal, educational, or other social services, as appropriate to the needs of the child and the family.

NEW SECTION. Sec. 19. A law enforcement officer shall take a juvenile into custody:

- (1) If a law enforcement agency has been contacted by the parent of the child that the child is absent from custody without consent; or
- (2) If a law enforcement officer reasonably believes that a juvenile is in circumstances which constitute a serious danger to the juvenile's physical safety; or

(3) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement.

In no case may law enforcement custody extend more than six hours from the time of the juvenile's initial contact with the law enforcement officer.

NEW SECTION. Sec. 20. (1) An officer taking a juvenile into custody under section 19 of this 1979 act shall inform the juvenile of the reason for such custody and shall transport the juvenile to his or her home if the juvenile consents. The officer so releasing a juvenile from custody shall inform the parent of the reason for taking the juvenile into custody and may, if he or she believes further services may be needed, inform the juvenile and the person to whom the juvenile is released of the nature and location of appropriate services.

(2) If, in the judgment of the law enforcement officer, it is not practical nor in the best interests of the family to take the juvenile home, the law enforcement officer shall take the juvenile to a designated crisis residential center licensed by the department and established pursuant to chapter 74.13 RCW. The department shall ensure that all the enforcement authorities are informed on a regular basis as to the location of the designated crisis residential shelter or shelters in their judicial district, where juveniles taken into custody under section 19 of this 1979 act may be taken.

NEW SECTION. Sec. 21. An officer taking a juvenile into custody under section 19 of this 1979 act may, at his or her discretion, transport the juvenile to the home of a responsible adult other than the child's parent where the officer reasonably believes that the child will be provided with adequate care and supervision and that the child will remain in the custody of such adult until such time as the department can bring about the child's return home or an alternative residential placement can be agreed to or determined pursuant to this chapter. An officer placing a juvenile with a responsible adult other than his or her parent shall immediately notify the department's local community service office of this fact and of the reason for taking the juvenile into custody.

A law enforcement officer acting reasonably and in good faith pursuant to this chapter in releasing a juvenile to a person other than a parent of such juvenile is immune from civil or criminal liability for such action. A person other than a parent of such juvenile who receives a child pursuant to this chapter and who acts reasonably and in good faith in doing so is immune from civil or criminal liability for the act of receiving such child. Such immunity does not release such person from liability under any other law including the laws regulating licensed child care and prohibiting child abuse.

NEW SECTION. Sec. 22. (1) Any person who knowingly provides shelter to a child without the acquiescence of the child's parent shall be guilty of a gross misdemeanor if he or she refuses to release the child to a law enforcement officer after being informed by the officer that the child is a reported runaway and that refusal to release the juvenile is a gross misdemeanor. This section does not apply to any person providing shelter to a reported runaway pursuant to section 23 of this 1979 act.

(2) Any person who provides shelter to a child, absent from home, may notify the department's local community service office of the child's presence.

(3) An adult responsible for involving a juvenile in the commission of an offense may be prosecuted under existing criminal statutes including, but not limited to:

(a) Distribution of a controlled substance to a minor, as defined in RCW 69.50.406;

(b) Promoting prostitution as defined in chapter 9A.88 RCW; and

(c) Complicity of the adult in the crime of a minor, under RCW 9A.08.020.

NEW SECTION. Sec. 23. (1) The person in charge of a designated crisis residential center or the department pursuant to section 21 of this 1979 act shall perform the duties under subsection (2) of this section:

(a) Upon admitting a child who has been brought to the center by a law enforcement officer under section 20 of this 1979 act;

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

(c) Upon learning from a person under section 22(2) of this 1979 act that the person is providing shelter to a child absent from home; or

(d) Upon learning that a child has been placed with a responsible adult pursuant to section 21 of this 1979 act.

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

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

(b) Notify and inform the parent of the child as to the parent's rights under this chapter including, but not limited to, the right to file an alternative residential placement petition;

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

(d) Arrange transportation for the child to the residence of the parent, as soon as practicable, at the latter's expense to the extent of his or her ability to pay, with any unmet transportation expenses to be assumed by the

department, when the child and his or her parent agrees to the child's return home;

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

NEW SECTION. Sec. 24. Where a child is placed in a residence other than that of his or her parent pursuant to section 23(2)(e) of this 1979 act, the department shall make available crisis intervention services in order to facilitate the reunification of the family. Any such placement may continue as long as there is agreement by the child and parent.

NEW SECTION. Sec. 25. If a child who has a legal residence outside the state of Washington is admitted to a crisis residential center or is placed by a law enforcement officer with a responsible person other than the child's parent, and the child refuses to return home, the provisions of RCW 13.24-.010 shall apply.

NEW SECTION. Sec. 26. (1) Where either a child or the child's parent or the person or facility currently providing shelter to the child notifies the center that such individual or individuals cannot agree to the continuation of an alternative residential placement arrived at pursuant to section 23(2)(e) of this 1979 act, the center shall immediately contact the remaining party or parties to the agreement and shall attempt to bring about the child's return home or to an alternative living arrangement agreeable to the child and the parent as soon as practicable.

(2) If a child and his or her parent cannot agree to an alternative residential placement under section 23(2)(e) of this 1979 act, either the child or parent may file with the juvenile court a petition to approve an alternative residential placement.

(3) If a child and his or her parent cannot agree to the continuation of an alternative residential placement arrived at under section 23(2)(e) of this 1979 act, either the child or parent may file with the juvenile court a petition to approve an alternative residential placement.

NEW SECTION. Sec. 27. A child admitted to a crisis residential center under this chapter who is not returned to the home of his or her parent or who is not placed in an alternative residential placement under section 23(2)(e) of this 1979 act shall, except as provided for by section 28 and section 30(2) of this 1979 act, reside in such placement under the rules and regulations established for the center for a period not to exceed seventy-two hours from the point of intake, except as otherwise provided by this chapter.

NEW SECTION. Sec. 28. The department shall file a petition to approve an alternative residential placement on behalf of a child under any of the following sets of circumstances:

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

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

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

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

(d) No petition requesting approval of an alternative residential placement has been filed by either the child or parent or legal custodian; and

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

(2) The child has been admitted to a crisis residential center or placed with a responsible adult other than his or her parent, and:

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

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

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

(3) An agreement between parent and child made pursuant to section 23(2)(e) or pursuant to section 26(1) of this 1979 act is no longer acceptable to parent or child, and:

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

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

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

(d) No petition requesting approval of an alternative residential placement has been filed by either the child or the parent; and

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

Under the circumstances of subsections (1), (2), or (3) of this section, the child shall remain in a licensed child care facility, including but not limited to a crisis residential center, or in any other suitable residence to be determined by the department until an alternative residential placement petition filed by the department on behalf of the child is reviewed by the juvenile court and is resolved by such court. The state, when the department files a petition for alternative residential placement under this section, shall be represented as provided for in RCW 13.04.093.

NEW SECTION. Sec. 29. A child or a child's parent may file with the juvenile court a petition to approve an alternative residential placement for the child outside the parent's home. The department shall, when requested,

assist either a parent or child in the filing of the petition. The petition shall only ask that the placement of a child outside the home of his or her parent be approved or disapproved. The filing of a petition to approve or disapprove such placement is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent, and confers upon the court a special jurisdiction to approve or disapprove alternative residential placement or its continuation.

NEW SECTION. Sec. 30. (1) When a proper petition is filed under section 26, 28, or 29 of this 1979 act the juvenile court shall: (a) Schedule a date for a fact-finding hearing; notify the parent and child of such date; (b) notify the parent of the right to be represented by counsel and, if indigent, to have counsel appointed for him or her by the court; (c) appoint legal counsel for the child; (d) inform the child and his or her parent of the legal consequences of the court approving or disapproving an alternative residential placement petition; and (e) notify all parties of their right to present evidence at the fact-finding hearing.

(2) Upon filing of an alternative residential placement petition, the child may be placed, if not already placed, by the department in a crisis residential center, foster family home, group home facility licensed under chapter 74.15 RCW, or any other suitable residence to be determined by the department.

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

NEW SECTION. Sec. 31. (1) The court shall hold a fact-finding hearing to consider a proper petition and may approve or disapprove alternative residential placement giving due weight to the intent of the legislature expressed in section 15 of this 1979 act. The court may approve an order stating that the child shall be placed in a residence other than the home of his or her parent if it is established by a preponderance of the evidence that a serious conflict exists between the parent and child and that the conflict cannot be resolved by the delivery of services to the family during continued placement of the child in the parental home.

(2) The order approving out-of-home placement shall direct the department to submit a disposition plan for a three-month placement of the child that is designed to reunite the family and resolve the family conflict. In making the order, the court shall further direct the department to make recommendations, as to which agency or person should have physical custody of the child, as to which parental powers should be awarded to such agency or person, and as to parental visitation rights. The court may direct

the department to consider the cultural heritage of the child in making its recommendations.

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

(4) If the court disapproves a petition for an alternative residential placement, a written statement of the reasons shall be filed. If the court disapproves a petition requesting that a child be placed in a residence other than the home of his or her parent, the court shall instruct that the child remain at or return to the home of his or her parent.

(5) The court shall dismiss the petition if it finds (a) that a petition filed pursuant to section 29 of this 1979 act is capricious, or (b) that the filing party did not first reasonably attempt to resolve the conflict outside the court. Upon dismissing the petition, the court shall impress upon the party filing the petition of the legislative intent to restrict the proceedings to situations where a family conflict is so great that it cannot be resolved by the provision of in-home services.

NEW SECTION. Sec. 32. (1) At a dispositional hearing held to consider the three-month dispositional plan presented by the department the court shall consider all such recommendations included therein. The court, consistent with the stated goal of resolving the family conflict and reuniting the family, may modify such plan and shall make its dispositional order for a three-month out-of-home placement for the child. The court dispositional order shall specify the person or agency with whom the child shall be placed, those parental powers which will be temporarily awarded to such agency or person including but not limited to the right to authorize medical, dental, and optical treatment, and parental visitation rights. Any agency or residence at which the child is placed must, at a minimum, comply with minimum standards for licensed family foster homes.

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

NEW SECTION. Sec. 33. (1) Upon making a dispositional order under section 32 of this 1979 act, the court shall schedule the matter on the calendar for review within three months, advise the parties of the date thereof, appoint legal counsel to represent the child and the parent, if indigent, at the review hearing, advise nonindigent parents of their right to be represented by legal counsel at the review hearing, and notify the parties of their rights to present evidence at the hearing.

(2) At the review hearing the court: (a) Shall approve or disapprove the continuation of the dispositional plan according to the standards of resolving

the conflict and reuniting the family which governed the initial approval; (b) if out-of-home placement is continued, the court may modify the dispositional plan according to the standards of resolving the family conflict and reuniting the family and shall set the matter on the calendar for further review within six months; (c) may determine that interim services as may be appropriate have been offered to the parent and child.

(3) Subsequent six-month review hearings shall be held pursuant to this section until such time as the family is reunited. If the court, at any such hearing, does not approve the continuation of an alternative residential placement and states that the child shall reside with his or her parents, it may hold another review hearing within six months.

NEW SECTION. Sec. 34. All hearings pursuant to this chapter may be conducted at any time or place within the county of the residence of the parent and such cases shall not be heard in conjunction with the business of any other division of the superior court. The general public shall be excluded from hearings and only such persons who are found by the court to have a direct interest in the case or the work of the court shall be admitted to the proceedings.

Sec. 35. Section 9A.76.010, chapter 260, Laws of 1975 1st ex. sess. as amended by section 53, chapter 291, Laws of 1977 ex. sess. and RCW 9A.76.010 are each amended to read as follows:

The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Custody" means restraint pursuant to a lawful arrest or an order of a court: PROVIDED, That custody pursuant to chapter(~~(s 13.30, 13.32, and)~~) 13.34 RCW and RCW 74.13.020 and 74.13.031 and sections 15 through 34 of this 1979 act shall not be deemed custody for purposes of this chapter;

(2) "Detention facility" means any place used for the confinement of a person (a) arrested for, charged with or convicted of an offense, or (b) charged with being or adjudicated to be a juvenile offender as defined in RCW 13.40.020 as now existing or hereafter amended, or (c) held for extradition or as a material witness, or (d) otherwise confined pursuant to an order of a court, except an order under chapter(~~(s 13.32 and)~~) 13.34 RCW or sections 15 through 34 of this 1979 act, or (e) in any work release, furlough, or other such facility or program;

(3) "Contraband" means any article or thing which a person confined in a detention facility is prohibited from obtaining or possessing by statute, rule, regulation, or order of a court.

NEW SECTION. Sec. 36. There is added to chapter 13.24 RCW a new section to read as follows:

(1) The governor is hereby authorized and directed to execute a compact amending and supplementing the interstate compact on juveniles on

behalf of this state with any other state or states legally joining therein in the form substantially as set forth in subsection (2) of this section.

