SENATE BILL 5404

State of Washington 64th Legislature 2015 Regular Session

By Senators O'Ban, Darneille, Frockt, Miloscia, Kohl-Welles, McAuliffe, Chase, Pedersen, and Conway; by request of Governor Inslee

Read first time 01/21/15. Referred to Committee on Human Services, Mental Health & Housing.

- 1 AN ACT Relating to homeless youth prevention and protection;
- 2 amending RCW 13.32A.042, 13.32A.044, 13.32A.050, 13.32A.090,
- 3 13.32A.095, 13.32A.130, 74.13.032, 74.13.033, 74.13.034, 74.15.220,
- 4 74.15.225, and 43.330.167; reenacting and amending RCW 43.185C.010,
- 5 13.32A.060, and 13.32A.065; adding new sections to chapter 43.185C
- 6 RCW; adding new sections to chapter 43.330 RCW; creating a new
- 7 section; and recodifying RCW 13.32A.042, 13.32A.044, 13.32A.050,
- 8 13.32A.060, 13.32A.065, 13.32A.070, 13.32A.090, 13.32A.095,
- 9 13.32A.130, 74.13.032, 74.13.0321, 74.13.033, 74.13.034, 74.15.220,
- 10 74.15.225, 74.15.260, and 74.15.270.
- 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
- 12 <u>NEW SECTION.</u> **Sec. 1.** Creation of subchapter. Sections 3 through
- 13 7 of this act are each added to chapter 43.330 RCW and codified with
- 14 the subchapter heading of "homeless youth act."
- 15 NEW SECTION. Sec. 2. Short title. This act may be known and
- 16 cited as the "homeless youth act."
- 17 NEW SECTION. Sec. 3. Definitions. The definitions in this
- 18 section apply throughout this subchapter unless the context clearly
- 19 requires otherwise.

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- 1 (1) "Child," "juvenile," "youth," and "minor" means any 2 unemancipated individual who is under the chronological age of 3 eighteen years.
- 4 (2) "Homeless" means without a fixed, regular, and adequate 5 nighttime residence as set forth in the federal McKinney-Vento 6 homeless assistance act, P.L. 100-77, July 22, 1987, 101 Stat. 482, 7 and runaway and homeless youth act, P.L. 93-415, Title III, September 8 7, 1974, 88 Stat. 1129.
- 9 (3) "Homeless youth" means both youth and young adults actively 10 experiencing homelessness as well as those youth and young adults at 11 risk of homelessness.
- 12 (4) "Runaway" means an unmarried and unemancipated minor who is 13 absent from the home of a parent or guardian or other lawful 14 placement without the consent of the parent, guardian, or lawful 15 custodian.
- 16 (5) "Street youth" means a person under the age of eighteen who 17 lives outdoors or in another unsafe location not intended for 18 occupancy by the minor and who is not residing with his or her parent 19 or at his or her legally authorized residence.
- 20 (6) "Unaccompanied" means a youth or young adult experiencing 21 homelessness while not in the physical custody of a parent or 22 quardian.
- 23 (7) "Young adult" means a person between eighteen and twenty-four years of age.
- 25 NEW SECTION. Sec. 4. Legislative findings. (1) The legislature finds that every night, thousands of homeless youth in Washington go 26 27 to sleep without the safety, stability, and support of a family or a home. These youth are exposed to an increased level of violence, 28 human trafficking, and exploitation resulting in a higher incidence 29 30 substance abuse, illness, and death. Prevention of youth 31 homelessness and protection of youth who are homeless is of key concern to the state. 32
 - (2) Successfully addressing youth homelessness ensures that homeless youth and young adults in our state have the support they need to thrive and avoid justice system involvement, trafficking, long-term, avoidable use of public benefits, and extended adult homelessness.

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38 (3) Providing appropriate, relevant, and readily accessible 39 services is critical for addressing one-time, episodic, or longer-

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term homelessness among youth, and keeping youth safe, housed, and connected to family.

- (4) To successfully reduce and prevent youth and young adult homelessness, it is the goal of the legislature to have the following key components available and accessible:
- (a) Stable housing: Every homeless youth and young adult in our state should have a safe place to sleep each night. Every homeless youth and young adult in our state deserves access to housing that gives them a safe, healthy, and supported launching pad to adulthood. Every family in crisis should have appropriate support as they work to keep their children housed and safe. It is the goal of the legislature that every homeless youth discharged from a public system of care in our state will not be discharged into homelessness.
- (b) Education and employment: Every homeless youth and young adult in our state deserves the opportunity and support they need to complete their high school education and pursue additional education and training. It is the goal of the legislature that every homeless youth and young adult in our state will have the opportunity to engage in employment training and be able to access employment. With both education and employment support and opportunities, youth and young adults will have the skills they need to become self-sufficient, self-reliant, and independent.
- (c) Permanent connections: Every homeless youth and young adult should have positive, healthy relationships with adults, including family members, employers, landlords, teachers, and community members, with whom they can maintain connections and from whom they can receive ongoing, long-term support, to help the youth develop the skills and experiences necessary to help the youth achieve a successful transition to adulthood.
- (d) Social and emotional well-being: Every homeless youth and young adult in our state should have access to both behavioral health care and physical health care. Every state-funded program for homeless youth and young adults must endeavor to identify, encourage, and nurture each youth's strengths and abilities and demonstrate a commitment to youth-centered programming.
- (5) The legislature further finds that coordination of statewide homeless prevention and reduction efforts should be the responsibility of the executive branch and that funding for programs should be available to local communities to best meet the needs of homeless youth and young adults in the areas of housing, education,

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- 1 employment, permanent connections, and social and emotional well-
- 2 being. These targeted investments ensure that our youth become well
- 3 educated, healthy, and stable participants in the workforce and civic
- 4 life of our communities.

