

FINAL BILL REPORT

E2SHB 2217

PARTIAL VETO

C 133 L 96

Synopsis as Enacted

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).

House Committee on Children & Family Services

House Committee on Appropriations

Senate Committee on Human Services & Corrections

Background: In 1995, the Legislature enacted the Becca Bill, relating to children who are at risk and in need of government services. The service system was modified to provide for their placement in secure crisis residential center facilities. Court procedures for children in need of supervision were established. Parents were given greater authority over the treatment and supervision of their children. The requirements for notifying a parent of a harbored youth's whereabouts were changed, and the failure to notify parents, law enforcement, or the Department of Social and Health Services (DSHS) was made a misdemeanor. The courts were granted greater authority to provide treatment and to impose restrictions on habitual runaways.

The Governor vetoed the provisions of the Becca Bill related to crisis residential centers; treatment for habitual runaways; and parental notification requirements for chemical dependency treatment providers, mental health treatment providers, and school personnel.

Summary: The court is authorized to place a child who is at risk and in need of services in a staff secure treatment facility, other than a crisis residential center (CRC). Whenever a licensed child-serving agency shelters a minor without parental consent and does not notify the parent, the child-serving agency has committed a licensing violation. Other persons violating the sheltering notification requirement may be charged with a misdemeanor.

School personnel must notify parents within 48 hours of contacting an inpatient treatment facility for the purpose of referring a child for treatment. Mental health care providers must notify parents within seven days of a request for the outpatient treatment of a child 13 years or older. Chemical dependency treatment 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 those runaway children a court has found to be in violation of dependency orders. If requested by a parent, a police officer shall transport a child to the home of a family member, responsible adult, a CRC, or youth shelter, if the requested location is within a reasonable distance of the parent's home. If the child's parents are unavailable and a CRC is full, and officer shall release the child to the department, or, if the department declines to accept custody, place the child with a family member, responsible adult, or a youth shelter. If these alternatives are unavailable, the officer may release the child.

An officer must take a child to a detention facility if 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. The police officer may release an out-of-state child to the department and may no longer release the child to a "responsible adult." Police officers' immunity is clarified.

DSHS must make good-faith attempts to notify parents of reports of unauthorized sheltering of a child. DSHS is required to offer reunification services to the parent. CRC administrators must notify the department when a child is placed at the center. The department or a supervising agency may remove a child from a CRC 24 hours after a child's placement, but only after considering the same criteria used for determining if a child may be transferred from a semi-secure facility to a secure facility.

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 procedures for filing a child in need of services (CHINS) or dependency petition are clarified. A CHINS petition filed by a 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 a child or parent.

CHINS and at-risk youth fact-finding 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. If the child is at home or in an out-of-home placement, the hearing deadline is extended to 10 days. The court may continue the placement of a child at a CRC if space is available. Notifying parents of their rights is advanced from the disposition hearing to the fact-finding hearing.

In a CHINS proceeding, the court may order the department to submit a dispositional plan addressing the needs of the child. Copies of the plan must be provided to the parents and child. 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.

Truancy petitions are defined as civil actions.

A minor over the age of 13 who consents to receive chemical dependency inpatient treatment does need parental permission unless the department determines the minor is a CHINS child. Similarly, it is unnecessary for a minor over the age of 13 to obtain parental consent to receive outpatient treatment. Parental permission for treatment of children under 13 is required. 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, provide transitional living programs for dependent youth who are becoming emancipated under a department permanency plan.

Partial Veto Summary: The Governor vetoed the penalties for agencies and individuals who harbor runaways and fail to notify parents, law enforcement, or the Department of Social and Health Services. An agency that failed to provide notice would have been subject to licensing actions by the department; an individual would have been guilty of a misdemeanor. The Governor vetoed a provision related to truancy that was enacted in ESHB 2640. The Governor also vetoed the requirement that mental health care providers notify parents when a child seeks mental health treatment.

Votes on Final Passage:

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| House | 97 | 0 | |
| Senate | 40 | 7 | (Senate amended) |
| House | 88 | 6 | (House concurred) |

Effective: June 6, 1996