(2) (a) All provisions and procedures of Articles V and VI of the interstate compact on juveniles shall be construed to apply to any juvenile charged with being a delinquent by reason of a violation of any criminal law. Any juvenile charged with being a delinquent by reason of violating any criminal law, shall be returned to the requesting state upon a requisition to the state where the juvenile may be found. A petition in such case shall be filed in a court of competent jurisdiction in the requesting state where the violation of criminal law is alleged to have been committed. The petition may be filed regardless of whether the juvenile has left the state before or after the filing of the petition. The requisition described in Article V of the compact shall be forwarded by the judge of the court in which the petition has been filed.

(b) This amendment provides additional remedies and shall be binding only as among and between those party states which substantially execute the same.

Sec. 37. Section 31, chapter 291, Laws of 1977 ex. sess. and RCW 13-34.030 are each amended to read as follows:

For purposes of this chapter:

(1) "Child" and "juvenile" (~~((shall))~~) means any individual under the age of eighteen years;

(2) "Dependent child" (~~((shall))~~) means any child:

(a) Who has been abandoned; that is, (~~((left by his or her parents, guardian, or other custodian without parental care and support))~~) where the child's parent, guardian, or other custodian has evidenced either by statement or conduct, a settled intent to forego, for an extended period, all parental rights or all parental responsibilities despite an ability to do so; or

(b) Who is abused or neglected as defined in chapter 26.44 RCW; or

(c) Who has no parent, guardian, or custodian(~~(, or~~

~~(d) Any child:~~

~~(i) Who is in conflict with his or her parent, guardian, or custodian;~~

~~(ii) Who refuses to remain in any nonsecure residential placement ordered by a court pursuant to RCW 13.32.040;~~

~~(iii) Whose conduct evidences a substantial likelihood of degenerating into serious delinquent behavior if not corrected; and~~

~~(iv) Who is in need of custodial treatment in a diagnostic and treatment facility))~~ willing and capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development.

Sec. 38. Section 33, chapter 291, Laws of 1977 ex. sess. and RCW 13-34.050 are each amended to read as follows:

The (~~(juvenile))~~) court may enter an order directing a law enforcement officer, probation counselor, or child protective services official to take a

child into custody if a petition is filed with the juvenile court alleging that the child is dependent and the court finds reasonable grounds to believe the child is dependent and that the child's health, safety, and welfare will be seriously endangered if not taken into custody.

Sec. 39. Section 34, chapter 291, Laws of 1977 ex. sess. and RCW 13-.34.060 are each amended to read as follows:

(1) A child taken into custody pursuant to RCW 13.34.050 or 26.44.050 shall be immediately placed in shelter care. "Shelter care" means temporary physical care in a ~~((foster family home or receiving home))~~ facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to that section. Whenever a child is taken into such custody pursuant to this section, the supervising agency may authorize routine medical and dental examination and care and all necessary emergency care. In no case ~~((shall))~~ may a child who is taken into custody pursuant to RCW 13.34.050 or 26.44.050 be detained in a secure detention facility. No child may be held longer than seventy-two hours, excluding Sundays and holidays, after such child is taken into custody unless a court order has been entered for continued shelter care. The child and his or her parent, guardian, or custodian shall be informed that they have a right to a ~~((preliminary))~~ shelter care hearing. The court shall hold a ~~((preliminary))~~ shelter care hearing if one is requested.

(2) The juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

(3) At the commencement of the shelter care hearing the court shall advise the parties of their basic rights as provided in RCW 13.34.090 and shall appoint counsel pursuant to RCW 13.34.090 if counsel has not been retained by the parent or guardian ~~((or))~~ and if the parent or guardian is indigent, unless the court finds that the right to counsel has been expressly and voluntarily waived.

(4) The court shall take testimony concerning the circumstances for taking the child into custody and the need for shelter care. The court shall give the child and the child's parent or guardian and the parent's or guardian's counsel an opportunity to introduce evidence, to be heard in their own behalf, and to examine witnesses.

(5) ~~((In class A and AA counties the department of social and health services (and in all other counties))~~ The juvenile court probation counselor ~~((shall))~~ shall submit a recommendation to the court as to the further need for shelter care, except that such recommendation shall be submitted by the department of social and health services in cases where the petition alleging dependency has been filed by the department of social and health services, unless otherwise ordered by the court.

(6) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian (~~(or other suitable person able and willing to provide supervision and care for such child)~~) unless the court finds there is reasonable cause to believe that:

(a) The child has no parent, guardian, or legal custodian(~~(, or other suitable person)~~) to provide supervision and care for such child; or

(b) The release of such child would present a serious threat of substantial harm to such child.

~~((If continued shelter care is ordered, the court shall set forth its reasons for continued shelter care.))~~ If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order.

(7) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(8) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. No child (~~shall~~) may be detained for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

Sec. 40. Section 6, chapter 160, Laws of 1913 as amended by section 35, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.070 are each amended to read as follows:

(1) Upon the filing of the petition, the clerk of the court shall issue a summons, one directed to the child, if the child is twelve or more years of age, and another to the parents, guardian, or custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to hear the petition. Where the custodian is summoned, the parent or guardian or both shall also be served with a summons. The hearing on the petition shall be set for a time no later than forty-five days after the filing of the petition and shall be held at such time, unless for good cause the hearing is continued to a later time at the request of either party.

(2) A copy of the petition shall be attached to each summons.

(3) The summons shall advise the parties of the right to counsel.

(4) The judge may endorse upon the summons an order directing any parent, guardian, or custodian having the custody or control of the child to bring the child to the hearing.

(5) If it appears from affidavit or sworn statement presented to the judge that there is probable cause for the issuance of a warrant of arrest or that the child needs to be taken into custody pursuant to RCW 13.34.050, the judge may endorse upon the summons an order that an officer serving

the summons shall at once take the child into custody and take him to the place of shelter designated by the court.

(6) If the person summoned as provided in this section is subject to an order of the court pursuant to subsection (4) or (5) of this section, and if the person fails to abide by the order, he may be proceeded against as for contempt of court. The order endorsed upon the summons shall conspicuously display the following legend:

NOTICE:
VIOLATION OF THIS ORDER
IS SUBJECT TO PROCEEDING
FOR CONTEMPT OF COURT
PURSUANT TO RCW 13.04.070.

(7) If a party to be served with a summons can be found within the state, the summons shall be served upon the party personally at least five court days before the fact-finding hearing, or such time as set by the court. If the party is within the state and cannot be personally served, but the party's address is known or can with reasonable diligence be ascertained, the summons may be served upon the party by mailing a copy thereof by certified mail at least ten court days before the hearing, or such time as set by the court. If a party other than the child is without the state but can be found or the address is known, or can with reasonable diligence be ascertained, service of the summons may be made either by delivering a copy thereof to the party personally or by mailing a copy thereof to the party by certified mail at least ten court days before the fact-finding hearing, or such time as set by the court.

~~((7))~~ (8) Service of summons may be made under the direction of the court by any person ~~((twenty-one))~~ eighteen years of age or older who is not a party to the proceedings or by any law enforcement officer, probation counselor, or department of social and health services social worker.

~~((8) If the person summoned as herein provided, shall fail without reasonable cause to appear and abide the order of the court, he may be proceeded against as for contempt of court.))~~

(9) In any proceeding brought under this chapter where the court knows or has reason to know that the child involved is a member of an Indian tribe, notice of the pendency of the proceeding shall also be sent by registered mail, return receipt requested, to the child's tribe. If the identity or location of the tribe cannot be determined, such notice shall be transmitted to the secretary of the interior of the United States.

Sec. 41. Section 7, chapter 160, Laws of 1913 as last amended by section 36, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.080 are each amended to read as follows:

In a dependency case where it ~~((shall))~~ appears 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 13.34.070, and a copy of ~~((said))~~ the 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))~~ shall direct the clerk to publish notice ~~((published))~~ in a legal newspaper printed in the county, qualified to publish summons, once a week for three consecutive weeks, with the first publication of ~~((said))~~ the 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. 42. Section 37, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.090 are each amended to read as follows:

Any party has a right to be represented by an attorney ~~((of his or her own choosing))~~ in all proceedings under this chapter, to introduce evidence, to be heard in his or her own behalf, to examine witnesses, to receive a decision based solely on the evidence adduced at the hearing, and to an unbiased fact-finder.

At all stages of a proceeding in which a child is alleged to be dependent pursuant to RCW 13.34.030(2) ~~((a), (b), or (c))~~, the child's parent or guardian ~~((shall have))~~ has the right to be represented by counsel, and if indigent, to have counsel appointed for him or her by the court.

~~((A child alleged to be dependent pursuant to RCW 13.34.030(2)(d) shall have the right to appointed counsel.))~~

Sec. 43. Section 38, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.100 are each amended to read as follows:

The court, at any stage of a proceeding under this chapter, may appoint an attorney and/or a guardian ad litem for a child who is a party to the proceedings. A party to the proceeding or the party's employee or representative shall not be so appointed. Such attorney and/or guardian ad litem shall receive all notice contemplated for a parent in all proceedings under this chapter. A report by the guardian ad litem to the court shall contain,

where relevant, information on the legal status of a child's membership in any Indian tribe or band.

Sec. 44. Section 5, chapter 302, Laws of 1961 as amended by section 39, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.110 are each amended to read as follows:

The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor, and after it has announced its findings of fact shall hold a hearing to consider disposition of the case immediately following the fact-finding hearing or at a continued hearing within fourteen days or longer for good cause shown. No social file or social study (~~shall~~) may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by mail of the time and place of any continued hearing.

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

Sec. 45. Section 40, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.120 are each amended to read as follows:

(1) To aid the court in its decision on disposition, a social study, consisting of a written evaluation of matters relevant to the disposition of the case, shall be made by the person or agency filing the petition. The study shall include all social records and may also include facts relating to the child's cultural heritage, and shall be made available to the court. The court shall consider the social file and social study at the disposition hearing in addition to evidence produced at the fact-finding hearing.

(2) In addition to the requirements set forth in subsection (1) of this section, a predisposition study to the court in cases of dependency alleged pursuant to RCW 13.34.030(2) (b) or (c) shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific programs, for both the parents and child, that are needed in order to prevent (~~further~~) serious harm to the child; the reasons why such programs are likely to be useful; the availability

of any proposed services; and the agency's overall plan for ensuring that the services will be delivered;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs which have been considered and rejected; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal. This section should include an exploration of the nature of the parent-child attachment and the meaning of separation and loss to both the parents and the child;

(e) A description of the steps that will be taken to minimize harm to the child that may result if separation occurs; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

Sec. 46. Section 41, chapter 291, Laws of 1977 ex. sess. and RCW 13-.34.130 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, as now or hereafter amended, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030(2) (~~((a), (b), or (c))~~); after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be (~~placed in foster care~~) removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Such an order may be made only if:

(i) There is no parent or guardian available to care for such child; or

(ii) The child is unwilling to reside in the custody of the child's parent (~~((or))~~), guardian, or legal custodian; or

(iii) The parent (~~((or))~~), guardian, or legal custodian is not willing to take custody of the child; or

(iv) A manifest danger (~~((would))~~) exists that the child will suffer (~~((further))~~) serious abuse or neglect if the child is not removed from the home.

(2) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties.

(a) The agency plan shall specify what services the parents will (~~((receive))~~) be offered in order to enable them to resume custody and what (~~((actions))~~) requirements the parents must (~~((take))~~) meet in order to resume custody.

(b) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement.

(c) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(d) The agency charged with supervising a child in placement shall (~~((be responsible for assuming that all services are provided))~~) provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(3) The status of all children found to be dependent shall be reviewed by the court at least every six months at a hearing in which it shall be determined whether court supervision should continue.

(a) A child shall be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section still exists. When a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) What services have been provided to or offered to the (~~((parents))~~) parties to facilitate reunion;

(ii) The extent to which the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(iii) Whether the agency is satisfied with the cooperation given to it by the parents;

(iv) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order (~~((such))~~) that reasonable services be offered; and

(v) When return of the child can be expected.

~~(c) ((If a child is not returned to the child's home, at such review hearing the court shall advise the parents that a petition to seek termination of parental rights may be ordered at the next review hearing.~~

~~(d))~~ The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

Sec. 47. Section 46, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.180 are each amended to read as follows:

A petition seeking termination of a parent and child relationship may be filed in juvenile court. Such petition shall conform to the requirements of RCW 13.34.040 as now or hereafter amended and shall allege:

(1) That the child has been found to be a dependent child under RCW 13.34.030(2); and

(2) That the court has entered a dispositional order pursuant to RCW 13.34.130; and

(3) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency under RCW 13.34.030(2) ((a) or (b)); and

~~((2) That the conditions which led to the removal still persist; and~~

~~(3))~~ (4) That the services ordered under RCW 13.34.130 have been offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been offered or provided; and

(5) That there is little likelihood that ((those)) conditions will be remedied so that the child can be returned to the parent in the near future; and

~~((4))~~ (6) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home; ((and

~~(5) That, if the finding of dependency has been pursuant to RCW 13.34.030(2)(b), necessary services have been provided or offered to the parent to facilitate a reunion; and~~

~~(6) That the parent has substantially failed to accept such services; and~~

~~(7) That if the parent is subject to an order of disposition pursuant to the finding of dependency, the parent has substantially failed to comply with the order))~~

(7) In lieu of the allegations in subsections (1) through (6) of this section, the petition may allege that the child was found under such circumstances that the identity and whereabouts of the child's parent are unknown and no parent has claimed the child within two months after the child was found.

