

SENATE BILL REPORT

ESSB 6646

As Passed Senate, February 8, 1996

Title: An act relating to technical and clarifying amendments to the Becca bill.

Brief Description: Revising provisions for at-risk youth.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long and Franklin; by request of Department of Social and Health Services).

Brief History:

Committee Activity: Human Services & Corrections: 1/22/96, 2/1/96 [DPS]
Passed Senate, 2/8/96, 47-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6646 be substituted therefor, and the substitute bill do pass.

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

Staff: Richard Rodger (786-7461)

Background: During the 1995 session, the Legislature passed a comprehensive act, known as the Becca Bill, addressing concerns about at-risk and runaway youth. The Becca Bill dealt with four main subject areas including runaway youth, alternative placements for youth, chemical dependency and mental health treatment for minors, and students who are truant.

The goal of the legislation was to provide increased protection for children who engage in harmful acts or behaviors, and to give parents, Department of Social and Health Services (DSHS), schools, courts, and law enforcement additional tools to help children.

The DSHS was given the responsibility of implementing most of the provisions of the Becca Bill. The Secretary of the DSHS has recommended several technical and clarifying amendments which are intended to improve implementation and operation of the act.

Summary of Bill: A definition is added for the "administrator" of a crisis residential center (CRC). A cross-reference is added for the definition of a CRC.

Police officers are required to pick up runaway children who are in violation of a dependency order. 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, DSHS, or

youth shelter, located within a reasonable distance. The police must notify DSHS if they release a child without placing them. Police officers' immunity is clarified.

DSHS must attempt to notify parents when it receives reports from persons or entities providing unauthorized shelter. When notifying the parent, DSHS must offer 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 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 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 is 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.

DSHS must collect data regarding the number of times: (a) It refuses to accept a child from a police officer; and (b) it has received a report from law enforcement about a child being released without being placed.

Fiscal Note: Available.

Appropriation: None.

Fiscal Note: Requested January 22, 1996.

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

Testimony For: This bill is the result of work done over the interim by the DSHS, AG, and other interested parties. The bill will assist in improving the implementation of the Becca Bill from last session.

Testimony Against: We need a more independent review of mental health treatment facilities. Big business will be getting involved in mental health treatment for children as a result of last year's bill. Congress found massive abuses in the private mental health system for children.

Testified: Jennifer Strus, DSHS (pro); Lee Ann Miller, Attorney General's Office (pro); Richard Warner, Citizen's Commission on Human Rights; Margaret Casey, WA. State Catholic Conference (pro).