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- NEW SECTION. Sec. 5. Creation of office of homeless youth programs. (1) There is created the office of homeless youth programs within the department.
 - (2) Activities of the office of homeless youth programs must be carried out by a director of the office of homeless youth programs, supervised by the director of the department or his or her designee.
 - (3) The office of homeless youth programs is responsible for leading efforts under this subchapter to coordinate a spectrum of ongoing and future funding, policy, and practice efforts related to homeless youth and improving the safety, health, and welfare of homeless youth in this state.
 - (4) The office of homeless youth programs shall (a) gather data and outcome measures, (b) initiate data sharing agreements, (c) develop specific recommendations and timelines to address funding, policy, and practice gaps within the state system for addressing the four priority services areas identified in section 4 of this act, (d) make reports, and (e) increase system integration and coordinate efforts to prevent state systems from discharging youth and young adults into homelessness.
 - (5) The office of homeless youth programs shall regularly consult with an advisory committee comprised of advocates, service providers, and other stakeholders knowledgeable in the provision of services to homeless youth and young adults. The advisory committee shall provide guidance and recommendations to the office of homeless youth programs regarding funding, policy, and practice gaps within and among state programs.
- 31 (6) The office of homeless youth programs must be operational no 32 later than January 1, 2016. Transfer of powers, duties, and functions 33 of the department of social and health services to the department of 34 commerce pertaining to youth homeless services and programs 35 identified in section 7(2) of this act may occur before this date.
- NEW SECTION. Sec. 6. Reporting and data gathering. (1) The office of homeless youth programs shall identify data and outcomes

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- 1 measures from which to evaluate future public investment in homeless 2 youth services.
- (2) By December 1, 2016, and in compliance with RCW 43.01.036, 3 the office of homeless youth programs must submit a report to the 4 governor to inform recommendations for funding, policy, and best 5 practices in the four priority service areas identified in section 4 6
- 7 of this act and present recommendations to address funding, policy,
- and practice gaps in the state system. 8
- 9 Sec. 7. Authorization for administration of NEW SECTION. 10 services and funding through the office of homeless youth programs.
- (1)(a) The office of homeless youth programs shall report to the 11 director or the director's designee. 12
- 13 (b)(i) The office of homeless youth programs may distribute 14 grants to providers who serve homeless youth and young adults 15 throughout the state.
- 16 (ii) The grants must fund services in the four priority service areas identified in section 4 of this act. 17
- (iii) The grants must be expended on a statewide basis and may be 18 19 used to support direct services, as well as technical assistance, 20 evaluation, and capacity building.
- The office of homeless youth programs shall provide 21 management and oversight guidance and direction to the following 22 23 programs:
- 24 (a) HOPE centers as described in RCW 74.15.220;
- 25 (b) Crisis residential centers as described in RCW 74.13.032;
- 26 (c) Street youth services;
- 27 (d) Independent youth housing programs as described in RCW 28 43.63A.305.
- Sec. 8. RCW 43.185C.010 and 2009 c 565 s 40 are each reenacted 29 30 and amended to read as follows:
- The definitions in this section apply throughout this chapter 31 unless the context clearly requires otherwise. 32
- (1) "Administrator" means the individual who has the daily 33 34 administrative responsibility of a crisis residential center.
- (2) "Child in need of services petition" means a petition filed 35 in juvenile court by a parent, child, or the department seeking 36 37

adjudication of placement of the child.

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- 1 (3) "Community action agency" means a nonprofit private or public organization established under the economic opportunity act of 1964.
 - $((\frac{(2)}{(2)}))$ (4) "Crisis residential center" means a secure or semisecure facility established pursuant to chapter 74.13 RCW.
 - (5) "Department" means the department of commerce.

- $((\frac{3}{3}))$ (6) "Director" means the director of the department of commerce.
 - ((4))) (7) "Home security fund account" means the state treasury account receiving the state's portion of income from revenue from the sources established by RCW 36.22.179, RCW 36.22.1791, and all other sources directed to the homeless housing and assistance program.
 - (((5))) (8) "Homeless housing grant program" means the vehicle by which competitive grants are awarded by the department, utilizing moneys from the home security fund account, to local governments for programs directly related to housing homeless individuals and families, addressing the root causes of homelessness, preventing homelessness, collecting data on homeless individuals, and other efforts directly related to housing homeless persons.
- $((\frac{6}{6}))$ (9) "Homeless housing plan" means the ten-year plan developed by the county or other local government to address housing 21 for homeless persons.
 - $((\frac{10}{10}))$ "Homeless housing program" means the program authorized under this chapter as administered by the department at the state level and by the local government or its designated subcontractor at the local level.
 - $((\frac{(8)}{)})$ (11) "Homeless housing strategic plan" means the ten-year plan developed by the department, in consultation with the interagency council on homelessness and the affordable housing advisory board.
 - ((+9)) (12) "Homeless person" means an individual living outside or in a building not meant for human habitation or which they have no legal right to occupy, in an emergency shelter, or in a temporary housing program which may include a transitional and supportive housing program if habitation time limits exist. This definition includes substance abusers, people with mental illness, and sex offenders who are homeless.
- ((\(\frac{(10\)}{10}\))) (13) "HOPE center" means an agency licensed by the
 secretary to provide temporary residential placement and other
 services to street youth. A street youth may remain in a HOPE center
 for thirty days while services are arranged and permanent placement

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- is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days.
- 9 <u>(14)</u> "Housing authority" means any of the public corporations 10 created by chapter 35.82 RCW.

