

SENATE BILL REPORT

E2SSB 5439

As Passed Senate, March 15, 1995

Title: An act relating to revising procedures for nonoffender at-risk youth and their families.

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).

Brief History:

Committee Activity: Human Services & Corrections: 2/2/95, 2/23/95 [DPS-WM, DNP].
Ways & Means: 3/2/95, 3/6/95 [DP2S].
Passed Senate, 3/15/95, 42-7.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5439 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Long, Moyer, Palmer, Prentice, Schow, Smith and Strannigan.

Minority Report: Do not pass.

Signed by Senators Fairley and Kohl.

Staff: Richard Rodger (786-7461); Dennis Martin (786-7403)

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.

Summary of Bill: Police officers are required to take a runaway child back to his or her parent's 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 three days unless the parent picks up the child.

A process is established to create secure CRCs, subject to appropriation. 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 must evaluate the different CRCs, develop a plan for establishing secure CRCs, and report to the Legislature.

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. 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. The optional placement is dismissed at the parent's request. If both a CHINS and ARY petition are filed, they are consolidated as an ARY petition.

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 six hours from the time the person determines the youth is absent without the parent's consent.

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 department conducts random reviews of the propriety of youth placed in treatment by the parents.

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.

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 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. School districts that fail to comply with truancy provisions may be fined up to \$10,000. All truancy-related fines must be distributed 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 hour. Current truancy provisions are repealed.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Multiple effective dates are provided.

Testimony For: This bill will assist parents in locating, and providing services to, those children who run away from home. Secure CRC's are the only way to ensure that children, who are picked up by the police, will be held long enough to notify the parents, conduct assessments, and be referred to services. The multidisciplinary teams will provide an excellent method to children, and where appropriate, families to receive assessments, evaluations, referrals to services, and assistance in reunification. Parents need the ability to have their children ordered to mental health and chemical dependency treatment.

Testimony Against: Most of the children who runaway are running from abusive situations. This bill is punitive against children and gives too much control to parents who may be abusive to their children. The truancy provisions in the bill will penalize the school districts that have the greatest problems.

Testified: Judge Bobbi Bridge, Superior Court Judges Association; Christine Gregoire, Attorney General; Jennifer Strus, DSHS; Vicki Wallen, Governor's Office; Kristi Von Oslow, Dennis Hedman, Runaway Alliance (pro); Steve Schuez, South King County Shelter; John Ladenberg, Pierce County Prosecuting Attorney (pro); Norm Maleng, King County Prosecuting Attorney (pro); Linda Meyer, Teen Hope; John Jones, Forks Superintendent (con); Jose Pena, President, United Way of Spokane County (con); Walter Ball, Association of WA School Principals (pro/concerns); Sarri Kreismann, Cocoon House (con).

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5439 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Rinehart, Chair; Bauer, Cantu, Drew, Finkbeiner, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Staff: Brenda Hood (786-7431)

Testimony For: (Substitute bill) None.

Testimony Against: (Substitute bill) This bill is needlessly expensive, especially the capital expenditures for new construction of secure facilities. Lawsuits based on a lack of due process for children placed in secure facilities will result in significant appellate costs to the state. Additional fiscal considerations are education and treatment costs. "Secure" should be redefined to include staff secure. Children should not be deprived of their liberty if they voluntarily enter the facility. Some children are thrown out of their home and have nowhere to go. Children should not be committed to treatment facilities against their consent.

Testified: (Substitute bill) Nancy Krier, Attorney General's office (concerns); Jennifer Strus, DSHS (concerns); Peter Berliner, Children's Alliance (con); Seth Dawson, Luther Child Center, Deaconess Children's Services (con); Mary Ann Murphy, Juvenile Justice Advisory Committee (con); Jerry Sheehan, ACLU (con); Jim Whittenburg, Lobby for Social Concerns (con); Martha Hardin, (con); Susan Crowley, City of Seattle (concerns).

House Amendment(s): The House amendment strikes all provisions of the Senate bill and inserts the provisions of E2SHB 1417:

Crisis residential centers are operated as "secure" facilities in a manner to reasonably assure that children placed there do not run away. The Department of Social and Health Services must establish appropriate security requirements for all facilities serving as crisis residential centers to ensure children placed there do not run away. When law enforcement is notified by a court that there is probable cause to believe the child has violated an at-risk youth order, an alternative residential placement order, or the court has issued an order for law enforcement pick up of a child, the child is picked up and held in a secure juvenile detention facility.

Persons who harbor runaways and do not report to a law enforcement agency are guilty of a gross misdemeanor.

Parents are allowed to commit their child to a substance abuse or mental health facility without the child's consent. The age at which children can give their consent to substance abuse or mental health treatment is standardized at 14 years of age. A parent and the parent's insurance carrier are not liable for substance abuse or mental health treatment for the parent's child unless the parent gives his or her consent to the treatment. Parents may appeal a decision not to provide their child with substance abuse or mental health treatment.

If a juvenile runs away from home twice in a 12-month period, the Department of Licensing suspends his or her driving privileges for 90 days.

If a court finds a juvenile has run away three times in a 12-month period, the court may, on a parent's request, order the juvenile detained for up to six months in a secure facility or other court ordered treatment program.

Local school districts must establish community truancy boards. The boards will seek to improve school attendance of truants.

Counties are authorized to create multidisciplinary teams. The teams coordinate services for families in conflict or who are experiencing problems with at-risk youth.