

Initiative Measure No. 999

Filed

JAN 23 2008

SECRETARY OF STATE

1 AN ACT Relating to requiring a minor's consent to psychological or
2 chemical dependency treatment; amending RCW 70.96A.095, 13.32A.050,
3 26.28.015, 26.50.020, and 13.64.010; and creating a new section.

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

5 NEW SECTION. Sec. 1. Washington has a long history of taking
6 action to protect the interests of children and teenage minors from
7 physical, psychological, emotional, and sexual abuse. There are
8 numerous laws and safeguards to protect children from such abuse within
9 the home or domestic situation. This measure would require that such
10 protections be extended to children facing institutionalization in a
11 residential treatment facility, boot camp, wilderness program, or
12 alternative experimental behavior modification facility as a result of
13 parental incompetence or lack of sufficient regulation of such
14 programs.

15 The intent of this act is to provide additional safeguards to
16 children and teens and prevent abuses of power and authority exercised
17 by incompetent, ignorant, or negligent parents, legal guardians,
18 guardians ad litem, or government officials. The people want the
19 future adults of our state to be given proper care and treatment so as

1 not to mature into maladjusted ne'er-do-wells. The people want
2 children to be given age-appropriate liberty and responsibility to
3 protect them and empower them to contribute to decisions that affect
4 their future in a significant, life-altering way.

5 **Sec. 2.** RCW 70.96A.095 and 1998 c 296 s 23 are each amended to
6 read as follows:

7 Any person thirteen years of age or older may give consent for
8 himself or herself to the furnishing of outpatient treatment by a
9 chemical dependency treatment program (~~(certified by the department)~~),
10 or other licensed and regulated family or child therapist. ~~The child~~
11 may also give consent for independent legal assistance to safeguard
12 from unnecessary, unconstitutional, and illegal institutionalization.
13 No child age thirteen years of age or older may be transported outside
14 of Washington state without his or her informed and express written
15 permission witnessed by independent counsel or court order for behavior
16 modification purposes. Parental authorization is required for any
17 treatment of a minor under the age of thirteen.

18 **Sec. 3.** RCW 13.32A.050 and 2000 c 123 s 6 are each amended to read
19 as follows:

- 20 (1) A law enforcement officer shall take a child into custody:
- 21 (a) If a law enforcement agency has been contacted by the parent of
22 the child that the child is absent from parental custody without
23 consent; or
- 24 (b) If a law enforcement officer reasonably believes, considering
25 the child's age, the location, and the time of day, that a child is in
26 circumstances which constitute a danger to the child's safety or that
27 a child is violating a local curfew ordinance; or
- 28 (c) If an agency legally charged with the supervision of a child
29 has notified a law enforcement agency that the child has run away from
30 placement; or
- 31 (d) If a law enforcement agency has been notified by the juvenile
32 court that the court finds probable cause exists to believe that the
33 child has violated a court placement order issued under this chapter or
34 chapter 13.34 RCW or that the court has issued an order for law
35 enforcement pick-up of the child under this chapter or chapter 13.34
36 RCW.

1 (2) Law enforcement custody shall not extend beyond the amount of
2 time reasonably necessary to transport the child to a destination
3 authorized by law and to place the child at that destination. Law
4 enforcement custody continues until the law enforcement officer
5 transfers custody to a person, agency, or other authorized entity under
6 this chapter, or releases the child because no placement is available.
7 Transfer of custody is not complete unless the person, agency, or
8 entity to whom the child is released agrees to accept custody.

9 (3) If a law enforcement officer takes a child into custody
10 pursuant to either subsection (1)(a) or (b) of this section and
11 transports the child to a crisis residential center, the officer shall,
12 within twenty-four hours of delivering the child to the center, provide
13 to the center a written report detailing the reasons the officer took
14 the child into custody. The center shall provide the department with
15 a copy of the officer's report.

16 (4) If the law enforcement officer who initially takes the juvenile
17 into custody or the staff of the crisis residential center have
18 reasonable cause to believe that the child is absent from home because
19 he or she is abused or neglected, a report shall be made immediately to
20 the department.

21 (5) Nothing in this section affects the authority of any political
22 subdivision to make regulations concerning the conduct of minors in
23 public places by ordinance or other local law.

24 (6) If a law enforcement officer has a reasonable suspicion that a
25 child is being unlawfully harbored in violation of RCW 13.32A.080, the
26 officer shall remove the child from the custody of the person harboring
27 the child and shall transport the child to one of the locations
28 specified in RCW 13.32A.060.

