

HOUSE BILL REPORT

HB 1938

As Reported By House Committee On:
Children & Family Services
Appropriations

Title: An act relating to at-risk youth.

Brief Description: Changing provisions relating to at-risk youth.

Sponsors: Representatives Carrell, Cooke, Talcott, Cairnes, Mulliken, Sterk, Huff, L. Thomas, Reams, D. Schmidt, McMorris, Robertson, Hickel, Mitchell, Buck, D. Sommers, B. Thomas, Delvin and Backlund.

Brief History:

Committee Activity:

Children & Family Services: 2/27/97, 3/4/97 [DPS];

Appropriations: 3/8/97, 3/10/97 [DP2S(w/o sub CFS)].

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Cooke, Chairman; Boldt, Vice Chairman; Bush, Vice Chairman; Ballasiotes; Carrell and McDonald.

Minority Report: Do not pass. Signed by 5 members: Representatives Tokuda, Ranking Minority Member; Kastama, Assistant Ranking Minority Member; Dickerson; Gombosky and Wolfe.

Staff: Douglas Ruth (786-7134).

Background: During the 1995 session, the Legislature passed a comprehensive act to address the problems of at-risk and runaway youth. The goal of the legislation, known as the Becca Bill, was to provide increased protection for children who engage in harmful acts or behaviors, and to give parents, the Department of Social and Health Services, schools, courts, and law enforcement additional tools to help these children.

Two of the tools provided by the bill are judicial processes for setting guidelines for these children and for placing them in out-of-home settings. The two judicial processes are known as the at-risk youth petition- (ARY) process and the child in

need of services petition– (CHINS) process. In 1995, 970 CHINS and ARY petitions were filed in Washington courts.

A second tool created by the bill is the crime of unlawful harboring of a minor.– A person is guilty of this crime if, without parental consent, they provide shelter to a child who they know has run away from home. As a complement to this crime, individuals are required to report the location of a child who they know is a runaway to the child’s parent, the department or law enforcement.

A third tool is a court process for ordering chronically truant students to attend school.

In 1996, the Legislature enacted improvements to the Becca Bill. One of these improvements authorized courts to place an at-risk youth in a program to treat behavioral difficulties. The program was required to be conducted in a staff-secure facility.

Summary of Substitute Bill: Penalties are added to the requirement that persons report the location of runaway children. Failing to notify a parent, the department, or a law enforcement agency of the whereabouts of a runaway child is made a misdemeanor for individuals and a licensing violation for licensed shelters that providing overnight services.

The notification requirements for professionals providing community mental health services is also changed. Providers of outpatient community mental health services who treat children thirteen years old or older must notify parents of their child’s treatment. The notice must be given after a child’s third visit. Exemptions are provided for children the department identifies as abused or whose treatment would be compromised by notification.

Courts authority to place children in behavioral treatment programs is expanded. Courts are required to place a child in a program for remedying behavioral difficulties if the court finds that the child meets one of three requirements. The three requirements are as follows:

- (1) the child has run away for more than three days on two or more occasions during a 12-month period, and the child’s parents have filed runaway reports;
- (2) a court has found that the child has violated an ARY court order and the court has reason to believe that the child will continue to violate the order; or
- (3) a court has found that the child has violated an ARY court order on two or more occasions.

The residential treatment program must be conducted in a secure facility. The state is required to pay for the costs of the program if the child’s parents are unable to pay.

The state will also pay for the defense of operators of treatment centers who are sued for acts related to providing treatment.

The judicial truancy process is also modified. A court may consider prior truancy orders in determining whether a student should be subject to an additional order. A court's authority over a case exists for as long as the court decides is necessary, rather than being limited by the school year. The number of student absences a school must document prior to filing a second truancy petition is reduced.

The penalties for chronic truancy are increased. Chronically truant students are denied a driver's license, and may not enter into driver's training. If a student already has a license, it is suspended for 90 days unless the student needs the license for employment.

Substitute Bill Compared to Original Bill: The substitute bill adds modifications to the truancy process and creates the procedure for denying and suspending driver's licenses to chronically truant students.

The penalty for failing to notify the department, parents, or law enforcement of a runaway's location is limited to shelters that provided overnight services.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect on August 1, 1997.

Testimony For: Long-term treatment is needed for children who are having significant problems. Girls especially need treatment since boys are more likely to enter into the criminal system and receive guidance there. The treatment needs to be provided in a secure environment since at-risk youth will react to the early stages of treatment by running away.

Testimony Against: Parents care more about having their children enter treatment than they care about receiving notification. Since notification to parents will deter children from seeking treatment, the notification provision in the bill is not in parents' interests. The judicial process for placing a child in a residential treatment center will detain children who have committed minor acts. A child can be found in violation of an ARY order for merely not cleaning his/her room or not coming home on time.

Testified: Linda Lillevik, Washington Defenders Association (con); and Brenda Jones, parent (pro).

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 17 members: Representatives Huff, Chairman; Alexander, Vice Chairman; Clements, Vice Chairman; Wensman, Vice Chairman; Benson; Carlson; Cooke; Crouse; Lambert; Lisk; Mastin; McMorris; Parlette; D. Schmidt; Sehlin; Sheahan and Talcott.

Minority Report: Do not pass. Signed by 13 members: Representatives H. Sommers, Ranking Minority Member; Doumit, Assistant Ranking Minority Member; Gombosky, Assistant Ranking Minority Member; Chopp; Cody; Grant; Keiser; Kenney; Kessler; Linville; Poulsen; Regala and Tokuda.

Staff: Jason Hall (786-7145).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Children & Family Services: As passed out of appropriations committee, the substitute bill clarifies that the state will only pay for the cost of treatment at a secure facility to the extent that funds are specifically appropriated for this purpose in the 97-99 budget. The bill provides a definition of a secure facility. The bill eliminates one of the three mandatory criteria that require the courts to order a child to receive treatment at a secure facility. The criterion no longer required dealt with the number of times a child has run away from home in a 12-month consecutive period. The bill eliminates all sections dealing with truancy related to requirements that dealt with driver's license suspension and prohibition of enrollment in traffic safety courses. The requirement that the attorney general defend operators of secure facilities who are sued for performing their duties is discretionary, not mandatory. Finally, the bill also contains a clause which renders the act null and void if specific funding for the bill's provisions is not provided in the 97-99 budget.

Appropriation: None.

Fiscal Note: Available.

Effective Date The bill takes effect on August 1, 1997. However, the bill is null and void unless funded in the budget.

Testimony For: Extending the authority of the court beyond the school year is a necessary change. Many of the truancy problems develop late in the spring semester, and under current law, the courts have no authority to punish truant students once school concludes for the summer.

Testimony Against: This bill complicates an already complex system of truancy-reporting and record-keeping requirements. This will take up more administrative resources at the school without increasing attendance. The bill requires the attorney general to defend secure facility operators but is not specific enough as to which suits require state defense. The first two Becca Bills were negotiated with the Legislature and the agency, but this one was not. Washington receives federal money to deal with delinquency, but this bill puts that money, almost \$52 million, in jeopardy.

Testified: Rainer Houser, Association of Washington School Principals (con); John Kvamme, Tacoma Public Schools (concerns); Judy Hartmann, Washington Education Association (concerns); and Jennifer Strus, Department of Social and Health Services (concerns).