Sec. 48. Section 47, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.190 are each amended to read as follows:

After hearings pursuant to RCW 13.34.110, the court may enter an order terminating all parental rights to a child if the court finds that:

(1) (a) The allegations contained in the petition as provided in RCW 13.34.180 (1) through (6) are established by clear, cogent, and convincing evidence; or (b) RCW 13.34.180(3) may be waived because the allegations under RCW 13.34.180 (1), (2), (4), (5), and (6) are established beyond a reasonable doubt; or (c) the allegation under RCW 13.34.180(7) is established beyond a reasonable doubt; and

(2) Such an order is in the best interests of the child.

Sec. 49. Section 49, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.210 are each amended to read as follows:

If, upon entering an order terminating the parental rights of a parent, there remains no parent having parental rights, the court shall commit the child to the custody of the department of social and health services or to a licensed child-placing agency willing to accept custody for the purpose of placing the child for adoption, or in the absence thereof in a licensed foster home, or take other suitable measures for the care and welfare of the child. The custodian shall have authority to consent to the adoption of the child, the marriage of the child, the enlistment of the child in the armed forces of the United States, necessary surgical and other medical treatment for the child, and to consent to such other matters as might normally be required of the parent of the child.

If a child has not been adopted within ~~((two years))~~ six months after the date of the order and a general guardian of the child has not been appointed by the court, the child shall be returned to the court for entry of further orders for his or her care, custody, and control, and the court shall review the case every six months thereafter until a decree of adoption is entered.

NEW SECTION. Sec. 50. There is added to chapter 13.34 RCW a new section to read as follows:

Written findings of fact, conclusions of law, and orders of termination of parent/child relationships made under this chapter shall be presented to the court by the prevailing party within thirty days of the court's decision unless extended by the court for good cause shown.

NEW SECTION. Sec. 51. There is added to chapter 13.34 RCW a new section to read as follows:

Any party to a dependency proceeding, including the supervising agency, may file a petition in juvenile court requesting that guardianship be created as to a dependent child. The department of social and health services shall receive notice of any guardianship proceedings and have the right to intervene in the proceedings. Guardianship may be established if the court finds that: (1) The requirements of chapter 11.88 RCW are met; (2) the requirements of RCW 13.34.180(1), (2), (3), (4), and (5) are met; and (3) sole guardianship is in the best interests of the child. Guardianship of a

child under this section shall not disentitle a guardian from eligibility to receive foster care payments. Guardianship shall be as defined in chapter 11.88 RCW: PROVIDED, That if guardianship is established pursuant to this section, the review hearing requirements of RCW 13.34.130 shall not apply; the juvenile court shall determine the appropriate frequency of visitation between the parent or parents and the child; the juvenile court shall determine the need for any continued involvement of a supervising agency; any party may seek modification of the guardianship under RCW 13.34.150.

NEW SECTION. Sec. 52. There is added to chapter 13.34 RCW a new section to read as follows:

The courts of this state shall give full faith and credit as provided for in the United States Constitution to the public acts, records, and judicial proceedings of any Indian tribe or band in any proceeding brought pursuant to this chapter to the same extent that full faith and credit is given to the public acts, records, and judicial proceedings of any other state.

NEW SECTION. Sec. 53. There is added to chapter 13.34 RCW a new section to read as follows:

Whenever appropriate, an Indian child shall be placed in a foster care home with the following characteristics which shall be given preference in the following order:

- (1) Relatives;
- (2) An Indian family of the same tribe as the child;
- (3) An Indian family of a Washington Indian tribe of a similar culture to that tribe;
- (4) Any other family which can provide a suitable home for an Indian child, such suitability to be determined through consultation with a local Indian child welfare advisory committee.

Sec. 54. Section 56, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.020 are each amended to read as follows:

For the purposes of this chapter:

- (1) "Serious offender" means a person fifteen years of age or older who has committed an offense which if committed by an adult would be:
 - (a) A class A felony, or an attempt to commit a class A felony;
 - (b) Manslaughter in the first degree, rape in the first degree, or rape in the second degree; or
 - (c) Assault in the second degree, extortion in the first degree, indecent liberties, kidnaping in the second degree, robbery in the second degree, burglary in the second degree, statutory rape in the first degree, or statutory rape in the second degree, where such offenses include the infliction of grievous bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator uses a deadly weapon or firearm as defined in RCW 9A.04.110;

(2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense;

(3) "Community supervision" means an order of disposition by the court of an adjudicated youth for a period of time not to exceed one year. Such an order may include one or more of the following:

(a) A fine, not to exceed one hundred dollars;

(b) Community service not to exceed one hundred fifty hours of service;

(c) Attendance of information classes;

(d) Counseling; or

(e) Such other services to the extent funds are available for such services, conditions, or limitations as the court may require which may not include ~~((partial confinement or))~~ confinement;

(4) "Confinement" means ~~((any commitment to))~~ physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a facility operated by or pursuant to a contract with any county. Confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(5) "Court", when used without further qualification, means the juvenile ~~((department of the superior))~~ court judge(s) or commissioner(s);

(6) "Criminal history" ~~((shall))~~ includes all criminal complaints against the respondent where:

(a) The allegations were found correct by a ~~((juvenile))~~ court. In any judgment where a respondent is convicted of two or more charges arising out of the same course of conduct, ~~((where one charge is included within the other, then))~~ only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history;

(7) "Department" means the department of social and health services;

(8) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender or any other person or entity with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.04.040, as now or hereafter amended, or any person or entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter;

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

(10) "Juvenile~~((;))₂" "youth~~((;))₂" and "child" ~~((shall))~~ mean any individual who is under the chronological age of eighteen years and who has~~~~

not been previously transferred to adult court (~~(, or who is over the age of eighteen years but remaining under the jurisdiction of the court as provided in RCW 13.40.300.);~~);

(11) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older, committed pursuant to RCW 13.40.300;

(12) "Manifest injustice" means a disposition that would impose an excessive penalty on the juvenile or a clear danger to society in light of the purposes of this chapter;

(13) "Minor or first offender" means a person sixteen years of age or younger (~~(who has committed an offense which if committed by an adult would be a class C felony, a gross misdemeanor, or a misdemeanor, and whose prior criminal history, if any, does not include any class A or B felony, more than two class C felonies, or more than one class C felony plus any series of misdemeanors and/or gross misdemeanors totalling three or more, or any series of misdemeanors and/or gross misdemeanors totalling four or more; or who has committed an offense which if committed by an adult would be a class B felony (except for any felony which is listed in subsections (1)(a), (b), or (c) of this section) and who has no prior criminal history))~~ whose current offense(s) and criminal history fall entirely within one of the following categories:

(a) Four misdemeanors;

(b) Two misdemeanors and one gross misdemeanor;

(c) One misdemeanor and two gross misdemeanors;

(d) Three gross misdemeanors;

(e) One class C felony (except for any felony which is listed in subsection (1) (b) or (c) of this section) and one misdemeanor or gross misdemeanor;

(f) One class B felony (except for any felony which is listed in subsection (1) (a), (b), or (c) of this section).

For purposes of this definition, current violations shall be counted as misdemeanors;

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

(15) (~~("Partial confinement" means confinement in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days of the week spent under community supervision;~~

~~(16))~~ "Respondent" means a juvenile who is alleged or proven to have committed an offense;

~~((+7))~~ (16) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, and lost wages resulting from physical injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

~~((+8))~~ (17) "Secretary" means the secretary of the department of social and health services;

~~((+9))~~ (18) "Services" mean services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter; ~~((and~~

~~(20))~~ (19) "~~(Shelter)~~ Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

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

Sec. 55. Section 57, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.030 are each amended to read as follows:

(1) The secretary shall propose to the legislature no later than November 1st of each even-numbered year disposition standards for all offenses. The standards shall establish, in accordance with the purposes of this chapter, ranges which may include terms of confinement (~~and/or partial confinement~~) and/or community supervision established on the basis of a youth's age, the instant offense, and the history and seriousness of previous offenses, but in no case (~~shall~~) may the period of confinement and supervision exceed that to which an adult may be subjected for the same offense(s). Standards proposed for offenders listed in RCW 13.40.020(1) shall include a range of confinement which (~~shall~~) may not be less than thirty days. No standard range may include a period of confinement which includes both more than thirty, and thirty or less, days. Disposition standards proposed by the department shall provide that in all cases where a youth is sentenced to a term of confinement in excess of thirty days the department may impose an additional period of parole not to exceed eighteen months. Standards of confinement which may be proposed (~~shall~~) may relate only to the length of the proposed terms and not to the nature of the security to be imposed. The secretary shall also submit guidelines pertaining to the nature of the security to be imposed on youth placed in his or her custody based on the age, offense(s), and criminal history of the juvenile offender. Such guidelines shall be submitted to the legislature for its review at the same time the department proposes its disposition standards.

(2) The legislature may adopt the proposed standards or refer the proposed standards to the secretary for modification. If the legislature fails to adopt or refer the proposed standards to the secretary by February 15th of the following year, the proposed standards shall take effect without legislative approval on July 1st of that year.

(3) If the legislature refers the proposed standards to the secretary for modification on or before February 15th, the secretary shall resubmit the proposed modifications to the legislature no later than March 1st. The legislature may adopt or modify the resubmitted proposed standards. If the legislature fails to adopt or modify the resubmitted proposed standards by April 1st, the resubmitted proposed standards shall take effect without legislative approval on July 1st of that year.

(4) Notwithstanding any other provision of this section, the secretary shall propose standards and submit guidelines to the legislature no later than November 1, 1977. The legislature shall consider the proposed standards and submitted guidelines during the following year in the manner prescribed by subsections (2) and (3) of this section. Such standards shall be in effect for the period July 1, 1978, to June 30, 1979.

(5) Any term of confinement in excess of thirty days shall be served at a facility operated by or pursuant to a contract with the state of Washington.

(6) In developing and promulgating the permissible ranges of confinement under this section the secretary shall be subject to the following limitations:

(a) Where the maximum term in the range is ninety days or less, the minimum term in the range ~~((shall))~~ may be no less than fifty percent of the maximum term in the range;

(b) Where the maximum term in the range is greater than ninety days but not greater than one year, the minimum term in the range ~~((shall))~~ may be no less than seventy-five percent of the maximum term in the range; and

(c) Where the maximum term in the range is more than one year, the minimum term in the range ~~((shall))~~ may be no less than eighty percent of the maximum term in the range.

~~((7) In developing and promulgating the permissible ranges of partial confinement under this section, the secretary shall be subject to the following limitations:~~

~~(a) Where the maximum term in the range is ninety days or less, the minimum term in the range shall be no less than fifty percent of the maximum term in the range; and~~

~~(b) Where the maximum term in the range is greater than ninety days but not greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range.)~~

NEW SECTION. Sec. 56. There is added to chapter 291, Laws of 1977 ex. sess. and to chapter 13.40 RCW a new section to read as follows:

The standards submitted by the secretary to the legislature prior to November 1, 1978, pursuant to RCW 13.40.030, as now or hereafter amended, including any such standards as modified by the legislature and by the secretary as provided for by that section, shall take effect thirty days after the effective date of this 1979 act.

Sec. 57. Section 58, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.040 are each amended to read as follows:

(1) A ~~((youth))~~ juvenile may be taken into custody:

(a) Pursuant to a court order if a complaint is filed with the court alleging, and the court finds probable cause to believe, that the ~~((youth))~~ juvenile has committed an offense or has violated terms of ~~((community supervision))~~ a disposition order or release order; or

(b) Without a court order, by a law enforcement officer if grounds exist for the arrest of an adult in identical circumstances. Admission to, and continued custody in, a court detention facility shall be governed by subsection (2) of this section; or

(c) Pursuant to a court order that the ~~((youth))~~ juvenile be held as a material witness; or

(d) Where the secretary or the secretary's designee has suspended the parole of a juvenile offender.

