

RCW 74.13.075 Sexually aggressive youth—Defined—Services—Expenditure of treatment funds—Tribal jurisdiction—Information sharing and confidentiality.

(1) For the purposes of funds appropriated for the treatment of sexually aggressive youth, the term "sexually aggressive youth" means those juveniles who:

(a) Have been abused and have committed a sexually aggressive act or other violent act that is sexual in nature; and

(i) Are in the care and custody of the state or a federally recognized Indian tribe located within the state; or

(ii) Are the subject of a proceeding under chapter 13.34 RCW or a child welfare proceeding held before a tribal court located within the state; or

(b) Cannot be detained under the juvenile justice system due to being under age twelve and incompetent to stand trial for acts that could be prosecuted as sex offenses as defined by RCW 9.94A.030 if the juvenile was over twelve years of age, or competent to stand trial if under twelve years of age.

(2) The department may offer appropriate available services and treatment to a sexually aggressive youth and his or her parents or legal guardians as provided in this section and may refer the child and his or her parents to appropriate treatment and services available within the community, regardless of whether the child is the subject of a proceeding under chapter 13.34 RCW.

(3) In expending these funds, the department shall establish in each region a case review committee to review all cases for which the funds are used. In determining whether to use these funds in a particular case, the committee shall consider:

(a) The age of the juvenile;

(b) The extent and type of abuse to which the juvenile has been subjected;

(c) The juvenile's past conduct;

(d) The benefits that can be expected from the treatment;

(e) The cost of the treatment; and

(f) The ability of the juvenile's parent or guardian to pay for the treatment.

(4) The department may provide funds, under this section, for youth in the care and custody of a tribe or through a tribal court, for the treatment of sexually aggressive youth only if: (a) The tribe uses the same or equivalent definitions and standards for determining which youth are sexually aggressive; and (b) the department seeks to recover any federal funds available for the treatment of youth.

(5) A juvenile's status as a sexually aggressive youth, and any protective plan, services, and treatment plans and progress reports provided with these funds are confidential and not subject to public disclosure by the department. This information shall be shared with relevant juvenile care agencies, law enforcement agencies, and schools, but remains confidential and not subject to public disclosure by those agencies. [2009 c 520 § 61; 2009 c 250 § 2; 1994 c 169 § 1. Prior: 1993 c 402 § 3; 1993 c 146 § 1; 1990 c 3 § 305.]

Reviser's note: This section was amended by 2009 c 250 § 2 and by 2009 c 520 § 61, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Finding—2009 c 250: "The legislature finds that children who commit sexually aggressive acts are at risk of repeating such behavior

if they and their families do not receive treatment and counseling. This is especially true of children under the age of twelve who are referred to the department of social and health services by a prosecuting attorney pursuant to RCW 26.44.160. To reduce the number of future victims of sexual abuse and to reduce recidivism of children who commit sexually aggressive acts the legislature finds that all such children and their families, including children who are referred by prosecutors pursuant to RCW 26.44.160, be eligible for treatment regardless of whether they are the subject of a proceeding under chapter 13.34 RCW." [2009 c 250 § 1.]