

HOUSE BILL REPORT

SSB 5578

As Reported By House Committee On:

Children & Family Services

Title: An act relating to technical clarifying changes to the family reconciliation act.

Brief Description: Concerning the placement and custody of at-risk youth.

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

Brief History:

Committee Activity:

Children & Family Services: 3/25/97, 4/1/97 [DP].

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: Do pass. Signed by 8 members: Representatives Cooke, Chairman; Tokuda, Ranking Minority Member; Kastama, Assistant Ranking Minority Member; Ballasiotes; Dickerson; Gombosky; McDonald and Wolfe.

Minority Report: Do not pass. Signed by 3 members: Representatives Boldt, Vice Chairman; Bush, Vice Chairman; and Carrell.

Staff: Douglas Ruth (786-7134).

Background: In 1995, the Legislature passed the Becca Bill to address the needs of at-risk youth. The bill was amended in 1996 to clarify and supplement the procedures created in 1995.

The Becca Bill procedures are triggered by law enforcement taking a child into custody. Law enforcement may detain a child if an officer has received a report that the child is a runaway, has reason to believe the child violated a court order or local ordinance, or if it appears that the child's safety is in danger. Law enforcement is required to take the child to the parents, a crisis residential center (CRC) or the Department of Social and Health Services (DSHS). Upon the parent's request, the officer may take the child to a family member, a responsible adult, a CRC, a youth shelter, or the department. If the DSHS takes custody of the child, the child is assigned to an out-of-home placement.

Both the DSHS and a CRC that have custody of a child must notify the child's parents of the location of the child and arrange for transportation. If the parent is unavailable or unwilling to take custody of the child, the DSHS must file a Child in Need of Services– (ChINS) petition after three days.

Upon the filing of a petition, a court is required to hold a hearing to determine whether a child should be placed out of the child's home. If the child is currently living at home or has been placed by the DSHS, the court must hold the hearing within 10 days. Otherwise, the hearing must be held in five days. The court may order the DSHS to prepare a dispositional plan to assist the court in deciding which type of placement is most suitable for the child. If the court orders a placement requested by the child's parents, the plan may only consider the needs of the child. If the court orders a placement at the request of the child or the DSHS, the plan may address the needs of the parents.

The DSHS conducts a transitional living program to assist youth who are becoming emancipated. To qualify for the program, a minor must be a dependent child whose permanency plan lists independent living as one of the permanency goals.

Summary of Bill: Clarifying changes are made to the Becca Bill procedures to increase its workability.

The point when an officer transfers custody of an at-risk youth is clearly defined. Law enforcement retains custody until the child is released to a person or agency authorized to take custody of the child, or until the child is freed because no placement is available. If the officer releases the child to the care of the DSHS, the officer must document the reasons for taking the child into custody.

Custody of a child by the DSHS or a CRC terminates after 72 hours if one of the entities does not first file a ChINS petition, obtain a dependency order, or receive parental consent.

The circumstances requiring a court hearing on a ChINS or At-Risk Youth– (ARY) petition within five days are clarified.

The allowable contents of dispositional plans are clarified. The plan must address the needs of the child's parents if the child or the DSHS requests the placement, or if the placement is agreed to by the parents. If the placement is at the request of the parents, the plan may only recommend services that allow voluntary parental participation.

The qualification requirements for the transitional living program are clarified by eliminating a redundancy.

A definition of staff-secure facility– is added to statute. The required staffing ratio is one adult to every two children.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Current law does not specifically authorize the DSHS to take custody of a child from an officer. The DSHS also does not presently have authorization to place a child in an out-of-home placement. Since the DSHS cannot keep children at the DSHS, this authority is needed if the DSHS is to accept custody of a youth from law enforcement. The current requirement that the DSHS file a ChINS petition within five days of placement in a CRC is difficult to administer because the child must be moved out of a CRC after five days. Requiring the filing of a ChINS petition, parental consent, or release of the child within 72 hours is consistent with other laws which place a deadline on the time the state may hold a child.

Testimony Against: Youth who have allegedly violated a ChINS or ARY order often are not informed of the resulting contempt hearing and thus, are not able to respond to the accusations.

Testified: Elaine Simons, Peace for the Streets by Kids from the Streets (con); and Jennifer Strus, Department of Social and Health Services (pro).