(2) A ~~((youth shall))~~ juvenile may not be held in detention unless(:

~~(a) The youth has been taken into custody and referred to the court for allegedly committing an offense or when the youth has allegedly failed, or has been found to have failed, to meet the terms of his or her community supervision, and that the youth's past conduct or statements give reason))~~ there is probable cause to believe that:

(a) The juvenile has committed an offense or has violated the terms of a disposition order; and

(i) The ~~((youth))~~ juvenile will likely fail to appear for further proceedings; or

(ii) Detention is required to protect ~~((a youth who is dangerous to))~~ the juvenile from himself or herself; or

~~((b))~~ (iii) The ~~((court has ordered detention as a material witness;~~

(c) The youth is a fugitive from justice;

~~(d) The secretary or the secretary's designee has suspended the early release of a juvenile offender;~~

~~(e) There is clear and convincing evidence that the youth is dangerous to others))~~ juvenile is a threat to community safety; or

~~((f))~~ (iv) The ~~((youth))~~ juvenile will ~~((seek to))~~ intimidate witnesses or otherwise unlawfully interfere with the administration of justice; or

(v) The juvenile has committed a crime while another case was pending;
or

(b) The juvenile is a fugitive from justice; or

(c) The juvenile's parole has been suspended or modified; or

(d) The juvenile is a material witness.

(3) Upon a finding that members of the community have threatened the health of a ((youth)) juvenile taken into custody, at the ((youth's)) juvenile's request the court may order continued detention pending further order of the court.

(4) A ((youth)) juvenile detained under this section may be released upon posting bond set by the court. A court authorizing such a release shall issue an order containing a statement of conditions imposed upon the ((youth)) juvenile and shall set the date of his or her next court appearance. The court shall advise the ((youth)) juvenile of any conditions specified in the order and may at any time amend such an order in order to impose additional or different conditions of release upon the ((youth)) juvenile or to return the ((youth)) juvenile to custody for failing to conform to the conditions imposed. Failure to appear on the date scheduled by the court pursuant to this section shall constitute the crime of bail jumping.

Sec. 58. Section 59, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.050 are each amended to read as follows:

(1) When a ((youth)) juvenile taken into custody is held in detention:

(a) An information, a community supervision modification or termination of diversion petition, or a parole modification petition shall be filed within seventy-two hours, Saturdays, Sundays, and holidays excluded, or the ((youth)) juvenile shall be released; and

(b) A detention hearing, a community supervision modification or termination of diversion petition, or a parole modification petition shall be held within seventy-two hours, Saturdays, Sundays, and holidays excluded, from the time of filing the information or petition, to determine whether continued detention is necessary under RCW 13.40.040.

(2) ~~((Written))~~ Notice of the detention hearing, stating the time, place, and purpose of the hearing, and stating the right to counsel, shall be given to the parent, guardian, or custodian if such person can be found and shall also be given to the ((youth)) juvenile if over twelve years of age.

(3) At the commencement of the detention hearing, the court shall advise the parties of their rights under this chapter and shall appoint counsel as specified in this chapter.

(4) The court shall, based upon the allegations in the information, determine whether the case is properly before it or whether the case should be treated as a diversion case under RCW 13.40.080. If the case is not properly before the court the juvenile shall be ordered released.

(5) Notwithstanding a determination that the case is properly before the court and that probable cause exists, a ~~((child))~~ juvenile shall at the detention hearing be ordered released on the ~~((child's))~~ juvenile's personal recognizance pending further hearing unless the court finds detention is necessary under RCW 13.40.040 as now or hereafter amended.

(6) If detention is not necessary under RCW 13.40.040, as now or hereafter amended, the court shall impose the most appropriate of the following conditions or, if necessary, any combination of the following conditions:

(a) Place the ~~((child))~~ juvenile in the custody of a designated person agreeing to supervise such ~~((child))~~ juvenile;

(b) Place restrictions on the travel of the ~~((child))~~ juvenile during the period of release;

(c) Require the ~~((child))~~ juvenile to report regularly to and remain under the supervision of the juvenile court;

(d) Impose any condition other than detention deemed reasonably necessary to assure appearance as required; or

(e) Require that the ~~((child))~~ juvenile return to detention during specified hours.

Sec. 59. Section 60, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.060 are each amended to read as follows:

(1) Proceedings under this chapter shall be commenced in the county where the ~~((child))~~ juvenile resides. However, proceedings may be commenced in the county where an element of the alleged criminal offense occurred if so requested by the ~~((child))~~ juvenile or by the prosecuting attorney of the county where the incident occurred.

(2) If the hearing takes place in the county where an element of the alleged criminal offense occurred, the case and copies of all legal and social documents pertaining thereto ~~((shall))~~ may in the discretion of the court be transferred to the county where the ~~((child))~~ juvenile resides for a disposition hearing. All costs and arrangements for care and transportation of the ~~((child))~~ juvenile in custody shall be the responsibility of the receiving county as of the date of the transfer of the juvenile to such county, unless the counties otherwise agree.

(3) The court upon motion of any party or upon its own motion may, at any time, transfer a proceeding to another juvenile court when:

(a) There is reason to believe that an impartial proceeding cannot be held in the county in which the proceeding was begun; or

(b) It appears that venue is incorrect under this section.

Sec. 60. Section 61, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.070 are each amended to read as follows:

(1) Complaints referred to the juvenile court alleging the commission of an offense shall be referred directly to the prosecutor. The prosecutor, upon receipt of a complaint, shall screen the complaint ~~((for legal sufficiency. The purpose of such screening shall be))~~ to determine whether:

(a) The alleged facts bring the case within the jurisdiction of the court; and

(b) On a basis of available evidence there is probable cause to believe that the ~~((youth))~~ juvenile did commit the offense.

(2) If the requirements of subsections (1) (a) and (b) of this section are met, the prosecutor shall either file an information in juvenile court or divert the case, as set forth in subsections (4), (5) and (6) of this section. If the prosecutor neither files nor diverts the case, he shall maintain a record, for one year, of such decision and the reasons therefor. In lieu of filing an information or diverting an offense a prosecutor may file a motion to modify community supervision where such offense constitutes a violation of community supervision.

(3) An information shall be a plain, concise, and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney and conform to chapter 10.37 RCW.

~~((3))~~ (4) Where a case is legally sufficient, the prosecutor shall file an information with the juvenile court if ((the alleged offender is one or more of the following)):

(a) An alleged offender is accused of a class A felony, ((an attempt to commit a class A felony;)) a class B felony, an attempt to commit a class B felony, assault in the third degree, rape in the third degree, or any other offense listed in RCW 13.40.020(1) (b) or (c); or

(b) An alleged offender ((with)) is accused of a felony and has a criminal history of at least ((a)) one class A or class B felony, or two class C ((felony offenses, or at least one class C felony offense and at least one misdemeanor or gross misdemeanor)) felonies, or at least two gross misdemeanors, or at least ((one gross misdemeanor and)) two misdemeanors((, or at least three misdemeanors)) and one additional misdemeanor or gross misdemeanor, or at least one class C felony and one misdemeanor or gross misdemeanor; or

(c) An alleged offender ((accused of violating his or her diversion agreement or who wishes to be prosecuted rather than enter into a diversion agreement or who)) has been referred by ((the)) a diversion unit for prosecution((: PROVIDED, That if the prosecutor elects not to file a charge for which there is probable cause, he shall maintain a record, for one year, of such election and the reasons therefor)) or desires prosecution instead of diversion.

~~((4))~~ If it appears that there is probable cause to believe that an offense has been committed by a youth, the prosecutor may file an information with the juvenile court if the alleged offender is an alleged offender accused of a class C felony:

(5) Whenever the alleged offender is an alleged offender listed in subsection (3) of this section, the prosecutor may file an information on any other criminal complaint regardless of whether or not the other offense is listed in subsection (3)(a) of this section. In lieu of filing an information, the prosecutor may file a motion to modify or revoke community supervision if a criminal complaint alleges a violation of a condition of community supervision:

~~(6) If an alleged offender does not fall within subsection (3) or (4) of this section, the prosecutor shall refer the complaint to the diversionary unit for the formation of a diversion agreement pursuant to RCW 13.40.080.)~~

(5) Where a case is legally sufficient the prosecutor shall divert the case if the alleged offense is a misdemeanor or gross misdemeanor or violation and the alleged offense(s) in combination with the alleged offender's criminal history do not exceed three offenses or violations and do not include any felonies: PROVIDED, That if the alleged offender is charged with a related offense that must or may be filed under subsections (4) and (6) of this section, a case under this subsection may also be filed.

(6) Where a case is legally sufficient and falls into neither subsection (4) nor (5) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor shall be guided only by the length, seriousness, and recency of the alleged offender's criminal history.

(7) Whenever a juvenile is placed in custody or, where not placed in custody, referred to a diversionary interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the juvenile and the current status of the juvenile.

(8) The responsibilities of the prosecutor under subsections (1) through (7) of this section may be performed by a juvenile court probation counselor for any complaint referred to the court alleging the commission of an offense which would not be a felony if committed by an adult, if the prosecutor has given sufficient written notice to the juvenile court that the prosecutor will not review such complaints.

Sec. 61. Section 62, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.080 are each amended to read as follows:

(1) A diversion agreement shall be a contract between a ~~((youth))~~ juvenile accused of an offense and a diversionary unit whereby the ~~((youth))~~ juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it.

(2) A diversion agreement ~~((may include))~~ shall be limited to:

(a) ~~((Periods of))~~ Community service not to exceed one hundred fifty hours, ((but)) not to be performed during school hours if the ((youth)) juvenile is attending school((, no community service shall be required during normal school hours));

(b) Restitution limited to the amount of actual loss incurred by the victim, and ~~((the youth shall be required to make restitution to the victim unless the youth does not have))~~ to an amount the juvenile has the means ((and could not acquire the means to do so)) or potential means to pay; and

(c) An informational, educational, or counseling interview, which may be required at a community agency.

~~((c))~~ (3) In assessing periods of community service to be performed and restitution to be paid by a ~~((youth))~~ juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall to the extent possible involve members of the community. Such members of the community shall meet with the ~~((youth))~~ juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the ~~((youth))~~ juvenile in carrying out its terms~~((;))~~.

~~((d))~~ (4) A diversion agreement ~~((shall))~~ may not exceed a period of six months for a misdemeanor or gross misdemeanor or one year for a felony and may include a period extending beyond the eighteenth birthday of the diverttee. Any restitution assessed during its term~~((shall))~~ may not exceed an amount which the ~~((youth))~~ juvenile could be reasonably expected to pay during this period. If additional time is necessary for the ~~((youth))~~ juvenile to complete restitution to the victim, the time period limitations of this subsection may be extended by an additional six months~~((; and~~

~~((c) An informational, educational, or counseling interview may be required at a community agency)).~~

~~((f))~~ (5) The ~~((youth))~~ juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

~~((f))~~ (6) Diverttees and potential diverttees shall be afforded due process in all contacts with a diversionary unit regardless of whether ~~((said youths))~~ the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

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

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

~~((c))~~ No ~~((youth shall))~~ diverttee may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by:

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

(ii) Disclosure of all evidence to be offered against the ~~((youth))~~ diverttee;

(d) The hearing shall include:

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

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

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

(iv) Demonstration by evidence that the ~~((diverted youth))~~ diverttee has substantially violated the terms of his or her diversion agreement.

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

- (i) In juvenile court if the divertee is under eighteen years of age; or
- (ii) In superior court or the appropriate court of limited jurisdiction if the divertee is eighteen years of age or older.

~~((5))~~ (7) The diversion unit shall be responsible for advising a ~~((youth))~~ juvenile of his or her rights as provided in this chapter.

~~((6))~~ (8) The right to counsel shall inure prior to the initial interview for purposes of advising the ~~((youth))~~ juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The ~~((youth))~~ juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The ~~((youth))~~ juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews ~~((shall))~~ mean all interviews regarding the diversion agreement process.

The ~~((youth))~~ juvenile shall be advised that a diversion agreement shall constitute a part of the ~~((youth's))~~ juvenile's criminal history as defined by RCW 13.40.020(6) as now or hereafter amended. A signed acknowledgment of such advisement shall be obtained from the ~~((youth))~~ juvenile, and the document shall be maintained by the diversionary unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

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

- (a) The fact that a charge or charges were made;
- (b) The fact that a diversion agreement was entered into;
- (c) The ~~((youth's))~~ juvenile's obligations under such agreement;
- (d) Whether the alleged offender performed his or her obligations under such agreement; and
- (e) The facts of the alleged offense.

~~((8))~~ (10) A diversionary unit may refuse to enter into a diversion agreement with a ~~((youth))~~ juvenile. It shall immediately refer such ~~((youth))~~ juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversionary unit shall also immediately refer the case to the prosecuting attorney for action if such ~~((youth))~~ juvenile fails to make restitution or perform community service as required by the diversion agreement.

