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**SUBSTITUTE HOUSE BILL 2873**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** House Human Services & Early Learning (originally sponsored by Representatives J. Johnson, Frame, Ramel, Callan, Hudgins, Ryu, Davis, Orwall, and Pollet)

READ FIRST TIME 02/07/20.

1 AN ACT Relating to families in conflict; amending RCW 13.32A.030,  
2 13.32A.040, and 13.32A.150; and adding a new section to chapter  
3 13.32A RCW.

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

5 **Sec. 1.** RCW 13.32A.030 and 2017 3rd sp.s. c 6 s 417 are each  
6 amended to read as follows:

7 As used in this chapter the following terms have the meanings  
8 indicated unless the context clearly requires otherwise:

9 (1) "Abuse or neglect" means the injury, sexual abuse, sexual  
10 exploitation, negligent treatment, or maltreatment of a child by any  
11 person under circumstances that indicate the child's health, welfare,  
12 and safety is harmed, excluding conduct permitted under RCW  
13 9A.16.100. An abused child is a child who has been subjected to child  
14 abuse or neglect as defined in this section.

15 (2) "Administrator" means the individual who has the daily  
16 administrative responsibility of a crisis residential center, or his  
17 or her designee.

18 (3) "At-risk youth" means a juvenile:

19 (a) Who is absent from home for at least seventy-two consecutive  
20 hours without consent of his or her parent;

1 (b) Who is beyond the control of his or her parent such that the  
2 child's behavior endangers the health, safety, or welfare of the  
3 child or any other person; or

4 (c) Who has a substance abuse problem for which there are no  
5 pending criminal charges related to the substance abuse.

6 (4) "Child," "juvenile," "youth," and "minor" mean any  
7 unemancipated individual who is under the chronological age of  
8 eighteen years.

9 (5) "Child in need of services" means a juvenile:

10 (a) Who is beyond the control of his or her parent such that the  
11 child's behavior endangers the health, safety, or welfare of the  
12 child or any other person;

13 (b) Who has been reported to law enforcement as absent without  
14 consent for at least twenty-four consecutive hours on two or more  
15 separate occasions from the home of either parent, a crisis  
16 residential center, an out-of-home placement, or a court-ordered  
17 placement; and

18 (i) Has exhibited a serious substance abuse problem; or

19 (ii) Has exhibited behaviors that create a serious risk of harm  
20 to the health, safety, or welfare of the child or any other person;

21 (c) (i) Who is in need of: (A) Necessary services, including food,  
22 shelter, health care, clothing, or education; or (B) services  
23 designed to maintain or reunite the family;

24 (ii) Who lacks access to, or has declined to use, these services;  
25 and

26 (iii) Whose parents have evidenced continuing but unsuccessful  
27 efforts to maintain the family structure or are unable or unwilling  
28 to continue efforts to maintain the family structure; or

29 (d) Who is a "sexually exploited child."

30 (6) "Child in need of services petition" means a petition filed  
31 in juvenile court by a parent, child, or the department seeking  
32 adjudication of placement of the child.

33 (7) "Crisis residential center" means a secure or semi-secure  
34 facility established pursuant to chapter 74.13 RCW.

35 (8) "Custodian" means the person or entity that has the legal  
36 right to custody of the child.

37 (9) "Department" means the department of children, youth, and  
38 families.

39 (10) "Extended family member" means an adult who is a  
40 grandparent, brother, sister, stepbrother, stepsister, uncle, aunt,

1 or first cousin with whom the child has a relationship and is  
2 comfortable, and who is willing and available to care for the child.

3 (11) "Guardian" means the person or agency that (a) has been  
4 appointed as the guardian of a child in a legal proceeding other than  
5 a proceeding under chapter 13.34 RCW, and (b) has the legal right to  
6 custody of the child pursuant to such appointment. The term  
7 "guardian" does not include a "dependency guardian" appointed  
8 pursuant to a proceeding under chapter 13.34 RCW.

9 (12) "Multidisciplinary team" means a group formed to provide  
10 assistance and support to a child who is an at-risk youth or a child  
11 in need of services and his or her parent. The team must include the  
12 parent, a department caseworker, a local government representative  
13 when authorized by the local government, and when appropriate,  
14 members from the mental health and substance abuse disciplines. The  
15 team may also include, but is not limited to, the following persons:  
16 Educators, law enforcement personnel, probation officers, employers,  
17 church persons, tribal members, therapists, medical personnel, social  
18 service providers, placement providers, and extended family members.  
19 The team members must be volunteers who do not receive compensation  
20 while acting in a capacity as a team member, unless the member's  
21 employer chooses to provide compensation or the member is a state  
22 employee.

23 (13) "Out-of-home placement" means a placement in a foster family  
24 home or group care facility licensed pursuant to chapter 74.15 RCW or  
25 placement in a home, other than that of the child's parent, guardian,  
26 or legal custodian, not required to be licensed pursuant to chapter  
27 74.15 RCW.

28 (14) "Parent" means the parent or parents who have the legal  
29 right to custody of the child. "Parent" includes custodian or  
30 guardian.

31 (15) "Secure facility" means a crisis residential center, or  
32 portion thereof, that has locking doors, locking windows, or a  
33 secured perimeter, designed and operated to prevent a child from  
34 leaving without permission of the facility staff.

