

HOUSE BILL ANALYSIS

SSB 5578

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).*

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Meeting Date: *March 25, 1997.*

Bill Analysis Prepared by: *Doug 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: *Several changes are made to the Becca Bill procedures to clarify the process and increase its feasibility.*

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 by the DSHS or a CRC over a child 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-petition within five days are clarified.

The allowable contents of dispositional plans are modified to meet federal law. 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 broadened. Any child who is being emancipated as part of a permanency plan may participate in the program.

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: *None requested.*

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