- $((\frac{11}{11}))$ $\underline{(15)}$ "Housing continuum" means the progression of individuals along a housing-focused continuum with homelessness at one end and homeownership at the other.
- $((\frac{(12)}{(12)}))$ (16) "Interagency council on homelessness" means a committee appointed by the governor and consisting of, at least, policy level representatives of the following entities: (a) The department of commerce; (b) the department of corrections; (c) the department of social and health services; (d) the department of veterans affairs; and (e) the department of health.
- $((\frac{13}{13}))$ (17) "Local government" means a county government in the state of Washington or a city government, if the legislative authority of the city affirmatively elects to accept the responsibility for housing homeless persons within its borders.
 - ((\(\frac{(14+)}{14+}\)) (18) "Local homeless housing task force" means a voluntary local committee created to advise a local government on the creation of a local homeless housing plan and participate in a local homeless housing program. It must include a representative of the county, a representative of the largest city located within the county, at least one homeless or formerly homeless person, such other members as may be required to maintain eligibility for federal funding related to housing programs and services and if feasible, a representative of a private nonprofit organization with experience in low-income housing.
 - $((\frac{15}{15}))$ (19) "Long-term private or public housing" means subsidized and unsubsidized rental or owner-occupied housing in which there is no established time limit for habitation of less than two years.
- $((\frac{16}{10}))$ <u>(20)</u> "Performance measurement" means the process of comparing specific measures of success against ultimate and interim goals.

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

(22) "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. 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.

(23) "Staff secure facility" means a structured group care facility licensed under rules adopted by the department of social and health services with a ratio of at least one adult staff member to every two children.

(24) "Washington homeless census" means an annual statewide census conducted as a collaborative effort by towns, cities, counties, community-based organizations, and state agencies, with the technical support and coordination of the department, to count and collect data on all homeless individuals in Washington.

 $((\frac{18}{18}))$ (25) "Washington homeless client management information system" means a database of information about homeless individuals in the state used to coordinate resources to assist homeless clients to obtain and retain housing and reach greater levels of self-sufficiency or economic independence when appropriate, depending upon their individual situations.

Sec. 9. RCW 13.32A.042 and 2000 c 123 s 4 are each amended to 35 read as follows:

(1)(a) The administrator of a crisis residential center may convene a multidisciplinary team, which is to be locally based and administered, at the request of a child placed at the center or the child's parent.

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(b) If the administrator has reasonable cause to believe that a child is a child in need of services and the parent is unavailable or unwilling to continue efforts to maintain the family structure, the administrator shall immediately convene a multidisciplinary team.

- (c) A parent may disband a team twenty-four hours, excluding weekends and holidays, after receiving notice of formation of the team under (b) of this subsection unless a petition has been filed under RCW 13.32A.140. If a petition has been filed the parent may not disband the team until the hearing is held under RCW 13.32A.179. The court may allow the team to continue if an out-of-home placement is ordered under RCW 13.32A.179(3). Upon the filing of an at-risk youth or dependency petition the team shall cease to exist, unless the parent requests continuation of the team or unless the out-of-home placement was ordered under RCW 13.32A.179(3).
- (2) The ((secretary)) administrator shall request participation of appropriate state agencies to assist in the coordination and delivery of services through the multidisciplinary teams. Those agencies that agree to participate shall provide the secretary all information necessary to facilitate forming a multidisciplinary team and the ((secretary)) administrator shall provide this information to the administrator of each crisis residential center.
- (3) ((The secretary shall designate within each region a department employee who shall have responsibility for coordination of the state response to a request for creation of a multidisciplinary team. The secretary shall advise the administrator of each crisis residential center of the name of the appropriate employee. Upon a request of the administrator to form a multidisciplinary team the employee shall provide a list of the agencies that have agreed to participate in the multidisciplinary team.
- (4))) The administrator shall also seek participation from representatives of mental health and drug and alcohol treatment providers as appropriate.
- ((+5)) (4) A parent shall be advised of the request to form a multidisciplinary team and may select additional members of the multidisciplinary team. The parent or child may request any person or persons to participate including, but not limited to, educators, law enforcement personnel, court personnel, family therapists, licensed health care practitioners, social service providers, youth residential placement providers, other family members, church representatives, and members of their own community. The

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- administrator shall assist in obtaining the prompt participation of persons requested by the parent or child.
- (((6))) (5) When an administrator of a crisis residential center requests the formation of a team, the state agencies must respond as soon as possible.
- 6 **Sec. 10.** RCW 13.32A.044 and 2000 c 123 s 5 are each amended to read as follows:
- 8 (1) The purpose of the multidisciplinary team is to assist in a 9 coordinated referral of the family to available social and health-10 related services.
- 11 (2) The team shall have the authority to evaluate the juvenile, 12 and family members, if appropriate and agreed to by the parent, and 13 shall:
- 14 (a) With parental input, develop a plan of appropriate available 15 services and assist the family in obtaining those services;
- 16 (b) Make a referral to the designated chemical dependency 17 specialist or the county designated mental health professional, if 18 appropriate;
- 19 (c) Recommend no further intervention because the juvenile and 20 his or her family have resolved the problem causing the family 21 conflict; or
- 22 (d) With the parent's consent, work with them to achieve 23 reconciliation of the child and family.