~~((9))~~ (11) A diversionary unit may, in instances where it determines that the act or omission of an act for which a ~~((youth))~~ juvenile has been referred to it involved no victim, or where it determines that the ~~((youth))~~

juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a ~~((youth))~~ juvenile without entering into a diversion agreement: PROVIDED, That any ~~((youth))~~ juvenile so handled shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the ~~((youth's))~~ juvenile's criminal history as defined by RCW 13.40.020(6) as now or hereafter amended. A signed acknowledgment of such advisement shall be obtained from the ~~((youth))~~ juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language: PROVIDED FURTHER, That a ~~((youth))~~ juvenile determined to be eligible by a diversionary unit for such release shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other ~~((youth))~~ juvenile referred to the unit.

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

Sec. 62. Section 64, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.100 are each amended to read as follows:

(1) Upon the filing of an information the alleged offender shall be notified by summons, warrant, or other method approved by the court of the next required court appearance.

(2) If notice is by summons, the clerk of the court shall issue a summons directed to the ~~((child))~~ juvenile, if the ~~((child))~~ juvenile is twelve or more years of age, and another to the parents, guardian, or custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to hear the petition. Where the custodian is summoned, the parent or guardian or both shall also be served with a summons.

~~((2))~~ (3) A copy of the information shall be attached to each summons.

~~((3))~~ (4) The summons shall advise the parties of the right to counsel.

~~((4))~~ (5) The judge may endorse upon the summons an order directing the parents, guardian, or custodian having the custody or control of the ~~((child))~~ juvenile to bring the ~~((child))~~ juvenile to the hearing.

~~((5))~~ (6) If it appears from affidavit or sworn statement presented to the judge that there is probable cause for the issuance of a warrant of arrest or that the ~~((child))~~ juvenile needs to be taken into custody pursuant to RCW 13.34.050, as now or hereafter amended, the judge may endorse upon the summons an order that an officer serving the summons shall at once

take the ((child)) juvenile into custody and take the ((child)) juvenile to the place of detention or shelter designated by the court.

~~((6) If a party to be served with a summons can be found within the state, the summons shall be served upon the party personally at least five court days before the fact-finding hearing, or such time as set by the court. If the party is within the state and cannot be personally served, but the party's address is known or can with reasonable diligence be ascertained, the summons may be served upon the party by mailing a copy thereof by certified mail at least ten court days before the hearing, or such time as set by the court. If a party other than the child is without the state but can be found or the party's address is known, or can with reasonable diligence be ascertained, service of the summons may be made either by delivering a copy thereof to the party personally or by mailing a copy thereof to the party by certified mail at least ten court days before the fact-finding hearing, or such time as set by the court.))~~

(7) Service of summons may be made under the direction of the court by any law enforcement officer or probation counselor.

(8) If the person summoned as herein provided ((shall)) fails without reasonable cause to appear and abide the order of the court, the person may be proceeded against as for contempt of court.

Sec. 63. Section 65, chapter 291, Laws of 1977 ex. sess. and RCW 13-40.110 are each amended to read as follows:

(1) The prosecutor, respondent, or the court on its own motion may, before a hearing on the information on its merits, file a motion requesting the court to transfer the respondent for adult criminal prosecution and the matter shall be set for a hearing on the question of declining jurisdiction. Unless waived by the court, the parties, and their counsel, a decline hearing shall be held where:

(a) The respondent is sixteen or seventeen years of age and the ((petition)) information alleges a class A felony or an attempt to commit a class A felony; or

(b) The respondent is seventeen years of age and the ((petition)) information alleges assault in the second degree, extortion in the first degree, indecent liberties, kidnaping in the second degree, rape in the second degree, or robbery in the second degree.

(2) The court after a decline hearing may order the case transferred for adult criminal prosecution upon a finding that the declination would be in the best interest of the juvenile or the public. The court shall consider the relevant reports, facts, opinions, and arguments presented by the parties and their counsel.

(3) When the respondent is transferred for criminal prosecution or retained for prosecution in juvenile court, the court shall set forth in writing its finding which shall be supported by relevant facts and opinions produced at the hearing.

Sec. 64. Section 66, chapter 291, Laws of 1977 ex. sess. and RCW 13-40.120 are each amended to read as follows:

The court shall hold an adjudicatory hearing on the information, and, after it has announced its findings of fact and its ((~~verdict~~)) decision, shall hold a hearing to consider disposition of the case pursuant to RCW 13.40.150 and 13.40.160, as now or hereafter amended, immediately following the adjudicatory hearing or at a continued hearing within fourteen days unless good cause is shown for a further continuance. Notice of the time and place of the continued hearing may be given in open court. If notice is not given in open court to a party, that party shall be notified by mail of the time and place of any continued hearing.

All hearings may be conducted at any time or place within the limits of the county, and such cases ((~~shall~~)) may not be heard in conjunction with other business of any other division of the superior court.

Sec. 65. Section 67, chapter 291, Laws of 1977 ex. sess. and RCW 13-40.130 are each amended to read as follows:

(1) The respondent shall be advised of the allegations in the information and shall be required to plead guilty or not guilty to the allegation(s). The state or the respondent may make preliminary motions up to the time of the plea.

(2) If the respondent pleads guilty, the court may proceed with disposition or may continue the case for a dispositional hearing. If the respondent denies guilt, a hearing date shall be set.

(3) At the adjudicatory hearing it shall be the burden of the prosecution to prove the allegations of the information beyond a reasonable doubt.

(4) The court shall record its findings of fact and shall enter its ((~~verdict~~)) decision upon the record. Such findings shall set forth the evidence relied upon by the court in reaching its ((~~verdict~~)) decision.

(5) If the respondent is found not guilty he or she shall be released from detention.

(6) If the respondent is found guilty the court may immediately proceed to disposition or may continue the case for a dispositional hearing.

(7) The court following an adjudicatory hearing may request that a predisposition study be prepared to aid the court in its evaluation of the matters relevant to disposition of the case.

(8) The disposition hearing shall be held within fourteen days after the adjudicatory hearing or plea of guilty unless good cause is shown for further delay, or within twenty-one days if the juvenile is not held in a detention facility, unless good cause is shown for further delay.

(9) In sentencing an offender, the court shall use the disposition standards in effect on the date of the offense.

Sec. 66. Section 68, chapter 291, Laws of 1977 ex. sess. and RCW 13-40.140 are each amended to read as follows:

(1) A ~~((youth))~~ juvenile shall be advised of his or her rights when appearing before the court.

(2) A ~~((youth))~~ juvenile and his or her parent, guardian, or custodian shall be advised by the court or its representative that the ~~((youth))~~ juvenile has a right to be represented by counsel at all critical stages of the proceedings. Unless waived, counsel shall be provided to a ~~((youth,))~~ juvenile who is financially unable to obtain counsel without causing substantial hardship to himself or herself or the ~~((youth's))~~ juvenile's family, in any proceeding where the ~~((youth))~~ juvenile may be subject to transfer for criminal prosecution, or in any proceeding where the ~~((youth))~~ juvenile may be in danger of confinement ~~((or partial confinement))~~. The ability to pay part of the cost of counsel ~~((shall))~~ does not preclude assignment. In no case ~~((shall))~~ may a ~~((youth))~~ juvenile be deprived of counsel because of a parent, guardian, or custodian refusing to pay therefor. The ~~((youth))~~ juvenile shall be fully advised of his or her right to an attorney and of the relevant services an attorney can provide.

(3) The right to counsel ~~((shall))~~ includes the right to the appointment of experts necessary, and the experts shall be required pursuant to the procedures and requirements established by the supreme court.

(4) Upon application of a party, the clerk of the court shall issue, and the court on its own motion may issue, subpoenas requiring attendance and testimony of witnesses and production of records, documents, or other tangible objects at any hearing, or such subpoenas may be issued by an attorney of record.

(5) All proceedings shall be transcribed verbatim by means which will provide an accurate record.

(6) The general public and press shall be permitted to attend any hearing unless the court, for good cause, orders a particular hearing to be closed. The presumption shall be that all such hearings will be open.

(7) In all adjudicatory proceedings before the court, all parties shall have the right to adequate notice, discovery as provided in criminal cases, opportunity to be heard, confrontation of witnesses except in such cases as this chapter expressly permits the use of hearsay testimony, findings based solely upon the evidence adduced at the hearing, and an unbiased fact-finder.

(8) A juvenile shall be accorded the privilege against self-incrimination. An ~~((extra-judicial))~~ extrajudicial statement which would be constitutionally inadmissible in a criminal proceeding ~~((shall))~~ may not be received in evidence at an adjudicatory hearing over objection. Evidence illegally seized or obtained ~~((shall))~~ may not be received in evidence over objection at an adjudicatory hearing to prove the allegations against the ~~((child))~~ juvenile. An ~~((extra-judicial))~~ extrajudicial admission or confession made by the ~~((child))~~ juvenile out of court is insufficient to support a finding that the

~~((child))~~ juvenile committed the acts alleged in the information unless evidence of a corpus delicti is first independently established.

(9) Waiver of any right which a ~~((child))~~ juvenile has under this chapter must be an express waiver intelligently made by the ~~((child))~~ juvenile after the ~~((child))~~ juvenile has been fully informed of the right being waived.

(10) Whenever this chapter refers to waiver or objection by a ~~((child))~~ juvenile, the word ~~((child))~~ juvenile shall be construed to refer to a ~~((child))~~ juvenile who is at least twelve years of age. If a ~~((child))~~ juvenile is under twelve years of age, the ~~((child's))~~ juvenile's parent, guardian, or custodian shall give any waiver or offer any objection contemplated by this chapter.

Sec. 67. Section 69, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.150 are each amended to read as follows:

(1) In disposition hearings all relevant and material evidence, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value, even though such evidence may not be admissible in a hearing on the information. The youth or the youth's counsel and the prosecuting attorney shall be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making reports when such individuals are reasonably available, but sources of confidential information need not be disclosed. The prosecutor and counsel for the juvenile may submit recommendations for disposition.

(2) For purposes of disposition:

(a) Violations which are current offenses count as misdemeanors;

(b) Violations may not count as part of the offender's criminal history;

(c) In no event may a disposition for a violation include confinement.

(3) Before entering a dispositional order as to a respondent found to have committed an offense, the court shall hold a disposition hearing, at which the court shall:

(a) Consider the facts supporting the allegations of criminal conduct by the respondent;

(b) Consider information and arguments offered by parties and their counsel;

(c) Consider any predisposition reports;

(d) Afford the respondent and the respondent's parent, guardian, or custodian an opportunity to speak in the respondent's behalf;

(e) Allow the victim or a representative of the victim and an investigative law enforcement officer to speak;

(f) Determine the amount of restitution owing to the victim, if any;

(g) Determine whether the respondent is a serious offender or a minor or first offender;

(h) Consider whether or not any of the following mitigating factors exist:

(i) The respondent's conduct neither caused nor threatened serious bodily injury or the respondent did not contemplate that his or her conduct would cause or threaten serious bodily injury;

(ii) The respondent acted under strong and immediate provocation;

(iii) The respondent was suffering from a mental or physical condition that significantly reduced his or her culpability for the offense though failing to establish a defense;

(iv) Prior to his or her detection, the respondent compensated or made a good faith attempt to compensate the victim for the injury or loss sustained; and

(v) There has been at least one year between the respondent's current offense and any prior criminal offense;

(i) Consider whether or not any of the following aggravating factors exist:

(i) In the commission of the offense, or in flight therefrom, the respondent inflicted or attempted to inflict serious bodily injury to another;

(ii) The offense was committed in an especially heinous, cruel, or depraved manner;

(iii) The victim or victims were particularly vulnerable;

(iv) The respondent has a recent criminal history or has failed to comply with conditions of a recent dispositional order or diversion agreement; and

(v) The respondent was the leader of a criminal enterprise involving several persons(;;).

((†)) (4) The following factors ((shall)) may not be considered in determining the punishment to be imposed:

((†)) (a) The sex of the respondent;

((††)) (b) The race or color of the respondent or the respondent's family;

((†††)) (c) The creed or religion of the respondent or the respondent's family;

((††††)) (d) The economic or social class of the respondent or the respondent's family; and

((†††††)) (e) Factors indicating that the respondent may be or is a dependent child within the meaning of this chapter(;;).

((††††††)) (5) A court ((shall)) may not commit a ((youth)) juvenile to a state institution solely because of the lack of facilities, including treatment facilities, existing in the community.

Sec. 68. Section 70, chapter 291, Laws of 1977 ex. sess. and RCW 13-40.160 are each amended to read as follows:

(1) When the respondent is found to be a serious offender, the court shall commit the offender to the department for ((a determinate sentence consisting of)) the standard range of disposition for the offense.

If the court ((finds that a disposition within the standard range would effectuate a manifest injustice, the court may impose a disposition outside

~~the range but only after it enters reasons upon which it bases)) concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range.~~

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(6), as now or hereafter amended, shall be used to determine the range. A disposition ((imposed)) outside ((a)) the standard range is appealable under RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230 as now or hereafter amended.

