
HOUSE BILL 2729

State of Washington

61st Legislature

2010 Regular Session

By Representatives Hope, O'Brien, Haler, Pearson, and Ross

Read first time 01/12/10. Referred to Committee on Early Learning & Children's Services.

1 AN ACT Relating to increasing the period of confinement available
2 for contempt of court; amending RCW 13.32A.250 and 13.34.165; creating
3 a new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that parents are often
6 best suited to know if a more significant period of confinement may
7 have a preventative and remedial effect on their child, that it is not
8 necessarily true that a lengthy incarceration is exclusively punitive,
9 that sanctions for contempt of court are punitive, preventative, and
10 remedial in nature, and that a greater increase in the period of
11 confinement may often make remedial options available to the court more
12 effective for a particular child and provide greater opportunities for
13 such options, as appropriate, to be attempted, and to have a successful
14 outcome.

15 **Sec. 2.** RCW 13.32A.250 and 2000 c 162 s 14 are each amended to
16 read as follows:

17 (1) In all child in need of services proceedings and at-risk youth
18 proceedings, the court shall verbally notify the parents and the child

1 of the possibility of a finding of contempt for failure to comply with
2 the terms of a court order entered pursuant to this chapter. Except as
3 otherwise provided in this section, the court shall treat the parents
4 and the child equally for the purposes of applying contempt of court
5 processes and penalties under this section. The court is not required
6 to exhaust and fail at every statutory remedial effort before the court
7 may apply its inherent contempt authority for failure to comply with
8 the terms of a court order.

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

12 (3) The court may impose remedial sanctions including a fine of up
13 to one hundred dollars and confinement for up to (~~seven~~) sixty days,
14 or both for contempt of court under this section.

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

18 (5) A motion for contempt may be made by a parent, a child,
19 juvenile court personnel, or by any public agency, organization, or
20 person having custody of the child under a court order adopted pursuant
21 to this chapter.

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

30 **Sec. 3.** RCW 13.34.165 and 2000 c 122 s 21 are each amended to read
31 as follows:

32 (1) Failure by a party to comply with an order entered under this
33 chapter is civil contempt of court as provided in RCW 7.21.030(2)(e).

34 (2) The maximum term of confinement that may be imposed as a
35 remedial sanction for contempt of court under this section is
36 confinement for up to (~~seven~~) sixty days.

1 (3) A child held for contempt under this section shall be confined
2 only in a secure juvenile detention facility operated by or pursuant to
3 a contract with a county.

4 (4) A motion for contempt may be made by a parent, juvenile court
5 personnel, or by any public agency, organization, or person having
6 custody of the child under a court order entered pursuant to this
7 chapter.

8 (5) Whenever the court finds probable cause to believe, based upon
9 consideration of a motion for contempt and the information set forth in
10 a supporting declaration, that a child has violated a placement order
11 entered under this chapter, the court may issue an order directing law
12 enforcement to pick up and take the child to detention. The order may
13 be entered ex parte without prior notice to the child or other parties.
14 Following the child's admission to detention, a detention review
15 hearing must be held in accordance with RCW 13.32A.065.

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