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- (3) At the first meeting of the multidisciplinary team, it shall choose a member to coordinate the team's efforts. The parent member of the multidisciplinary team must agree with the choice of coordinator. The team shall meet or communicate as often as necessary to assist the family.
- 29 (4) The coordinator of the multidisciplinary team may assist in 30 filing a child in need of services petition when requested by the 31 parent or child or an at-risk youth petition when requested by the 32 parent. The multidisciplinary team shall have no standing as a party 33 in any action under this title.
 - (5) If the administrator is unable to contact the child's parent, the multidisciplinary team may be used for assistance. If the parent has not been contacted within five days the administrator shall contact the department of social and health services and request the case be reviewed for a dependency filing under chapter 13.34 RCW.

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Sec. 11. RCW 13.32A.050 and 2000 c 123 s 6 are each amended to 2 read as follows:

- (1) A law enforcement officer shall take a child into custody:
- (a) If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or
- (b) If a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's safety or that a child is violating a local curfew ordinance; or
- (c) 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; or
- (d) If a law enforcement agency has been notified by the juvenile court that the court finds probable cause exists to believe that the child has violated a court placement order issued under this chapter or chapter 13.34 RCW or that the court has issued an order for law enforcement pick-up of the child under this chapter or chapter 13.34 RCW.
- (2) Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination. Law enforcement custody continues until the law enforcement officer transfers custody to a person, agency, or other authorized entity under this chapter, or releases the child because no placement is available. Transfer of custody is not complete unless the person, agency, or entity to whom the child is released agrees to accept custody.
- (3) If a law enforcement officer takes a child into custody pursuant to either subsection (1)(a) or (b) of this section and transports the child to a crisis residential center, the officer shall, within twenty-four hours of delivering the child to the center, provide to the center a written report detailing the reasons the officer took the child into custody. The center shall provide the department of social and health services with a copy of the officer's report.
- (4) If the law enforcement officer who initially takes the juvenile into custody or the staff of the crisis residential center have reasonable cause to believe that the child is absent from home

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- 1 because he or she is abused or neglected, a report shall be made immediately to the department of social and health services. 2
- Nothing in this section affects the authority of any 3 political subdivision to make regulations concerning the conduct of 4 minors in public places by ordinance or other local law. 5

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- (6) If a law enforcement officer has a reasonable suspicion that a child is being unlawfully harbored in violation of RCW 13.32A.080, the officer shall remove the child from the custody of the person harboring the child and shall transport the child to one of the locations specified in RCW 13.32A.060 (as recodified by this act).
- (7) No child may be placed in a secure facility except as 11 provided in this chapter. 12
- Sec. 12. RCW 13.32A.060 and 2000 c 162 s 11 and 2000 c 123 s 7 13 are each reenacted and amended to read as follows: 14
- officer taking a child into custody under 15 16 13.32A.050(1) (a) or (b) (as recodified by this act) shall inform the child of the reason for such custody and shall: 17
 - (a) Transport the child to his or her home or to a parent at his or her place of employment, if no parent is at home. The parent may request that the officer take the child to the home of an adult extended family member, responsible adult, crisis residential center, the department of social and health services, or a licensed youth shelter. In responding to the request of the parent, the officer shall take the child to a requested place which, in the officer's belief, is within a reasonable distance of the parent's home. The officer releasing a child into the custody of a parent, an adult extended family member, responsible adult, or a licensed youth shelter shall inform the person receiving the child of the reason for taking the child into custody and inform all parties of the nature and location of appropriate services available in the community; or
 - (b) After attempting to notify the parent, take the child to a designated crisis residential center's secure facility or a center's semi-secure facility if a secure facility is full, not available, or not located within a reasonable distance if:
- (i) The child expresses fear or distress at the prospect of being returned to his or her home which leads the officer to believe there 36 is a possibility that the child is experiencing some type of abuse or 37 neglect;

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- 1 (ii) It is not practical to transport the child to his or her 2 home or place of the parent's employment; or
- 3 (iii) There is no parent available to accept custody of the 4 child; or
- (c) After attempting to notify the parent, if a crisis 5 6 residential center is full, not available, or not located within a 7 reasonable distance, request the department of social and health services to accept custody of the child. If the department of social 8 9 and health services determines that an appropriate placement is currently available, the department of social and health services 10 11 shall accept custody and place the child in an out-of-home placement. 12 Upon accepting custody of a child from the officer, the department of 13 social and health services may place the child in an out-of-home placement for up to seventy-two hours, excluding Saturdays, Sundays, 14 and holidays, without filing a child in need of services petition, 15 16 obtaining parental consent, or obtaining an order for placement under 17 chapter 13.34 RCW. Upon transferring a child to the department(('s)) 18 of social and health services' custody, the officer shall provide written documentation of the reasons and the statutory basis for 19 taking the child into custody. If the department of social and health 20 services declines to accept custody of the child, the officer may 21 release the child after attempting to take the child to 22 following, in the order listed: The home of an adult extended family 23 24 member; a responsible adult; or a licensed youth shelter. The officer 25 shall immediately notify the department of social and health services 26 if no placement option is available and the child is released.
 - (2) An officer taking a child into custody under RCW 13.32A.050(1) (c) or (d) (as recodified by this act) shall inform the child of the reason for custody. An officer taking a child into custody under RCW 13.32A.050(1)(c) (as recodified by this act) may release the child to the supervising agency, or shall take the child to a designated crisis residential center's secure facility. If the secure facility is not available, not located within a reasonable distance, or full, the officer shall take the child to a semi-secure crisis residential center. An officer taking a child into custody under RCW 13.32A.050(1)(d) (as recodified by this act) may place the child in a juvenile detention facility as provided in RCW 13.32A.065 (as recodified by this act) or a secure facility, except that the child shall be taken to detention whenever the officer has been