(2) ~~Where the respondent is found to be a minor or first offender, the court shall order that the respondent serve a term of community supervision. If the court determines that a disposition of community supervision would effectuate a manifest injustice the court may impose another disposition. A disposition other than a community supervision ((shall)) may be imposed only after the court enters reasons upon which it bases its conclusions that imposition of community supervision would effectuate a manifest injustice. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(6), as now or hereafter amended, shall be used to determine the range. Any disposition other than community supervision may be appealed as provided in RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition of community supervision may not be appealed under RCW 13.40.230 as now or hereafter amended.~~

(3) ~~((A juvenile appearing before the court for formal disposition who has)) Where a respondent is found to have committed an offense for which the respondent declined to enter into a diversion agreement ((and who would otherwise be so entitled shall, if determined to be a first or minor offender, be referred to a diversionary unit under the supervision of which such youth may only be required to perform the term of community service and, where there is a victim, shall be required to make restitution under the limits specified in this chapter)), the court shall impose a term of community supervision limited to the conditions allowed in a diversion agreement as provided in RCW 13.40.080(2) as now or hereafter amended.~~

(4) ~~Where ((the)) a respondent is found to have committed an offense ((and)) which is neither a serious ((offender)) nor a minor or first ((offender, consistent with the purposes of this chapter the court shall: (a)(i) Where the appropriate)) offense:~~

(a) The court shall impose a determinate disposition within the standard range(s) for such offense: PROVIDED, That if the standard range includes a ((period)) term of confinement exceeding thirty days, ((sentence the offender to the department for a term consisting of the appropriate standard range, or (ii) where the appropriate standard range does not include a period of confinement exceeding thirty days, sentence the offender to a determinate term within the appropriate standard range in which case the court shall consider only those)) commitment shall be to the department for the standard range of confinement; or

(b) The court shall impose a determinate disposition of community supervision and/or up to thirty days confinement in which case, if confinement has been imposed, the court shall state either aggravating ((and)) or mitigating factors as set forth in RCW 13.40.150 ((and shall state its reasons for selecting the particular punishment imposed, or (b) shall impose a term of community supervision. If the court sentencing pursuant to subsection (a)(i) or (ii) of this section finds that a disposition within the standard range would effectuate a manifest injustice, it may impose a disposition other than community supervision outside the range but only after it)) as now or hereafter amended.

(c) Only if the court concludes, and enters reasons ((upon which it bases)) for its conclusions, that disposition ((within the standard range)) as provided in subsection (4) (a) or (b) of this section would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(6), as now or hereafter amended, shall be used to determine the range.

(d) A disposition ((so imposed outside the standard range may be appealed as provided in)) pursuant to subsection (4)(c) of this section is appealable under RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition ((within the standard range or of community supervision shall)) pursuant to subsection (4)(a) or (b) of this section is not ((be)) appealable under RCW 13.40.230 as now or hereafter amended.

(5) ((A court may require a juvenile offender to serve a period of partial confinement not to exceed thirty days or a period of confinement not to exceed the minimum period of confinement included within the standard range for the offense(s) for which he or she was found guilty, but in no case to exceed thirty days: PROVIDED, That such periods of partial confinement and confinement may be required only of youthful offenders who are: (a) Not sentenced to a sentence within a range established by the legislature; (b) not committed to the department; (c) not first and minor offenders; and (d) are serving terms of community supervision: PROVIDED FURTHER, That all such terms of partial confinement and confinement shall be served in a facility operated by or pursuant to a contract with a county or city.)) Whenever a juvenile offender is entitled to credit for time spent in

detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

Sec. 69. Section 73, chapter 291, Laws of 1977 ex. sess. and RCW 13-40.190 are each amended to read as follows:

(1) In its dispositional order, the court shall require the respondent to make restitution to any persons who have suffered loss or damage as a result of the offense committed by the respondent. The payment of restitution shall be in addition to any punishment which is imposed pursuant to the other provisions of this chapter. The court may determine the amount, terms, and conditions of the restitution. If the respondent participated in the crime with another person or other persons, all such participants shall be jointly and severally responsible for the payment of restitution ~~((PROVIDED, That))~~. The court ((shall)) may not require the respondent to pay full or partial restitution if the respondent reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay such restitution. In cases where an offender has been committed to the department for a period of confinement exceeding fifteen weeks, restitution may be waived.

~~(2) ((When a respondent who has been ordered by a court to pay a fine or restitution, or to perform service for the public good fails to fulfill that order, the court upon the motion of the prosecutor or upon its own motion, shall require the respondent to show cause why the respondent should not be confined in a detention facility for nonfulfillment. The court may issue a summons or a warrant for arrest to compel the respondent's appearance.~~

~~(3) The respondent shall have the burden of showing that the nonpayment or nonfulfillment was not a wilful refusal and that he or she did not have the means and could not reasonably acquire the means to pay the fine or restitution or to perform the service for the public good. If the court finds that the default was wilful, it may order the youth detained in a county facility for one day for each twenty-five dollars of restitution or fine on which the youth wilfully defaulted or may order the youth detained in a county facility for one day for each eight hours of community service on which the youth wilfully defaulted)) A respondent under obligation to pay restitution may petition the court for modification of the restitution order.~~

Sec. 70. Section 74, chapter 291, Laws of 1977 ex. sess. and RCW 13-40.200 are each amended to read as follows:

~~((Consistent with the purposes of this chapter, if the respondent violates a condition of his or her community supervision, community supervision may be revoked or modified and further permissible punishment imposed pursuant to the provisions of this chapter. Such punishment may include a period of confinement and/or partial confinement in a county facility not to exceed thirty days. Community supervision may only be revoked or modified upon the same due process as would be afforded an adult alleged probation~~

violation:)) (1) When a respondent fails to comply with an order of restitution, community supervision, or confinement of less than thirty days, the court upon motion of the prosecutor or its own motion, may modify the order after a hearing on the violation.

(2) The hearing shall afford the respondent the same due process of law as would be afforded an adult probationer. The court may issue a summons or a warrant to compel the respondent's appearance. The state shall have the burden of proving by a preponderance of the evidence the fact of the violation. The respondent shall have the burden of showing that the violation was not a willful refusal to comply with the terms of the order. If a respondent has failed to pay a fine or restitution or to perform community service hours, as required by the court, it shall be the respondent's burden to show that he or she did not have the means and could not reasonably have acquired the means to pay the fine or restitution or perform community service.

(3) (a) If the court finds that a respondent has willfully violated the terms of an order pursuant to subsections (1) and (2) of this section, it may impose a penalty of up to thirty days confinement.

(b) If the violation of the terms of the order under (a) of this subsection is failure to pay fines, complete community service, or make restitution, the term of confinement imposed under (a) of this subsection shall be assessed at a rate of one day of confinement for each twenty-five dollars or eight hours owed.

Sec. 71. Section 75, chapter 291, Laws of 1977 ex. sess. and RCW 13-40.210 are each amended to read as follows:

(1) The secretary shall, except in the case of a ((youth)) juvenile committed by a court to a term of confinement in a state institution outside the appropriate standard range for the offense(s) for which the ((youth)) juvenile was found to be guilty established pursuant to RCW 13.40.030, as now or hereafter amended, set a release or discharge date for each ((youth)) juvenile committed to its custody which shall be within the prescribed range to which a ((youth)) juvenile has been committed. Such dates shall be determined prior to the expiration of sixty percent of a ((youth's)) juvenile's minimum term of confinement included within the prescribed range to which the ((youth)) juvenile has been committed. The secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter: PROVIDED, That days spent in the custody of the department shall be tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee.

(2) Following the ((youth's)) juvenile's release pursuant to subsection (1) of this section, the secretary may require the ((youth)) juvenile to comply with a program of parole to be administered by the department in his or

her community which shall last no longer than eighteen months. The secretary shall, for the period of parole, facilitate the ~~((youth's))~~ juvenile's reintegration into his or her community and to further this goal may require the ~~((youth))~~ juvenile to: (a) Undergo available medical or psychiatric treatment; (b) report as directed to a parole officer; (c) pursue a course of study or vocational training; (d) remain within prescribed geographical boundaries and notify the department of any change in his or her address; and (e) refrain from committing new offenses. After termination of the parole period, the ~~((youth))~~ juvenile shall be discharged from the department's supervision.

(3) The department may also ~~((revoke or))~~ modify parole for violation thereof. If, after affording a ~~((youth))~~ juvenile all of the due process rights to which he or she would be entitled if the ~~((youth))~~ juvenile were an adult, the secretary finds that a ~~((youth))~~ juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (a) Continued supervision under the same conditions previously imposed; (b) intensified supervision with increased reporting requirements; (c) additional conditions of supervision authorized by this chapter; and (d) imposition of a period of ~~((partial))~~ confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision.

(4) A parole officer of the department of social and health services shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest such person.

Sec. 72. Section 77, chapter 291, Laws of 1977 ex. sess. and RCW 13-.40.230 are each amended to read as follows:

(1) Dispositions reviewed pursuant to RCW 13.40.160, as now or hereafter amended, shall be reviewed in the appropriate division of the court of appeals.

An appeal under this section shall be heard solely upon the record that was before the disposition court. No written briefs ~~((shall))~~ may be required, and the appeal shall be heard within thirty days following the date of sentencing and a decision rendered within fifteen days following the argument. The supreme court shall promulgate any necessary rules to effectuate the purposes of this section.

(2) To uphold a disposition outside the standard range, or which imposes confinement for a minor or first offender, the court of appeals must find (a) that the reasons supplied by the disposition judge are supported by the

record which was before the judge and that those reasons clearly and convincingly support the conclusion that a disposition within the range, or non-confinement for a minor or first offender, would constitute a manifest injustice, and (b) that the sentence imposed was neither clearly excessive nor clearly too lenient.

(3) If the court does not find subsection (2)(a) of this section it shall remand the case for disposition within the standard range or for community supervision without confinement as would otherwise be appropriate pursuant to this chapter.

(4) If the court finds subsection (2)(a) but not subsection (2)(b) of this section it shall remand the case with instructions for further proceedings consistent with the provisions of this chapter.

(5) Pending appeal, a respondent (~~shall~~) may not be committed or detained for a period of time in excess of the standard range for the offense(s) committed and (~~shall~~) may not be detained if a first or minor offender: PROVIDED, That if the order of the disposition court is below the standard range, the respondent shall be committed or detained for no longer than the term set by the disposition court.

(6) (~~Dispositions imposed by the disposition court shall not be final until either the deadline for appeal pursuant to state law or supreme court rule has passed without an appeal being taken, or the court of appeals has issued its decision on the appeal.~~) Appeal of a disposition under this section does not affect the finality or appeal of the underlying adjudication of guilt.

Sec. 73. Section 1, chapter 170, Laws of 1975 1st ex. sess. and RCW 13.40.300 are each amended to read as follows:

(1) In no case (~~shall~~) may a (~~delinquent~~) juvenile offender be committed by the juvenile court to the department of social and health services for placement in a juvenile correctional institution beyond the (~~child's~~) juvenile offender's twenty-first birthday. A (~~delinquent~~) juvenile (~~shall~~) may be under the jurisdiction of the juvenile court or the authority of the department of social and health services beyond the (~~child's~~) juvenile's eighteenth birthday only if (~~the juvenile court has,~~) prior to the juvenile's eighteenth birthday (~~found the juvenile to be delinquent and has extended the jurisdiction~~);

(a) The juvenile court has committed the juvenile offender to the department of social and health services for a sentence consisting of the standard range of disposition for the offense and the sentence includes a period beyond the juvenile offender's eighteenth birthday; or

(b) The juvenile court has committed the juvenile offender to the department of social and health services for a sentence outside the standard range of disposition for the offense and the sentence includes a period beyond the (~~child's~~) juvenile's eighteenth birthday and the court by written order setting forth its reasons (~~therefor~~) extends jurisdiction of juvenile court over the juvenile offender for that period; or

(c) Proceedings are pending seeking the adjudication of a juvenile offense or seeking an order of disposition and the court by written order setting forth its reasons extends jurisdiction of juvenile court over the juvenile beyond his or her eighteenth birthday.

(2) In no event (~~shall~~) may the juvenile court have authority to extend jurisdiction over any (~~delinquent~~) juvenile offender beyond the juvenile(~~s~~) offender's twenty-first birthday.

(3) Notwithstanding any extension of jurisdiction over a person pursuant to this section, the juvenile court has no jurisdiction over any offenses alleged to have been committed by a person eighteen years of age or older.

NEW SECTION. Sec. 74. There is added to chapter 291, Laws of 1977 ex. sess. and to chapter 13.40 RCW a new section to read as follows:

The provisions of RCW 10.01.040 apply to chapter 13.40 RCW.