29 (7) No child may be placed in a secure facility within Washington
30 state or transferred to a secure facility outside of Washington state
31 except as provided in this chapter. This act shall apply to parents of
32 minor children who contract to have children "escorted" and/or enrolled
33 in unregulated, unlicensed, and/or out-of-state behavior modification
34 programs including: Residential treatment programs, "therapeutic"
35 boarding schools, boot camps, and wilderness camps. No child may be
36 subjected to a secure, lockdown environment, except as provided in this
37 chapter.

1 **Sec. 4.** RCW 26.28.015 and 1992 c 111 s 12 are each amended to read
2 as follows:

3 Notwithstanding any other provision of law, and except as provided
4 under RCW 26.50.020, all persons shall be deemed and taken to be of
5 full age for the specific purposes hereafter enumerated at the age of
6 eighteen years, unless otherwise stated:

7 (1) To enter into any marriage contract without parental consent if
8 otherwise qualified by law;

9 (2) To execute a will for the disposition of both real and personal
10 property if otherwise qualified by law;

11 (3) To vote in any election if authorized by the Constitution and
12 otherwise qualified by law;

13 (4) To enter into any legal contractual obligation and to be
14 legally bound thereby to the full extent as any other adult person;

15 (5) (~~To make decisions~~) Minors age sixteen or older shall be
16 personally and legally responsible for fifty percent of each and every
17 decision in regard to their own body and the body of their lawful issue
18 whether natural born to or adopted by such person to the full extent
19 allowed to any other adult person including but not limited to consent
20 to surgical operations. Persons of the age of eighteen years shall be
21 deemed and taken to be of full age for the specific purpose to make
22 decisions in regard to their own body and the body of their lawful
23 issue whether natural born to or adopted by such person to the full
24 extent allowed to any other adult person including but not limited to
25 surgical operations;

26 (6) To sue and be sued on any action to the full extent as any
27 other adult person in any of the courts of this state, without the
28 necessity for a guardian ad litem.

29 **Sec. 5.** RCW 26.50.020 and 1992 c 111 s 8 are each amended to read
30 as follows:

31 (1) Any person may seek relief under this chapter by filing a
32 petition with a court alleging that the person has been the victim of
33 domestic violence, including physical, psychological, emotional, or
34 sexual abuse, committed by the respondent. The person may petition for
35 relief on behalf of himself or herself and on behalf of minor family or
36 household members.

1 (2) A person under eighteen years of age who is sixteen years of
2 age or older may seek relief under this chapter and is not required to
3 seek relief by a guardian or next friend.

4 (3) No guardian or guardian ad litem need be appointed on behalf of
5 a respondent to an action under this chapter who is under eighteen
6 years of age if such respondent is sixteen years of age or older.

7 (4) The court may, if it deems necessary, appoint a guardian ad
8 litem for a petitioner or respondent who is a party to an action under
9 this chapter.

10 (5) The courts defined in RCW 26.50.010(~~(3)~~) (4) have
11 jurisdiction over proceedings under this chapter. The jurisdiction of
12 district and municipal courts under this chapter shall be limited to
13 enforcement of RCW 26.50.110(1), or the equivalent municipal ordinance,
14 and the issuance and enforcement of temporary orders for protection
15 provided for in RCW 26.50.070 if: (a) A superior court has exercised
16 or is exercising jurisdiction over a proceeding under this title or
17 chapter 13.34 RCW involving the parties; (b) the petition for relief
18 under this chapter presents issues of residential schedule of and
19 contact with children of the parties; or (c) the petition for relief
20 under this chapter requests the court to exclude a party from the
21 dwelling which the parties share. When the jurisdiction of a district
22 or municipal court is limited to the issuance and enforcement of a
23 temporary order, the district or municipal court shall set the full
24 hearing provided for in RCW 26.50.050 in superior court and transfer
25 the case. If the notice and order are not served on the respondent in
26 time for the full hearing, the issuing court shall have concurrent
27 jurisdiction with the superior court to extend the order for
28 protection.

29 (6) An action under this chapter shall be filed in the county or
30 the municipality where the petitioner resides, unless the petitioner
31 has left the residence or household to avoid abuse. In that case, the
32 petitioner may bring an action in the county or municipality of the
33 previous or the new household or residence.

34 (7) A person's right to petition for relief under this chapter is
35 not affected by the person leaving the residence or household to avoid
36 abuse.

1 **Sec. 6.** RCW 13.64.010 and 1993 c 294 s 1 are each amended to read
2 as follows:

3 Any minor who is sixteen years of age or older and who is a
4 resident of this state may petition in the superior court for a
5 declaration of emancipation. Any minor who is sixteen years of age or
6 older and meets the criteria in this section who is in danger of
7 illegal or extra-legal institutionalization by one or both parents may
8 be fast-tracked and granted emancipation through an emergency ex parte
9 hearing.

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