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notified that a juvenile court has entered a detention order under this chapter or chapter 13.34 RCW.

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- (3) Every officer taking a child into custody shall provide the child and his or her parent or parents or responsible adult with a copy of the statement specified in RCW 13.32A.130(6) (as recodified by this act).
- 7 (4) Whenever an officer transfers custody of a child to a crisis residential center or the department of social and health services, 8 the child may reside in the crisis residential center or may be 9 placed by the department of social and health services in an out-of-10 home placement for an aggregate total period of time not to exceed 11 seventy-two hours excluding Saturdays, Sundays, and holidays. 12 Thereafter, the child may continue in out-of-home placement only if 13 14 the parents have consented, a child in need of services petition has been filed, or an order for placement has been entered under chapter 15 16 13.34 RCW.
- 17 (5) The department of social and health services shall ensure that all law enforcement authorities are informed on a regular basis as to the location of all designated secure and semi-secure facilities within centers in their jurisdiction, where children taken into custody under RCW 13.32A.050 (as recodified by this act) may be taken.
- 23 **Sec. 13.** RCW 13.32A.065 and 2000 c 162 s 12 and 2000 c 123 s 8 24 are each reenacted and amended to read as follows:
- (1) A child may be placed in detention after being taken into custody pursuant to RCW 13.32A.050(1)(d) (as recodified by this act).

 The court shall hold a detention review hearing within twenty-four hours, excluding Saturdays, Sundays, and holidays. The court shall release the child after twenty-four hours, excluding Saturdays, Sundays, and holidays, unless:
- 31 (a) A motion and order to show why the child should not be held 32 in contempt has been filed and served on the child at or before the 33 detention hearing; and
- 34 (b) The court believes that the child would not appear at a 35 hearing on contempt.
- 36 (2) If the court orders the child to remain in detention, the 37 court shall set the matter for a hearing on contempt within seventy-38 two hours, excluding Saturdays, Sundays, and holidays.

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Sec. 14. RCW 13.32A.090 and 2000 c 123 s 11 are each amended to 2 read as follows:

- (1) The administrator of a designated crisis residential center ((or the department)) shall perform the duties under subsection (3) of this section:
- 6 (a) Upon admitting a child who has been brought to the center by 7 a law enforcement officer under RCW 13.32A.060 (as recodified by this 8 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 RCW 13.32A.082 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 RCW 13.32A.060 (as recodified by this act).
 - (2) Transportation expenses of the child shall be at the parent's expense to the extent of his or her ability to pay, with any unmet transportation expenses assumed by the ((department)) crisis residential center.
 - (3) When any of the circumstances under subsection (1) of this section are present, the administrator of a center ((or the department)) 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) Initially notify the parent that it is the paramount concern of the family reconciliation service personnel to achieve a reconciliation between the parent and child to reunify the family and inform the parent as to the procedures to be followed under this chapter;
 - (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 $26.44.020((\frac{12}{12}))$ (1) governing child abuse and neglect in this state; and either
 - (d)(i) Arrange transportation for the child to the residence of the parent, as soon as practicable, when the child and his or her parent agrees to the child's return home or when the parent produces a copy of a court order entered under this chapter requiring the child to reside in the parent's home; or
- 39 (ii) Arrange transportation for the child to: $((\frac{i}{(A)}, \frac{A}{(A)}))$ (A) 40 An out-of-home placement which may include a licensed group care

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- facility or foster family when agreed to by the child and parent; or (((ii) [(B)])) <u>(B)</u> a certified or licensed mental health or chemical dependency program of the parent's choice.
- 4 (4) If the administrator of the crisis residential center 5 performs the duties listed in subsection (3) of this section, he or 6 she shall also notify the department of social and health services 7 that a child has been admitted to the crisis residential center.
- 8 **Sec. 15.** RCW 13.32A.095 and 2000 c 123 s 12 are each amended to 9 read as follows:
- The administrator of a crisis residential center shall notify parents, the appropriate law enforcement agency, and the department of social and health services immediately as to any unauthorized leave from the center by a child placed at the center.
- 14 **Sec. 16.** RCW 13.32A.130 and 2009 c 569 s 1 are each amended to 15 read as follows:

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- (1) A child admitted to a secure facility located in a juvenile detention center shall remain in the facility for at least twenty-four hours after admission but for not more than five consecutive days. A child admitted to a secure facility not located in a juvenile detention center or a semi-secure facility may remain for not more than fifteen consecutive days. If a child is transferred between a secure and semi-secure facility, the aggregate length of time a child may remain in both facilities shall not exceed fifteen consecutive days per admission, and in no event may a child's stay in a secure facility located in a juvenile detention center exceed five days per admission.
- (2)(a)(i) The facility administrator shall determine within twenty-four hours after a child's admission to a secure facility whether the child is likely to remain in a semi-secure facility and may transfer the child to a semi-secure facility or release the child to the department of social and health services. The determination shall be based on: (A) The need for continued assessment, protection, and treatment of the child in a secure facility; and (B) the likelihood the child would remain at a semi-secure facility until his or her parents can take the child home or a petition can be filed under this title.
- 37 (ii) In making the determination the administrator shall consider 38 the following information if known: (A) The child's age and maturity;

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(B) the child's condition upon arrival at the center; (C) the circumstances that led to the child's being taken to the center; (D) whether the child's behavior endangers the health, safety, or welfare of the child or any other person; (E) the child's history of running away; and (F) the child's willingness to cooperate in the assessment.

- (b) If the administrator of a secure facility determines the child is unlikely to remain in a semi-secure facility, the administrator shall keep the child in the secure facility pursuant to this chapter and in order to provide for space for the child may transfer another child who has been in the facility for at least seventy-two hours to a semi-secure facility. The administrator shall only make a transfer of a child after determining that the child who may be transferred is likely to remain at the semi-secure facility.
- (c) A crisis residential center administrator is authorized to transfer a child to a crisis residential center in the area where the child's parents reside or where the child's lawfully prescribed residence is located.
- (d) An administrator may transfer a child from a semi-secure facility to a secure facility whenever he or she reasonably believes that the child is likely to leave the semi-secure facility and not return and after full consideration of all factors in (a)(i) and (ii) of this subsection.
- (3) If no parent is available or willing to remove the child during the first seventy-two hours following admission, the department of social and health services shall consider the filing of a petition under RCW 13.32A.140.
- (4) Notwithstanding the provisions of subsection (1) of this section, the parents may remove the child at any time unless the staff of the crisis residential center has reasonable cause to believe that the child is absent from the home because he or she is abused or neglected or if allegations of abuse or neglect have been made against the parents. The department of social and health services or any agency legally charged with the supervision of a child may remove a child from a crisis residential center at any time after the first twenty-four-hour period after admission has elapsed and only after full consideration by all parties of the factors in subsection (2)(a) of this section.
- (5) Crisis residential center staff shall make reasonable efforts to protect the child and achieve a reconciliation of the family. If a reconciliation and voluntary return of the child has not been

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1 achieved within forty-eight hours from the time of admission, and if the administrator of the center does not consider it likely that 2 reconciliation will be achieved within five days of the child's 3 admission to the center, then the administrator shall inform the 4 parent and child of: (a) The availability of counseling services; (b) 5 6 the right to file a child in need of services petition for an out-of-7 home placement, the right of a parent to file an at-risk youth petition, and the right of the parent and child to obtain assistance 8 in filing the petition; (c) the right to request the facility 9 administrator or his or her designee to form a multidisciplinary 10 11 team; (d) the right to request a review of any out-of-home placement; 12 (e) the right to request a mental health or chemical dependency evaluation by a county-designated professional or a private treatment 13 14 facility; and (f) the right to request treatment in a program to address the child's at-risk behavior under RCW 13.32A.197. 15

(6) At no time shall information regarding a parent's or child's rights be withheld. The department shall develop and distribute to all law enforcement agencies and to each crisis residential center administrator a written statement delineating the services and rights. The administrator of the facility or his or her designee shall provide every resident and parent with a copy of the statement.

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- 22 (7) A crisis residential center and any person employed at the 23 center acting in good faith in carrying out the provisions of this 24 section are immune from criminal or civil liability for such actions.
 - Sec. 17. RCW 74.13.032 and 2011 c 240 s 1 are each amended to read as follows:
 - (1) The department shall establish, through performance-based contracts with private or public vendors, regional crisis residential centers with semi-secure facilities. These facilities shall be structured group care facilities licensed under rules adopted by the department and 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.
 - (2) <u>Crisis residential centers must record client information</u> into a homeless management information system specified by the department.
 - (3) Within available funds appropriated for this purpose, the department shall establish, through performance-based contracts with private or public vendors, regional crisis residential centers with

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secure facilities. These facilities shall be facilities licensed under rules adopted by the department. These centers may also include semi-secure facilities and to such extent shall be subject to subsection (1) of this section.

- $((\frac{3}{2}))$ (4) The department shall, in addition to the facilities established under subsections (1) and (2) of this section, establish additional crisis residential centers pursuant to performance-based contracts with licensed private group care facilities.
- ((\(\frac{4+}{4}\)\)) (5) The department is authorized to allow contracting entities to include a combination of secure or semi-secure crisis residential centers as defined in RCW 13.32A.030 and/or HOPE centers pursuant to RCW 74.15.220 (as recodified by this act) in the same building or structure. The department shall permit the colocation of these centers only if the entity operating the facility agrees to designate a particular number of beds to each type of center that is located within the building or structure.
- (((5))) (6) The staff at the facilities established under this section shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles that recognize the need for support and the varying circumstances that cause children to leave their families, and carry out the responsibilities stated in RCW 13.32A.090 (as recodified by this act). ((The responsibilities stated in RCW 13.32A.090 may, in any of the centers, be carried out by the department.
- (6))) (7) The secure facilities located within crisis residential centers shall be operated to conform with the definition in RCW 13.32A.030. The facilities shall have an average of no less than one adult staff member to every ten children. The staffing ratio shall continue to ensure the safety of the children.
- (((+7))) (8) If a secure crisis residential center is located in or adjacent to a secure juvenile detention facility, the center shall be operated in a manner that prevents in-person contact between the residents of the center and the persons held in such facility.
- **Sec. 18.** RCW 74.13.033 and 2009 c 569 s 3 are each amended to 36 read as follows:
- 37 (1) If a resident of a crisis residential center becomes by his 38 or her behavior disruptive to the facility's program, such resident 39 may be immediately removed to a separate area within the facility and

