
**Early Learning & Human Services
Committee**

SSB 5097

Brief Description: Concerning juveniles with developmental disabilities who are in correctional detention centers, juvenile correction institutions or facilities, and jails.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Delvin, Kohl-Welles, McAuliffe and Chase).

Brief Summary of Substitute Bill

- Establishes a work group to address issues relating to juveniles with developmental disabilities who are confined in juvenile detention or correctional facilities, and requires the work group to make recommendations to the Legislature.
- Requires the work group, if recommended, to develop a simple screening tool, a model policy, cost effective training, and other tools to identify and assist juveniles who are confined and who may have a developmental disability.

Hearing Date: 3/17/11

Staff: Linda Merelle (786-7092).

Background:

When any youth enters the Juvenile Rehabilitation Administration (JRA) system, the JRA evaluates the youth for various vulnerabilities and places the youth in accordance with those vulnerabilities. The JRA does not have a specific screening tool to use with youth who are, or are suspected of being, developmentally disabled. The JRA notifies the Division of Developmental Disabilities (DDD) when a youth with developmental disabilities is to be released in order to determine whether that youth is eligible to receive any services provided by the DDD.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In 2009 the Legislature passed Engrossed Second Substitute House Bill 2078 which required the Developmental Disabilities Council and the Washington Association of Sheriffs and Police Chiefs to convene a work group. Among other things, the work group was required to development a simple screening tool that may be used by jails as part of the intake process to identify adult offenders with a developmental disability or a traumatic brain injury and a model policy for use of the screening tool. In the August 2010 report, the work group provided a screening tool and a model policy.

Summary of Bill:

A workgroup is established, within funds appropriated or otherwise available for the workgroup, to address issues relating to juveniles with developmental disabilities who are confined in juvenile detention or correctional facilities. The workgroup is to be chaired by representatives of the Developmental Disabilities Council (DDC) and the Washington Association of Juvenile Court Administrators (WAJCA) and a representative of the JRA. The following are members of the workgroup:

- a representative of the Washington Association of Sheriffs and Police Chiefs;
- a representative of the DDD within the Department of Social and Health Services (DSHS);
- a representative of Disability Rights Washington;
- a representative of the Office of the Superintendent of Public Instruction;
- consumer advocates;
- a representative of the Washington State Defenders Association; and
- representatives of other interested organizations as identified by the DDC, WAJCA, and JRA, including parents of developmentally disabled youth.

By December 1, 2011, the workgroup is to develop recommendations and report to the appropriate committees of the Legislature relating to the following:

- how to expeditiously review and determine eligibility for developmental disability services provided by the DSHS before a juvenile is released from detention or a correctional facility;
- the appropriate role for the DSHS in providing potential confinement alternatives for persons with developmental disabilities, and consultation and technical assistance to juvenile facilities in their efforts to provide reasonable accommodations for persons with developmental disabilities confined in their facilities or institutions. The fiscal impact to the DSHS of providing consultation and technical assistance must be included with this recommendation;
- how to increase the appropriate use of the court's authority under RCW chapter 13.40 to order secure confinement alternatives;
- the establishment of new options under RCW Title 13 to divert juveniles with developmental disabilities from the justice system while maintaining public safety;
- the feasibility of developing and adopting law enforcement training for responding to juveniles with developmental disabilities similar to the crisis intervention training currently provided to law enforcement officer responding to alleged criminal behavior by persons with mental illness;
- the feasibility of adopting standardized statewide screening and application practices and forms designed to facilitate the application by juveniles who are likely to qualify for medical assistance services by the DDD within the DSHS; and

- the feasibility and need for developing a screening tool and training for juvenile justice staff to be used to identify persons with developmental disabilities.

By September 1, 2012, if recommended by the workgroup, it is to develop the following:

- a simple screening tool that can be used by juvenile detention and correctional facilities as part of their intake and classification system to help identify juveniles with the most common types of developmental disabilities;
- a model policy for the use of the screening tool;
- a cost-effective means to provide concise training to juvenile detention, corrections and probation, and parole staff on the use of the tool;
- information on best practices and training regarding appropriate accommodations for developmentally disabled persons during their confinement; and
- a practical guide for families and juvenile justice staff that has comprehensive information about programs and services available to developmentally disabled youth who are referred to the juvenile justice system.

The workgroup expires on January 1, 2013.

Appropriation: None.

Fiscal Note: Available on the original bill.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.