

FINAL BILL REPORT

E2SSB 5439

PARTIAL VETO

C 312 L 95

Synopsis as Enacted

Brief Description: Revising procedures for nonoffender at-risk youth and their families.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Long, Franklin, Smith, Schow, Owen, Moyer, Oke, Strannigan, Gaspard, Snyder, Heavey, Haugen, Rasmussen, Quigley, Wojahn, Loveland, Bauer, Winsley, Deccio, Spanel, Hale, Hochstatter and Palmer).

Senate Committee on Human Services & Corrections

Senate Committee on Ways & Means

House Committee on Children & Family Services

Background: A Special Legislative Juvenile Justice Task Force was created by the Legislature in 1994. The task force was directed to review the juvenile justice laws and recommend changes to those laws to the 1995 Legislature. The Non-Offender Subgroup of the Task Force made recommendations covering four main subject areas including runaway youth, alternative residential placements, involuntary commitment of minors, and youth who are truant or have dropped out of school. Those recommendations were the basis of this legislation.

The main goals of the Non-Offender Subgroup of the Task Force were to: Give the parents increased options for dealing with the runaway, at-risk and truant children; keep families together whenever possible; provide a better structure for protecting children from harmful behaviors; provide children with needed treatment on a more expedient basis; and ensure children receive adequate assessment and reunification services. In accomplishing these goals, the Task Force wished to ensure that children who are abused or neglected receive all necessary protections.

Summary: Police officers are required to take a runaway child back to his or her parents' home or their place of employment as the first alternative. If the parents do not wish the child to remain in the home, they may request the officer to place the child with a relative, responsible adult, or at a licensed youth shelter. The officer must place the child in a crisis residential center (CRC) when the child does not remain at home, is not placed elsewhere, or when there are allegations of abuse. When a runaway child is placed in a CRC, the facility must hold the child for a minimum of 24 hours unless the parent picks up the child.

A process is established to create secure CRCs. Law enforcement officers must take a child to secure CRCs unless they are full, not available, or not located within a reasonable distance. New staffing ratios are set for secure CRCs. The secure CRCs may only be co-located with other secure facilities, including jails or juvenile detention centers, when there is no other practical location. The Department of Social and Health Services (DSHS) must

evaluate the different CRCs, develop a plan for establishing secure CRCs, and report to the Legislature.

The CRC must conduct an assessment of each child entering the CRC. The administrator may transfer the child to a CRC located in the area of the child's residence, or to a semi-secure CRC if the child does not pose a risk of running away from that facility. Parents are required to pay up to \$50/day for their child's placement at a CRC.

Police are required to compile information in a central registry on children who have run away from home.

When admitting a child, the CRC administrator is required to request information from DSHS regarding the child's prior history of running away, and the history of any sibling involvement with the department. DSHS must also provide this information to the court when it files a petition on behalf of the child.

Semi-secure CRCs may serve as temporary out-of-home placement facilities, as long as children who need the facility for a crisis placement are not displaced or denied access.

The department may create multidisciplinary teams (MDT) to assist families in assessment, evaluation, and referral to services. The MDT is mandatory when a CRC administrator reasonably believes a child is in need of services. The MDT may be disbanded by the parents under specified conditions and time frames.

The Alternative Residential Placement petition is replaced with the Child in Need of Services (CHINS) petition. When a youth files a CHINS petition, the parents are immediately notified of the filing and an initial hearing on the petition is held within three court days.

At the initial CHINS hearing, the parents are advised of their rights to file: An At-Risk Youth (ARY) petition; an application with a facility for the involuntary alcohol, substance abuse, or mental health treatment of the child; or a petition for a guardianship. At the initial hearing, the court may enter a temporary out-of-home placement for a period of 14 days, grant an At-Risk Youth petition, or may require the department to review the case for a dependency filing.

At the 14-day CHINS hearing, the court may: (1) reunite the family and dismiss the petition; (2) approve an ARY petition filed by the parents; (3) approve an out-of-home placement requested by the parents; or (4) order DSHS to file a dependency action.

If the court does not take any of the action listed above, it may consider a request of the child or department for an out-of-home placement for up to 90 days. The child or department must show, by clear, cogent, and convincing evidence, that: (1)(a) The order is in the best interest of the family; (b) the parents did not request an out-of-home placement; (c) the parents did not exercise any other right listed above; (d) the child makes reasonable efforts to resolve the conflict; (e) the conflict cannot be resolved by delivery of services in the home; (f) reasonable efforts are made to prevent the out-of-home placement; and (g) a suitable placement resource is available; (2) the parents are unavailable; or (3) the parent's actions cause an imminent threat to the child's health or safety.

The parents or the department may request the dismissal of an out-of-home placement order under specified conditions. The court must terminate the order upon the request of the parent, unless (1) a 14-day CHINS hearing has not yet been held, or (2) the order as entered at the request of the child or DSHS under the higher burden of proof and the court continues jurisdiction under that provision. The child is subject to contempt proceedings for one year.