Sec. 75. Section 9, chapter 291, Laws of 1955 as amended by section 1, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.090 are each amended to read as follows:

Upon the filing of a petition for adoption, the court shall cause an investigation of the propriety of the adoption to be made. The court shall appoint an approved agency or any qualified salaried court employee or any other suitable and proper person as next friend of the child to make such investigation. The investigation shall be made without expense to the petitioners. The investigator appointed by the court shall make a report in writing to the court within sixty days from the time of the appointment unless further time be granted by the court. Such report shall be in writing and contain all reasonably available information concerning the physical and mental condition of the child, the religion of the child, if any, and if unknown, then the report shall designate unknown, the parents of the child, and the home environment, family life, health, facilities and resources of the petitioners, and any other facts and circumstances relating to the propriety and advisability of the adoption. Such report shall also include, where relevant, information on the child's special cultural heritage, including membership in any Indian tribe or band. Any preplacement report on the petitioner required by this chapter to be filed with the court shall be made available to the next friend; the next friend may in his discretion rely on its contents and adopt its recommendations and may incorporate the same in the report of the next friend.

When the object of the adoption proceeding is the petition of a parent to adopt the child of the other spouse, the report of the next friend shall be made within ten days of the date of appointment, unless such time is extended by the court, and in such cases the court may dispense with formal written report and require such information as the court deems necessary in the particular case as to the propriety of the adoption.

Sec. 76. Section 3, chapter 30, Laws of 1965 as last amended by section 21, chapter 291, Laws of 1977 ex. sess. and RCW 74.13.020 are each amended to read as follows:

As used in Title 74 RCW, child welfare services shall be defined as public social services including adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(1) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or ((delinquency)) criminal behavior of children;

(2) Protecting and caring for homeless, dependent, or neglected children;

(3) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children with services designed to resolve such conflicts;

(4) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(5) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

As used in this chapter, child means a person less than eighteen years of age.

Sec. 77. Section 17, chapter 172, Laws of 1967 as last amended by section 22, chapter 291, Laws of 1977 ex. sess. and RCW 74.13.031 are each amended to read as follows:

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

(1) Develop, administer, and supervise a plan that establishes, ~~((extends aid to))~~ aids, and strengthens services for the protection and care of homeless, runaway, dependent ~~((children))~~, or neglected children ~~((, or juvenile offenders))~~.

(2) Investigate complaints of neglect, abuse, or abandonment of children by parents, ~~((guardians;))~~ legal custodians, or persons serving in loco parentis, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, ~~((guardians;))~~ legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. If the investigation reveals that a crime may have been committed, the department shall notify the appropriate law enforcement agency.

**** (3) Offer, on a voluntary basis, crisis intervention to families who are in conflict. Private and public entities which intend to contract with the department to offer crisis intervention services shall provide, prior to entering into the contract, a written rationale for the service model or models to be offered***

by the agency, which shall include a description of the type of service or services to be offered, a service impact statement describing the anticipated effects of the types of services to be provided, and any evidence available to justify the service impact statement.

~~((Crisis intervention services (a) shall consist of an interview or series of interviews with the child or his or her family, as needed, conducted within a brief period of time by qualified professional persons, and designed to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or the family, and (b) may include, but are not limited to, the provision of or referral to services for suicide prevention, psychiatric or other medical care, or psychological, welfare, legal, educational, or other social services, as appropriate to the needs of the child and the family.~~

~~Nothing in this section shall prohibit an officer of the child welfare services from referring any child who, as a result of a mental or emotional disorder, or intoxication by alcohol or other drugs, is suicidal, seriously assaultive or seriously destructive towards others, or otherwise similarly evidences an immediate need for emergency medical evaluation and possible care, to a community mental health center pursuant to RCW 72.23.070.~~

~~(4) Have authority to accept for temporary residential care in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW a child who has been taken into limited custody pursuant to RCW 13.30.020: PROVIDED, That a juvenile shall in no event remain in temporary residential care for a period longer than seventy-two hours from the time of the juvenile's initial contact with the law enforcement officer except as otherwise provided in this section. Upon accepting the child, the staff of the facility shall notify the child's parents or custodian of his or her whereabouts, physical and emotional condition, and the circumstances surrounding his or her placement and shall undertake to make arrangements for the child's return home.~~

~~In every case crisis intervention services shall be provided as needed and the staff of the temporary facility shall seek to effect the child's return home or alternative living arrangement agreeable to the child and the parent or custodian as soon as practicable.~~

~~(a) If, after his or her admission to a temporary residential facility, a child who is absent from home without permission and his or her parent or custodian agrees to the child's return home, the staff of the facility shall arrange transportation for the juvenile, as soon as practicable, to the county of residence of the parent or custodian, at the latter's expense to the extent of his or her ability to pay.~~

~~(b) If the child refuses to return home and if no other living arrangements agreeable to the child and the parent or custodian can be made, the staff of the facility shall arrange transportation for the child to a temporary nonsecure residential facility in the county of residence of the parent or custodian,~~

~~at the expense of the latter to the extent of his or her ability to pay. If there is no such facility in the county of that residence, the nearest such facility to that residence shall be used.~~

~~(c) If a child's legal residence is outside the state of Washington and such child refuses to return home, the provisions of RCW 13.24.010 shall apply.~~

~~(d) If the parent or custodian refuses to permit the child to return home, and no other living arrangement agreeable to the child and the parent or custodian can be made, staff of the child welfare services section shall notify the juvenile court to appoint legal counsel for the child and shall file a dependency petition in the juvenile court in the jurisdiction of the residence of the parent or custodian.~~

~~(e) If a child and his or her parent or guardian agree to an arrangement for alternative residential placement, such placement may continue as long as there is agreement. During any alternative residential placement, there shall be provided to the child and to his or her family such services as may be appropriate to the particular case, to the end that the child may be reunited with the family as soon as practicable.~~

~~(f) If such child and his or her parent or custodian cannot agree to an arrangement for alternative residential placement in the first instance, or cannot agree to the continuation of such placement, the child or his or her parent or custodian may file with the juvenile court a petition to approve alternative residential placement pursuant to RCW 13.32.020. The child shall remain in the placement where he or she is located at the time a petition to approve alternative residential placement is filed until a placement decision is made pursuant to RCW 13.32.040.~~

~~(g) In no event shall alternative residential placement for a child in conflict with his or her family be arranged in a secure detention facility or in a secure institution except as provided in this subsection and RCW 13.34.140. A child in conflict with his or her parents may be detained in a secure detention facility operated by a county for a maximum of seventy-two hours if:~~

~~(i) The staff of the child welfare services section find that the child taken into limited custody has previously been placed in alternative residential care and has run away from such placement and that it is likely that the child will run away from another and different residential placement, or~~

~~(ii) The child refuses to return home and refuses to be placed in alternative residential care.~~

~~During such detention, efforts shall be continued to the end that the child may be returned home or other living arrangements agreeable to the child and his or her parent, guardian, or custodian are made. If an agreement concerning living arrangements for the child cannot be reached a petition shall be filed within forty-eight hours after initial detention of the child, pursuant to subsection (4)(f) of this section. The hearing on the petition shall be held within seventy-two hours, excluding Sundays and holidays, of the~~

~~initial detention of the child. If the hearing on the petition is not held within these time limits the child shall be released from detention.~~

~~(5) Cooperate with other public and voluntary agencies and organizations in the development and coordination of programs and activities in behalf of children including but not limited to contracting with private and public entities to provide basic education and vocational training and crisis intervention services:~~

~~(6) Have authority to accept custody of children from parents, guardians, and/or juvenile courts, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and to make payment of maintenance costs if needed.)) (4) Cooperate with other public and voluntary agencies and organizations in the development and coordination of programs and activities on behalf of children. Contract with local agencies for the provision of crisis intervention services including crisis intake and counseling in Class A and AA counties and counties of the first class. If agreement is obtained from the office of financial management that said services are not available at reasonable cost in said county or counties, purchase of services in said counties is not required: PROVIDED, That when contracting for the above-mentioned services the department shall monitor and administer intake services to the extent that there is a standardized intake system which shall include uniform eligibility criteria and shall yield the type of data enumerated in section 81 of this act.~~

(5) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and make payment of maintenance costs if needed.

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

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

(8) Establish a child welfare and day care advisory committee who shall act as an advisory committee to the state advisory committee and to the secretary in the development of policy on all matters pertaining to child welfare, day care, licensing of child care agencies, and services related thereto.

(9) Notwithstanding any other provision of ~~((chapter 13.30 RCW, RCW 74.13.020, and this section;))~~ sections 31 through 34 and 78 through 82 of this 1979 act, or of this section all services to be provided by the department of social and health services under subsections (3) and (4) of this section, subject to the limitations of these subsections, may be provided by

any program offering such services funded pursuant to Title II of the federal juvenile justice and delinquency prevention act of 1974 (P.L. No. 93-415; 42 U.S.C. 5634 et seq.).

***Subsections (3) and (4) of Section 77 were vetoed, see message at end of chapter.**

NEW SECTION. Sec. 78. (1) The department shall establish, by contracts with private vendors, not less than eight regional crisis residential centers, which shall be structured group care facilities licensed under rules adopted by the department. Each regional center shall have an average of at least four adult staff members and in no event less than three adult staff members to every eight children. The staff shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles, and carry out the responsibilities outlined in section 23 of this act.

(2) The department shall, in addition to the regional facilities established under subsection (1) of this section, establish not less than thirty additional crisis residential centers pursuant to contract with licensed private group care or specialized foster home facilities. The staff at the facilities shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles, and carry out the responsibilities stated in section 23 of this 1979 act. The responsibilities stated in section 23 of this 1979 act may, in any of the centers, be carried out by the department.

Crisis residential facilities shall be operated as semi-secure facilities.

NEW SECTION. Sec. 79. (1) If a resident of a center becomes by his or her behavior disruptive to the facility's program, such resident may be immediately removed to a separate area within the facility and counseled on an individual basis until such time as the child regains his or her composure. The department may set rules and regulations establishing additional procedures for dealing with severely disruptive children on the premises, which procedures are consistent with the federal juvenile justice and delinquency prevention act of 1974 and regulations and clarifying instructions promulgated thereunder. Nothing in this section shall prohibit a center from referring any child who, as the result of a mental or emotional disorder, or intoxication by alcohol or other drugs, is suicidal, seriously assaultive or seriously destructive toward others, or otherwise similarly evidences an immediate need for emergency medical evaluation and possible care, to a community mental health center pursuant to RCW 72.23.070 or to a mental health professional pursuant to chapter 71.05 RCW whenever such action is deemed appropriate and consistent with law.

(2) When the juvenile resides in this facility, all services deemed necessary to the juvenile's reentry to normal family life shall be made available to the juvenile as required by sections 15 through 34 of this 1979 act. In providing these services, the facility shall:

(a) Interview the juvenile as soon as possible;

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

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

(d) Provide additional crisis counseling as needed, to the end that placement of the child in the crisis residential center will be required for the shortest time possible, but not to exceed seventy-two hours.

(3) A juvenile taking unauthorized leave from this residence may be apprehended and returned to it by law enforcement officers or other persons designated as having this authority as provided in section 19 of this 1979 act. If returned to the facility after having taken unauthorized leave for a period of more than twenty-four hours a juvenile may be supervised by such a facility for a period, pursuant to this chapter, which, unless where otherwise provided, may not exceed seventy-two hours on the premises. Costs of housing juveniles admitted to crisis residential centers shall be assumed by the department for a period not to exceed seventy-two hours.

NEW SECTION. Sec. 80. (1) A child taken into custody and taken to a crisis residential center established pursuant to section 78(2) of this 1979 act may, if the center is unable to provide appropriate treatment, supervision, and structure to the child, be taken at department expense to another crisis residential center or the nearest regional crisis residential center. Placement in both centers shall not exceed seventy-two hours from the point of intake as provided in section 27 of this 1979 act.

(2) A child taken into custody and taken to a crisis residential center established by this chapter may be placed physically by the department or the department's designee and, at departmental expense and approval, in a secure detention facility operated by the county in which the center is located for a maximum of twenty-four hours, including Saturdays, Sundays, and holidays, if the person in charge of the crisis residential center finds that the child is severely, emotionally, or behaviorally disturbed to the point that the child is suicidal, seriously assaultive, or seriously destructive towards others and the center is unable to provide appropriate supervision and structure. Any child who takes unauthorized leave from the center, if the person in charge of the center cannot provide supervision and structure adequate to ensure that the child will not again take unauthorized leave, may be taken to a secure detention facility subject to the provisions of this section: PROVIDED, That juveniles placed in such a facility pursuant to this section may not, to the extent possible, come in contact with alleged or convicted juvenile or adult offenders.

(3) Any child placed in secure detention pursuant to this section shall, during the period of confinement, be provided with appropriate treatment by the department or the department's designee, which shall include the

services defined in section 79(2) of this 1979 act. If the child placed in secure detention is not returned home or if an alternative living arrangement agreeable to the parent and the child is not made within forty-eight hours after the child's admission, the child shall be taken at the department's expense to a crisis residential center. Placement in the crisis residential center or centers plus placement in juvenile detention shall not exceed seventy-two hours from the point of intake as provided in section 27 of this 1979 act.

