

HOUSE BILL REPORT

E2SHB 2217

As Amended by the Senate

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 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. Violation of harboring notification requirements will be treated as a licensing violation for licensed child serving agencies. Violation of the harboring notification requirements will be a misdemeanor for other persons. School personnel must provide parents with notice of referring their children for treatment within 48 hours. Likewise, chemical dependency providers and mental health care providers must provide parents with notice of requests for treatment within 48 hours for inpatient treatment and seven days for outpatient treatment. Consistent with requirements contained in federal law, a chemical dependency provider 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. If the chemical dependency provider fails to provide notice to the child's parents within seven days, or fails to make a reasonable effort to do so, the child's parents and their insurance carrier are relieved from any obligation to reimburse the provider for the cost of treatment. Technical amendments related to social services and court procedures for at-risk youth and children in need of supervision are included.

EFFECT OF SENATE AMENDMENT(S): The striking amendment makes the following changes.

CRCs are excluded from the group of facilities where a court may order a child with behavioral difficulties placed.

School personnel are required to notify parents that they have referred a student to an inpatient treatment facility for the purpose of referring a student.

The duty of a police officer to transport a child is changed from a "reasonable proximity" standard to "within reasonable distance of the parent's home." An order listing in order of priority the locations to which the officer must take the child if the parents and a CRC are not available is established. The officer is required to notify the department immediately if no placement can be made.

The standard the department must use to decide if it must continue trying to notify the parent of a child's placement in a shelter is changed from "reasonable attempt" to "good faith attempt." When notifying the parent, DSHS must offer reunification services.

The Senate amendment changes the time period for a court to hear CHINS and ARY petitions from "next judicial day" to the "preceding judicial day" when the last calendar day is on a Saturday, Sunday, or holiday. Courts are given an additional five days for the fact-finding hearing for children who live at home or in an approved out-of-home placement.

It is clarified that a child 13 to 18 years of age who meets the CHINS criteria, where a parent is absent or dysfunctional, can consent to chemical dependency outpatient treatment for by himself or herself. Parental notification for chemical dependency outpatient treatment for minors 13 or older is required within seven days if the minor consents to the notice or the minor is incapacitated. Identifying information about the program must be included in the notice.

For minors 13 or older, parents are to receive notice of mental health outpatient treatment within seven days. The provider may defer notice if there are allegations of abuse or if notification will interfere with the necessary treatment for the minor. The provider must notify the department of the allegation or the possible interference. The department must review the circumstances and pursue a dependency or CHINS petition if appropriate. If the allegations are invalid, or if there is no risk of interference, the provider must notify the parent of the treatment.

DSHS must report the number of times it declined to accept a runaway from a police officer, and times an officer released a child without placing him or her.

Language is added to declare the Legislature's intent that children at CRCs have an appropriate placement upon their departure from the CRC.

Transitional living programs are restricted to youth being assisted by the department to achieve emancipation as part of a dependency/permanency plan.

Technical and clarifying amendments are made to various sections.

The following provisions were removed from E2SHB: (1) the provision relating to parental notice for chemical dependency inpatient treatment of minors because current law requires parental consent for inpatient treatment; (2) the release of parents from the obligation to pay for treatment if notice is not received because current state law prohibits parental payment unless the parent consented to the treatment; (3) the requirement that parents be notified within 48 hours of a minor's mental health inpatient treatment because current law requires notice within 24 hours; (4) provisions limiting payment of insurance claims for treatment of minors for chemical dependency when parents are not notified of the treatment; and (5) intent language stating that treatment for behavioral disorders shall be only by court order.

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).