The court must conduct the initial hearing on an ARY petition within three judicial days. Upon the request and consent of the parents, the court may order an out-of-home placement for the child. If both a CHINS and ARY petition are filed, they are consolidated as an ARY petition.

The court may order a special disposition, under both the CHINS and ARY petitions, for children who are habitual runaways. When a placement is clearly necessary to protect the child, the court may order the child to be placed, for up to 180 days, in a program that will address his or her behavioral difficulties. The facility must be operated to prevent the child from leaving and may only be used when a less restrictive alternative would be inadequate. Periodic reviews of the placement are required. The court may also order the Department of Licensing to suspend the driver's license of a child who is a habitual runaway. "Habitual runaway" is defined as a child who is absent from home without consent for more than 72 hours on three or more occasions within 12 months, or is absent for more than 30 days.

No court may refuse properly completed and filed CHINS and ARY petitions. Attorney fees and costs may be awarded on appeal from an improperly refused petition. Criminal justice monies may be used for educational materials explaining parental alternatives for dealing with runaway or at-risk youth.

Persons providing shelter to runaway youth are required to notify the youth's parents, law enforcement, or DSHS. The notice is mandated within eight hours from the time the person determines the youth is away from home without the parent's permission. Violation of this provision is a misdemeanor. Persons who comply with the provision are given immunity from civil liability.

The age at which a child may be admitted for involuntary treatment, upon application of the parent, is raised from age 13 (or age 14 for drug or alcohol treatment) to age 18. Consent of the child is not required. The age at which a minor may voluntarily admit himself or herself for treatment of an alcohol or chemical dependency treatment is lowered from age 14 to age 13. The department conducts random reviews of the propriety of youth placed in treatment by the parents.

If a child is admitted to treatment upon application of the parent, the county-designated professionals may review the admission 15-30 days later. DSHS ensures a review is conducted no later than 60 days following admission.

Parents may appeal a decision by a county-designated professional not to commit or recommit their child to involuntary treatment.

School district personnel may not refer a child to a treatment program or provider without providing notice to the parents. Any treatment provider who provides voluntary treatment at the request of a child must provide notice to the parents within 48 hours.

Various provisions are included regarding eligibility for state funding of treatment programs.

If a school district is unsuccessful in reducing a student's absences, the district must file a petition in juvenile court against: (1) a student who has five unexcused absences in any month or ten unexcused absences in a school year and/or (2) the parents of the student. Parents may file a petition, if the school district fails to do so. There is no fee for filing a petition. The requirements for filing a petition are specified.

The court may hold a fact-finding hearing and must assume jurisdiction for the school year, if the allegations are verified by a preponderance of the evidence. The court may require the parents to do community service in the student's school. Court commissioners and family law commissioners have jurisdiction to hear truancy petitions.

Compliance with truancy laws is shifted from school officials to the school districts, which must submit detailed reports to the Superintendent of Public Instruction. The Superintendent of Public Instruction must report annually to the Legislature. Truancy-related fines are to be distributed as follows: 50 percent to the school district and 50 percent to the courts to enforce the truancy laws.

School districts may create a community truancy board to assist in improving school attendance. School officials and police officers may take a truant child to a program designated by the school district. Secondary schools must adopt a policy specifying any restrictions on students leaving school grounds during school hours. Current truancy provisions are repealed.

At the end of each academic period, a school district must prepare a list of enrolled students who failed to attend school for five school days during the prior 180 school days. If a student is on a current list: (1) a driver training school may not provide instruction to the student; (2) he or she is not eligible to obtain a driver's license; and (3) if the student has a driver's license, the student's driving privileges are suspended for 90 days. The Superintendent of Public Instruction is required to develop all necessary forms related to providing notifications to driver training schools and the Department of Licensing.

The Washington State Institute for Public Policy is responsible for: (1) evaluating the effectiveness of the truancy petition process adopted under the act; (2) developing a statewide definition of excused and unexcused absences; and (3) reviewing a policy of prohibiting school districts from suspending or expelling students as a disciplinary measure for truancy.

Votes on Final Passage:

Senate	42	7	
House	97	0	(House amended)
Senate			(Senate refused to concur)

Conference Committee

House	90	6
Senate	45	1

Effective: July 23, 1995

September 1, 1995 (Section 71)

September 1, 1996 (Section 82)

Partial Veto Summary: The Governor vetoed the following provisions:

The requirement that DSHS evaluate different CRC's, develop a plan, and report to the Legislature;

The requirement that parents pay \$50/day for placement of their child at a CRC;

Allowing CRC administrators to request prior history on a runaway and their siblings;

The special disposition sections for CHINS and ARY petitions directed at habitual runaways;

The criminal penalty for failing to notify the police, parents, or DSHS when sheltering a runaway;

The requirement that schools notify parents when referring a child to a mental health or chemical dependency treatment program;

The requirement that schools record absences for the purpose of limiting driver's training or suspending driver's licenses.