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- 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.
 - (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 chapter 13.32A RCW. In assessing the child and providing these services, the facility staff 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;
- (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 fifteen consecutive days; and
 - (e) Convene, when appropriate, a multidisciplinary team.
- (3) Based on the assessments done under subsection (2) of this section the center staff may refer 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, for evaluation pursuant to chapter 71.34 RCW, to a mental health professional pursuant to chapter 71.05 RCW, or to a chemical dependency specialist pursuant to chapter 70.96A RCW whenever such action is deemed appropriate and consistent with law.
- (4) A juvenile taking unauthorized leave from a facility shall be apprehended and returned to it by law enforcement officers or other persons designated as having this authority as provided in RCW 13.32A.050 (as recodified by this act). If returned to the facility after having taken unauthorized leave for a period of more than twenty-four hours a juvenile shall be supervised by such a facility for a period, pursuant to this chapter, which, unless where otherwise provided, may not exceed fifteen consecutive days. Costs of housing

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juveniles admitted to crisis residential centers shall be assumed by the department for a period not to exceed fifteen consecutive days.

- Sec. 19. RCW 74.13.034 and 2009 c 569 s 4 are each amended to read as follows:
- (1) A child taken into custody and taken to a crisis residential center established pursuant to RCW 74.13.032 (as recodified by this 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, the nearest regional secure crisis residential center, or a secure facility with which it is collocated under RCW 74.13.032 (as recodified by this act). Placement in both locations shall not exceed fifteen consecutive days from the point of intake as provided in RCW 13.32A.130 (as recodified by this 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)) of social and health services' designee and, at their departmental expense and approval, in a secure juvenile detention facility operated by the county in which the center is located for a maximum of forty-eight hours, including Saturdays, Sundays, and holidays, if the child has taken unauthorized leave from the center and the person in charge of the center determines that the center cannot provide supervision and structure adequate to ensure that the child will not again take unauthorized leave. 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 of social and health services or the department's designee, which shall include the services defined in RCW 74.13.033(2) (as recodified by this 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 twenty-four 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 five consecutive days from the

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point of intake as provided in RCW 13.32A.130 (as recodified by this act).

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(4) Juvenile detention facilities used pursuant to this section shall first be certified by the department of social and health services 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 of social and health services to do so, shall provide secure placement for juveniles pursuant to this section, at department expense.

11 **Sec. 20.** RCW 74.15.220 and 2011 c 240 s 2 are each amended to 12 read as follows:

The ((secretary)) department shall establish HOPE centers that provide no more than seventy-five beds across the state and may establish HOPE centers by contract, within funds appropriated by the legislature specifically for this purpose. HOPE centers shall be operated in a manner to reasonably assure that street youth placed there will not run away. Street youth may leave a HOPE center during the course of the day to attend school or other necessary appointments, but the street youth must be accompanied by administrator or an administrator's designee. The street youth must provide the administration with specific information regarding his or her destination and expected time of return to the HOPE center. Any street youth who runs away from a HOPE center shall not be readmitted unless specifically authorized by the street youth's placement and liaison specialist, and the placement and liaison specialist shall document with specific factual findings an appropriate basis for readmitting any street youth to a HOPE center. HOPE centers are required to have the following:

- 30 (1) A license issued by the ((secretary)) department of social 31 and health services;
 - (2) A professional with a master's degree in counseling, social work, or related field and at least one year of experience working with street youth or a bachelor of arts degree in social work or a related field and five years of experience working with street youth. This professional staff person may be contractual or a part-time employee, but must be available to work with street youth in a HOPE center at a ratio of one to every fifteen youth staying in a HOPE center. This professional shall be known as a placement and liaison

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specialist. Preference shall be given to those professionals cross-credentialed in mental health and chemical dependency. The placement and liaison specialist shall:

- (a) Conduct an assessment of the street youth that includes a determination of the street youth's legal status regarding residential placement;
- (b) Facilitate the street youth's return to his or her legally authorized residence at the earliest possible date or initiate processes to arrange legally authorized appropriate placement. Any street youth who may meet the definition of dependent child under RCW 13.34.030 must be referred to the department of social and health services. The department of social and health services shall determine whether a dependency petition should be filed under chapter 13.34 RCW. A shelter care hearing must be held within seventy-two hours to authorize out-of-home placement for any youth the department of social and health services determines is appropriate for out-of-home placement under chapter 13.34 RCW. All of the provisions of chapter 13.32A RCW must be followed for children in need of services or at-risk youth;
- (c) Interface with other relevant resources and system representatives to secure long-term residential placement and other needed services for the street youth;
- (d) Be assigned immediately to each youth and meet with the youth within eight hours of the youth receiving HOPE center services;
- (e) Facilitate a physical examination of any street youth who has not seen a physician within one year prior to residence at a HOPE center and facilitate evaluation by a county-designated mental health professional, a chemical dependency specialist, or both if appropriate; and
- (f) Arrange an educational assessment to measure the street youth's competency level in reading, writing, and basic mathematics, and that will measure learning disabilities or special needs;
- (3) Staff trained in development needs of street youth as determined by the ((secretary)) department, including an administrator who is a professional with a master's degree in counseling, social work, or a related field and at least one year of experience working with street youth, or a bachelor of arts degree in social work or a related field and five years of experience working with street youth, who must work with the placement and liaison specialist to provide appropriate services on site;