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

(5) It is the intent of the legislature that by December 1, 1980, crisis residential centers, supplemented by community mental health programs and mental health professionals, will be able to respond appropriately to children admitted to centers under this chapter and will be able to respond to the needs of such children with appropriate treatment, supervision, and structure.

NEW SECTION. Sec. 81. Crisis residential centers shall compile yearly records which shall be transmitted to the department and which shall contain information regarding population profiles of the children admitted to the centers during each past calendar year. Such information shall include but shall not be limited to the following:

- (1) The number, age, and sex of children admitted to custody;
- (2) Who brought the children to the center;
- (3) Services provided to children admitted to the center;
- (4) The circumstances which necessitated the children being brought to the center;
- (5) The ultimate disposition of cases;
- (6) The number of children admitted to custody who ran away from the center and their ultimate disposition, if any;
- (7) Length of stay.

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

A center may, in addition to being licensed as such, also be licensed as a family foster home or group care facility and may house on the premises juveniles assigned for foster or group care.

NEW SECTION. Sec. 82. The department of social and health services shall oversee implementation of chapter 13.34 RCW and sections 15 through 34 of this 1979 act. The oversight shall be comprised of working with affected parts of the criminal justice and child care systems as well as with local government, legislative, and executive authorities to effectively

carry out these chapters. The department shall work with all such entities to ensure that this 1979 act is implemented in a uniform manner throughout the state. The department shall make periodic reports to the governor and to the legislature regarding implementation of the chapters cited in this section and shall report any violations and misunderstandings regarding the implementation thereof. Where appropriate, the department shall request opinions from the attorney general regarding correct construction of these laws.

Sec. 83. Section 2, chapter 172, Laws of 1967 as amended by section 71, chapter 80, Laws of 1977 ex. sess. and RCW 74.15.020 are each amended to read as follows:

For the purpose of chapter 74.15 RCW (~~(, RCW 74.32.040 through 74.32.055)~~) and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

- (1) "Department" means the state department of social and health services;
- (2) "Secretary" means the secretary of (~~(the state department of)~~) social and health services;
- (3) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or developmentally disabled persons for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or developmentally disabled persons for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or developmentally disabled persons for services rendered:
 - (a) "Group-care facility" means an agency which is maintained and operated for the care of a group of children on a twenty-four hour basis;
 - (b) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;
 - (c) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;
 - (d) "Day-care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours; (~~(and)~~)
 - (e) "Foster-family home" means an agency which regularly provides care during any part of the twenty-four hour day to one or more children, expectant mothers or developmentally disabled persons in the family abode of the person or persons under whose direct care and supervision the child, expectant mother or developmentally disabled person is placed; and
 - (f) "Crisis residential center" means an agency which is a temporary protective residential facility operated by the department to perform the

duties specified in sections 15 through 34 of this 1979 act, in the manner provided in sections 78 through 82 of this 1979 act.

"Agency" shall not include the following:

(a) Persons related by blood or marriage to the child, expectant mother or developmentally disabled persons in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, and/or first cousin;

(b) Persons who are legal guardians of the child, expectant mother or developmentally disabled persons;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person does not engage in such activity on a regular basis, or where parents on a mutually cooperative basis exchange care of one another's children, or persons who have the care of an exchange student in their own home;

(d) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(e) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(f) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(j) Facilities approved and certified under RCW 72.33.810;

(k) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund.

(4) "Requirement" means any rule, regulation or standard of care to be maintained by an agency.

NEW SECTION. Sec. 84. There is added to chapter 74.15 RCW a new section to read as follows:

The department, pursuant to rules, may enable any licensed foster family home or group care facility to be designated as a semi-secure facility, as defined by section 17 of this 1979 act.

NEW SECTION. Sec. 85. Sections 15 through 34 of this 1979 act shall constitute a new chapter in Title 13 RCW.

Sections 78 through 82 of this 1979 act are each added to chapter 74.13 RCW.

NEW SECTION. Sec. 86. The following acts or parts of acts are each repealed:

(1) Section 10, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.270;

(2) Section 11, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.272;

(3) Section 12, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.274;

(4) Section 16, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.010;

(5) Section 17, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.020;

(6) Section 18, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.030;

(7) Section 19, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.040;

(8) Section 23, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.010;

(9) Section 24, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.020;

(10) Section 25, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.030;

(11) Section 26, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.040;

(12) Section 27, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.050;

(13) Section 42, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.140;

(14) Section 71, chapter 291, Laws of 1977 ex. sess. and RCW 13.40-.170; and

(15) Section 54, chapter 291, Laws of 1977 ex. sess. and RCW 26.09.400.

NEW SECTION. Sec. 87. There is appropriated to the department of social and health services for the period July 1, 1979, to June 30, 1981, from the general fund the sum of one million one hundred thousand dollars, or so much thereof as may be necessary, for the establishment of crisis residential centers throughout the several judicial districts of the state.

NEW SECTION. Sec. 88. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or

the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 89. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 8, 1979.

Passed the House March 8, 1979.

Approved by the Governor March 29, 1979, with the exception of Subsection (3) and (4) of Section 77, which is vetoed.

Filed in Office of Secretary of State March 29, 1979.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to Subsections 3 and 4 of Section 77 of Substitute Senate Bill 2768 entitled:

"An Act Relating to juveniles; amending section 9A.76.010, chapter 260, Laws of 1975 1st ex. sess. as amended by section 53, chapter 291, Laws of 1977 ex. sess. and RCW 9A.76.010; amending section 2, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.011; amending section 3, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.021; amending section 2, chapter 160, Laws of 1913 as last amended by section 4, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.030; amending section 5, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.033; amending section 6, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.035; amending section 3, chapter 160, Laws of 1913 as last amended by section 8, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.040; amending section 2, chapter 132, Laws of 1945 and RCW 13.04.130; amending section 14, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.278; amending section 31, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.030; amending section 33, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.050; amending section 34, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.060; amending section 6, chapter 160, Laws of 1913 as amended by section 35, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.070; amending section 7, chapter 160, Laws of 1913 as last amended by section 36, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.080; amending section 37, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.090; amending section 38, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.100; amending section 5, chapter 302, Laws of 1961 as amended by section 39, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.110; amending section 40, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.120; amending section 41, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.130; amending section 46, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.180; amending section 47, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.190; amending section 49, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.210; amending section 56, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.020; amending section 57, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.030; amending section 58, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.040; amending section 59, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.050; amending section 60, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.060; amending section 61, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.070; amending section 62, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.080; amending section 64, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.100; amending section 65, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.110; amending section 66, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.120; amending section 67, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.130; amending section 68, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.140; amending section 69, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.150; amending section 70, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.160; amending section 73, chapter 291, Laws of 1977 ex.

sess. and RCW 13.40.190; amending section 74, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.200; amending section 75, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.210; amending section 77, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.230; amending section 1, chapter 170, Laws of 1975 1st ex. sess. and RCW 13.40.300; amending section 17, chapter 172, Laws of 1967 as last amended by section 22, chapter 291, Laws of 1977 ex. sess. and RCW 74.13.031; amending section 9, chapter 291, Laws of 1955 as amended by section 1, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.090; amending section 3, chapter 30, Laws of 1965 as last amended by section 21, chapter 291, Laws of 1977 ex. sess. and RCW 74.13.020; amending section 2, chapter 172, Laws of 1967 as amended by section 71, chapter 80, Laws of 1977 ex. sess. and RCW 74.15.020; adding a new section to chapter 291, Laws of 1977 ex. sess. and to chapter 13.04 RCW; adding a new section to chapter 13.24 RCW; adding new sections to chapter 13.34 RCW; adding new sections to chapter 291, Laws of 1977 ex. sess. and to chapter 13.40 RCW; adding new chapters to Title 13 RCW; adding new sections to chapter 74.13 RCW; adding a new section to chapter 74.15 RCW; creating new sections; repealing section 10, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.270; repealing section 11, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.272; repealing section 12, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.274; repealing section 16, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.010; repealing section 17, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.020; repealing section 18, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.030; repealing section 19, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.040; repealing section 23, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.010; repealing section 24, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.020; repealing section 25, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.030; repealing section 26, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.040; repealing section 27, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.050; repealing section 42, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.140; repealing section 71, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.170; repealing section 54, chapter 291, Laws of 1977 ex. sess. and RCW 26.09.400; making an appropriation; prescribing penalties; and declaring an emergency."

Substitute Senate Bill 2768 represents many long hours of work aimed at improving the Juvenile Justice Act of 1977. Individuals and groups representing all aspects of the State's juvenile system participated in the development of this legislation. State agencies, prosecutors offices, public defenders, law enforcement officers, juvenile court directors, judges, and local youth service agencies, all helped address the problems that have arisen since the implementation of the 1977 law.

Passage of Substitute Senate Bill 2768 will help the State to maintain control over the problem of runaways by allowing police to pick up runaway juveniles and transport them to semi-secure Crisis Residential Centers until the family can be successfully reunited. This law will also improve the day to day performance of the juvenile system by more clearly defining roles and responsibilities of those agencies involved with juveniles. The law will also put Washington in conformance with the Interstate Compact on Runaways.

Subsections (3) and (4) of Section 77 of the Act require the Department of Social and Health Services to contract for Crisis Intervention Services. I would prefer that the Department of Social and Health Services management be allowed the option of determining the most cost-effective way of providing these services. This would assure the best use of taxpayer funds. This is a far better policy than is the establishment of rigid rules that inhibit management efficiency. Allowing the Department of Social and Health Services the authority to provide the intake portion of Crisis Intervention Services means that the Department of Social and Health Services can be held fully accountable for the performance of the program. For these reasons I have vetoed Subsections (3) and (4) of Section 77 of Substitute Senate Bill 2768.

I will expect the Department of Social and Health Services to test the cost-effectiveness of the contracting concept by carefully evaluating the benefits and costs of the different modes of service delivery.

In making the decision to veto Subsections of Substitute Senate Bill 2768 I am fully aware that Amendment 62 of the Washington State Constitution provides that the Governor "may not object to less than an entire section." The combined subsections I am vetoing do comprise a "section" as defined in Apartment Associations vs. Evans 88 W2d 553, 564 P. 2d 788 (1977). Although Apartment Associations interpreted the meaning of "section" as it existed before Amendment 62, the definition is still applicable. Amendment 62 abrogated the Governor's power to veto an "item". The intent of the Legislature and the people was to prohibit the Governor from vetoing a word, a comma, or other integrated segment of a proposal by the Legislature. The Legislature did not address the definition of the word "section." Therefore the definition set out in Apartment Associations (supra) appears valid.

The court, in testing several vetoes, reveals that a section is determined by its severability from other parts of the bill, and its ability to stand alone as a complete concept. In the present situation, Section 77 of Substitute Senate Bill 2768 delegates duties to the Department of Social and Health Services. The subsections within section 77 set out individual duties. Subsections (3) and (4) embody one duty separate and distinct from the other duties, clearly this duty is severable from the others and is a complete "section" as defined in Apartment Associations.

It is not my intent to change the remainder of the bill. My objection is toward the single concept of mandating contracts for services.

With the exception of Subsection (3) and (4) of Section 77, which I have vetoed, the remainder of Substitute Senate Bill 2768 is approved."

CHAPTER 156

[House Bill No. 86]

DEBT ADJUSTING

AN ACT Relating to debt adjusting; amending section 1, chapter 201, Laws of 1967 as amended by section 1, chapter 97, Laws of 1970 ex. sess. and RCW 18.28.010; amending section 6, chapter 201, Laws of 1967 as last amended by section 20, chapter 292, Laws of 1971 ex. sess. and RCW 18.28.060; amending section 8, chapter 201, Laws of 1967 as amended by section 2, chapter 141, Laws of 1967 ex. sess. and RCW 18.28.080; amending section 10, chapter 201, Laws of 1967 and RCW 18.28.100; amending section 11, chapter 201, Laws of 1967 and RCW 18.28.110; amending section 15, chapter 201, Laws of 1967 and RCW 18.28.150; amending section 17, chapter 201, Laws of 1967 and RCW 18.28.170; amending section 14, chapter 289, Laws of 1977 ex. sess. and RCW 43.131.140; amending section 17, chapter 289, Laws of 1977 ex. sess. (uncodified); adding new sections to chapter 18.28 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

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

Section 1. Section 1, chapter 201, Laws of 1967 as amended by section 1, chapter 97, Laws of 1970 ex. sess. and RCW 18.28.010 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

(1) "Debt adjusting" means the managing, counseling, settling, adjusting, prorating, or liquidating of the indebtedness of a debtor, or receiving funds for the purpose of distributing said funds among creditors in payment or partial payment of obligations of a debtor.