

HOUSE BILL REPORT

E2SHB 2217

As Passed Legislature

Title: An act relating to at-risk youth.

Brief Description: Changing provisions for at-risk youth.

Sponsors: By House Committee on Appropriations (originally sponsored by Representatives Carrell, Mitchell, Thompson, Cooke, Boldt, Backlund and Johnson).

Brief History:

Committee Activity:

Children & Family Services: 1/18/96, 1/26/96 [DPS];
Appropriations: 2/1/96, 2/3/96 [DP2S(w/o sub CFS)].

Floor Activity:

Passed House: 2/9/96, 97-0.
Senate Amended.
House Concurred.
Passed Legislature.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Cooke, Chairman; Lambert, Vice Chairman; Stevens, Vice Chairman; Tokuda, Ranking Minority Member; Brown, Assistant Ranking Minority Member; Boldt; Buck; Carrell; Dickerson; Patterson and Sterk.

Staff: David Knutson (786-7146).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children & Family Services. Signed by 30 members: Representatives Huff, Chairman; Clements, Vice Chairman; Pelesky, Vice Chairman; H. Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; Dyer; Foreman; Grant; Hargrove;

Hickel; Jacobsen; Kessler; Lambert; Linville; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott and Wolfe.

Staff: Beth Redfield (786-7130).

Background: In 1995, the Legislature enacted the Becca Bill, related to at-risk youth. The service system for runaway and at-risk youth was modified to provide for secure crisis residential center facilities to house youth. Court procedures for children in need of supervision were established. Parents were given greater authority over their children related to treatment needs and supervision. Harboring notification requirements were changed, and the failure to notify parents, law enforcement, or the Department of Social and Health Services when a youth was harbored was made a misdemeanor. The courts were granted greater authority to provide treatment and impose restrictions on habitual runaways. The Governor vetoed several provisions of the Becca Bill related to crisis residential centers, treatment for habitual runaways, parental notification requirements for chemical dependency, mental health treatment providers, and school personnel.

Summary of Bill: The court is authorized to place a child in need of services or an at-risk youth in a staff secure treatment facility, which cannot include a crisis residential center (CRC). Whenever a person working for a licensed child serving agency shelters a minor without the parents' consent for more than eight hours, a licensing violation of the sheltering notification requirement is imputed to the agency. Violation of the sheltering notification requirement is a misdemeanor for other persons.

School personnel must provide parents with notice within 48 hours when they contact an inpatient treatment facility for the purpose of referring their child for treatment. Mental health care providers must provide parents with notice of requests for treatment of children 13 or older within seven days for outpatient treatment. Chemical dependency providers must first obtain a child's consent before providing notice to the child's parents, unless the child does not possess the capacity to give consent.

Police officers are required to pick up runaway children who are in violation of dependency orders. An officer must take a child to a detention facility when the officer knows the child is subject to a detention order. When a child is taken to a CRC by a police officer, the center must provide DSHS with a copy of the officer's report. A police officer shall transport a child to a home of a family member, responsible adult, a CRC, or youth shelter, located within a reasonable distance of the parent's home. Police officers' immunity is clarified.

DSHS must make good-faith attempts to notify parents when it receives reports from persons or entities providing unauthorized shelter and offers reunification services to

the parent. CRC administrators must notify the department when a child is placed at the center. The police officer may release an out-of-state child to the department and may no longer release the child to a "responsible adult." The department or a supervising agency may remove a child from a CRC after the first 24 hours, but only after considering the transfer criteria.

The CRC administration must inform the parent and child of the right to obtain a mental health or chemical dependency evaluation and of the right to request treatment for behavioral difficulties in a staff secure facility.

The department's coordination of filing a child in need of services (CHINS) or dependency petitions is clarified. CHINS petitions filed by the parent or child must be filed in the county where the parent resides. The court must notify the department of any CHINS petition filed by the child or a parent.

CHINS and at-risk youth (ARY) fact-findings hearings must be held within five calendar days, unless the last day falls on a Saturday, Sunday, or holiday, in which case the hearing is on the preceding judicial day. The hearing is within 10 days if the child is at home or in an out-of-home placement. The court may continue the placement of a child at a CRC if space is available. Parental notification of rights is advanced from the disposition hearing to the fact-finding hearing.

The court may, in a CHINS proceeding, order the department to submit a dispositional plan on the needs of the child. Copies of the plan must be provided to the parents and child. The plan may include recommendations concerning the parents if the petition meets a higher standard of proof. The court is required to provide a written statement of why a CHINS petition is granted or denied. The court's contempt powers for violation of placement orders are clarified.

It is clarified that truancy petitions are civil actions.

Minors over age 13 are allowed to consent to chemical dependency inpatient treatment under limited circumstances. Parental permission for treatment of children under 13 is clarified. The department is allowed access to mental health records of children who are admitted to private facilities upon the application of their parents.

The department must, subject to funding, contract with private vendors for transitional living programs for dependent youth on an emancipation track consistent with their permanency plan.

Appropriation: None.

Fiscal Note: Requested on January 17, 1996.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: (Children & Family Services) Several issues related to at-risk youth and children in need of supervision must be addressed to ensure changes begun in 1995 are completed. Without the money to implement the new policies in E2SSB 5439, little will change.

(Appropriations) The bill picks up where the "Becca Law" left off, addressing the issues raised by the vetoed sections of that bill. DSHS supports the substitute bill.

Testimony Against: (Children & Family Services) Habitual runaways should not be locked up in order to receive treatment. Notification requirements for inpatient and outpatient treatment providers should be modified. Failing to comply with the harboring notification requirements should not be a misdemeanor for agencies serving children.

(Appropriations) Although the substitute does make the Becca Law more reasonable, it would be better to repeal the law. Youth should not be locked up; they only need to know their options and can be reasoned with.

Testified: (Children & Family Services) (Con) Richard Warner, Citizens Commission on Human Rights; Jennifer Strus, Department of Social and Health Services; Rachael Myers, National Association of Social Workers; Pete Berknet, Children's Alliance; (Pro) Seth Dawson, Common Ground for Children; Ruth Goode; and Brenda Jones and Jean Williams, Runaway Alliance.

(Appropriations) Rep. Mike Carrell (prime sponsor); Jennifer Strus, Children's Administration, DSHS (pro); and Kiale Staveland (pro with concerns).