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(4) A data collection system that measures outcomes for the population served, and enables research and evaluation that can be used for future program development and service delivery. Data collection systems must have confidentiality rules and protocols developed by the ((secretary)) department;

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- Notification requirements that meet the notification requirements of chapter 13.32A RCW. The youth's arrival date and time must be logged at intake by HOPE center staff. The staff must immediately notify law enforcement and dependency caseworkers if a street youth runs away from a HOPE center. A child may be transferred to a secure facility as defined in RCW 13.32A.030 whenever the staff reasonably believes that a street youth is likely to leave the HOPE center and not return after full consideration of the factors set forth in RCW 13.32A.130(2)(a) (i) and (ii) (as recodified by this act). The street youth's temporary placement in the HOPE center must be authorized by the court or the ((secretary)) director's designee if the youth is a dependent of the state under chapter 13.34 RCW or the department of social and health services is responsible for the youth under chapter 13.32A RCW, or by the youth's parent or legal custodian, until such time as the parent can retrieve the youth who is returning to home;
 - (6) HOPE centers must identify to the department of social and health services any street youth it serves who is not returning promptly to home. The department of social and health services then must contact the missing children's clearinghouse identified in chapter 13.60 RCW and either report the youth's location or report that the youth is the subject of a dependency action and the parent should receive notice from the department of social and health services;
- 30 (7) Services that provide counseling and education to the street 31 youth; and
- 32 (8) The department shall award contracts for the operation of 33 HOPE center beds ((and responsible living skills programs)) with the 34 goal of facilitating the coordination of services provided for youth 35 by such programs and those services provided by secure and semi-36 secure crisis residential centers.
- 37 **Sec. 21.** RCW 74.15.225 and 2008 c 267 s 10 are each amended to 38 read as follows:

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1 To be eligible for placement in a HOPE center, a minor must be either a street youth, as that term is defined in this chapter, or a 2 youth who, without placement in a HOPE center, will continue to 3 participate in increasingly risky behavior. Youth may also self-refer 4 to a HOPE center. Payment for a HOPE center bed is not contingent 5 6 upon prior approval by the department; however, approval from the department of social and health services is needed if the youth is 7 dependent under chapter 13.34 RCW. 8

- 9 **Sec. 22.** RCW 43.330.167 and 2009 c 565 s 9 are each amended to 10 read as follows:
- (1)(a) There is created in the custody of the state treasurer an account to be known as the ((homeless)) Washington youth and families ((services)) fund. Revenues to the fund consist of ((a one-time)) appropriations by the legislature, private contributions, and all other sources deposited in the fund.
- 16 (b) Expenditures from the fund may only be used for the purposes 17 of the program established in this section, including administrative 18 expenses. Only the director of the department of commerce, or the 19 director's designee, may authorize expenditures.
 - (c) Expenditures from the fund are exempt from appropriations and the allotment provisions of chapter 43.88 RCW. However, money used for program administration by the department is subject to the allotment and budgetary controls of chapter 43.88 RCW, and an appropriation is required for these expenditures.
 - (2) The department may expend moneys from the fund to provide state matching funds for housing-based supportive services for homeless youth and families over a period of ((at least)) up to ten years.
- 29 (3) Activities eligible for funding through the fund include, but 30 are not limited to, the following:
 - (a) Case management;
- 32 (b) Counseling;

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- 33 (c) Referrals to employment support and job training services and 34 direct employment support and job training services;
 - (d) Domestic violence services and programs;
- 36 (e) Mental health treatment, services, and programs;
 - (f) Substance abuse treatment, services, and programs;
- 38 (g) Parenting skills education and training;
- 39 (h) Transportation assistance;

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- 1 (i) Child care; and
- 2 (j) Other supportive services identified by the department to be 3 an important link for housing stability.
- 4 (4) Organizations that may receive funds from the fund include 5 local housing authorities, nonprofit community or neighborhood-based 6 organizations, public development authorities, federally recognized 7 Indian tribes in the state, and regional or statewide nonprofit 8 housing assistance organizations.
- 9 <u>NEW SECTION.</u> **Sec. 23.** A new section is added to chapter 43.185C 10 RCW to read as follows:
- Home security fund account funds appropriated to carry out the activities of sections 1 through 21 of this act are not subject to the set aside under RCW 36.22.179(1)(b).
- NEW SECTION. **Sec. 24.** 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. 25. RCW 13.32A.042, 13.32A.044, 13.32A.050, 13.32A.060, 13.32A.065, 13.32A.070, 13.32A.090, 13.32A.095, 13.32A.130, 74.13.032, 74.13.0321, 74.13.033, 74.13.034, 74.15.220, 74.15.225, 74.15.260, and 74.15.270 are each recodified as sections in chapter 43.185C RCW.

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