35 (16) "Semi-secure facility" means any facility, including but not  
36 limited to crisis residential centers or specialized foster family  
37 homes, operated in a manner to reasonably assure that youth placed  
38 there will not run away. Pursuant to rules established by the  
39 department, the facility administrator shall establish reasonable  
40 hours for residents to come and go from the facility such that no

1 residents are free to come and go at all hours of the day and night.  
2 To prevent residents from taking unreasonable actions, the facility  
3 administrator, where appropriate, may condition a resident's leaving  
4 the facility upon the resident being accompanied by the administrator  
5 or the administrator's designee and the resident may be required to  
6 notify the administrator or the administrator's designee of any  
7 intent to leave, his or her intended destination, and the probable  
8 time of his or her return to the center.

9 (17) "Sexually exploited child" means any person under the age of  
10 eighteen who is a victim of the crime of commercial sex abuse of a  
11 minor under RCW 9.68A.100, promoting commercial sexual abuse of a  
12 minor under RCW 9.68A.101, or promoting travel for commercial sexual  
13 abuse of a minor under RCW 9.68A.102.

14 (18) "Staff secure facility" means a structured group care  
15 facility licensed under rules adopted by the department with a ratio  
16 of at least one adult staff member to every two children.

17 (19) "Temporary out-of-home placement" means an out-of-home  
18 placement of not more than fourteen days ordered by the court at a  
19 fact-finding hearing on a child in need of services petition.

20 (20) "Family reconciliation services" means services provided by  
21 culturally relevant, trauma-informed community-based entities under  
22 contract with the department, or provided directly by the department,  
23 designed to assess and stabilize the family with the goal of  
24 resolving crisis and building supports, skills, and connection to  
25 community networks and resources including, but not limited to:

26 (a) Referrals for services for suicide prevention, psychiatric or  
27 other medical care, psychological care, behavioral health treatment,  
28 legal assistance, or educational assistance;

29 (b) Parent training;

30 (c) Assistance with conflict management or dispute resolution; or

31 (d) Other social services, as appropriate to meet the needs of  
32 the child and the family.

33 **Sec. 2.** RCW 13.32A.040 and 2000 c 123 s 3 are each amended to  
34 read as follows:

35 ~~((Families))~~ (1) The department, or a designated contractor of  
36 the department, shall offer family reconciliation services to  
37 families or youth who are ((in)) experiencing conflict ((or)) and who  
38 ((are experiencing problems with at-risk youth or a child who)) may  
39 be in need of services ((may request family reconciliation services

1 ~~from the department))~~ upon request from the family or youth and  
2 subject to the availability of funding appropriated for this specific  
3 purpose.

4 (2) The department may involve a local multidisciplinary team in  
5 its response in determining the services to be provided and in  
6 providing those services. Such services shall be provided to  
7 alleviate personal or family situations which present a serious and  
8 imminent threat to the health or stability of the child or family and  
9 to maintain families intact wherever possible. ((Family  
10 reconciliation services shall be designed to develop skills and  
11 supports within families to resolve problems related to at-risk  
12 youth, children in need of services, or family conflicts. These  
13 services may include but are not limited to referral to services for  
14 suicide prevention, psychiatric or other medical care, or  
15 psychological, mental health, drug or alcohol treatment, welfare,  
16 legal, educational, or other social services, as appropriate to the  
17 needs of the child and the family, and training in parenting,  
18 conflict management, and dispute resolution skills.))

19 **Sec. 3.** RCW 13.32A.150 and 2019 c 312 s 10 are each amended to  
20 read as follows:

21 (1) Except as otherwise provided in this chapter, the juvenile  
22 court shall not accept the filing of a child in need of services  
23 petition by the child or the parents or the filing of an at-risk  
24 youth petition by the parent, unless verification is provided that  
25 the department, or a community-based entity under contract with the  
26 department, has completed a family assessment. The family assessment  
27 shall involve the multidisciplinary team if one exists. The family  
28 assessment or plan of services developed by the multidisciplinary  
29 team shall be aimed at family reconciliation, reunification, and  
30 avoidance of the out-of-home placement of the child.

31 (2) A child or a child's parent may file with the juvenile court  
32 a child in need of services petition to approve an out-of-home  
33 placement for the child before completion of a family assessment. The  
34 department shall, when requested, assist either a parent or child in  
35 the filing of the petition. The petition must be filed in the county  
36 where the parent resides. The petition shall allege that the child is  
37 a child in need of services and shall ask only that the placement of  
38 a child outside the home of his or her parent be approved. The filing  
39 of a petition to approve the placement is not dependent upon the

1 court's having obtained any prior jurisdiction over the child or his  
2 or her parent, and confers upon the court a special jurisdiction to  
3 approve or disapprove an out-of-home placement under this chapter.

4 (3) A petition may not be filed if the child is the subject of a  
5 proceeding under chapter 13.34 RCW.

6 NEW SECTION. **Sec. 4.** A new section is added to chapter 13.32A  
7 RCW to read as follows:

8 (1) Beginning December 1, 2020, and annually thereafter, in  
9 compliance with RCW 43.01.036, the department shall make data  
10 available on the use of family reconciliation services which  
11 includes:

12 (a) The number of requests for family reconciliation services;

13 (b) The number of referrals made for family reconciliation  
14 services;

15 (c) The demographic profile of families and youth accessing  
16 family reconciliation services including race, ethnicity, housing  
17 status, child welfare history, existence of an individualized  
18 education program, eligibility for services under 29 U.S.C. Sec. 701,  
19 or eligibility for other disability-related services;

20 (d) The nature of the family conflict;

21 (e) The type and length of the family reconciliation services  
22 delivered;

23 (f) Family outcomes after receiving family reconciliation  
24 services; and

25 (g) Recommendations for improving family reconciliation services.

26 (2) If the department cannot provide the information specified  
27 under subsection (1) of this section, the department shall identify  
28 steps necessary to obtain and make available the information required  
29 under subsection (1) of this section.

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