

HOUSE BILL REPORT

SSB 5279

As Reported By House Committee On: Children & Family Services

Title: An act relating to placement of children in mental health care by the department of social and health services.

Brief Description: Regulating the placement of children in mental health treatment by the department of social and health services.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Hargrove, Long, Fairley, Prentice and Winsley).

Brief History:

Committee Activity:

Children & Family Services: 3/24/99, 3/31/99 [DPA].

Brief Summary of Substitute Bill (As Amended by House Committee)

- The Department of Social and Health Services must first receive parental consent or obtain court permission before admitting a dependent child to an inpatient mental health facility.
- Dependent children placed in inpatient mental health facilities will be placed in the closest facility to the family home, depending on the availability of space and the appropriateness of treatment.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: Do pass as amended. Signed by 9 members: Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Dickerson; Eickmeyer; Kastama and Pflug.

Minority Report: Do not pass. Signed by 1 member: Representative Carrell.

Staff: David Knutson (786-7146).

Background:

The placement of a child into a mental health treatment facility is governed by the provisions on Chapter 71.34 RCW. A concern has been raised that children in the custody of the Department of Social and Health Services may be placed in out-of-state mental health facilities without parental consent.

Summary of Amended Bill:

Children who are dependents may be placed in inpatient mental health facilities after the Department of Social and Health Services obtains parental consent. If the child's parent is not available or does not agree to the placement, the department may seek court authorization for the placement. Dependent children placed in inpatient mental health facilities will be placed in the closest facility to the family home, depending on the availability of space and the appropriateness of treatment. The department will disclose all relevant records to the dependent child's treating physician under certain conditions.

Amended Bill Compared to Substitute Bill: The scope of the legislation is narrowed by deleting references to child abuse investigations and at-risk youth. The requirement that the secretary of the Department of Social and Health Services determines by clear, cogent, and convincing evidence that certain conditions exist is removed. The requirement that the department maintains a list of inpatient mental health facilities that may receive dependent children is removed.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Dependents due process rights should be protected when they are admitted to inpatient mental health facilities. The department already maintains lists of licensed facilities that care for children with mental health problems. The clear, cogent, and convincing standard should not be applied to a clinical decision to serve children with mental health problems. Children who are the subject of child abuse and neglect investigations or who are at-risk youth under the Becca Bill should not be subject to this legislation.

Testimony Against: None.

Testified: (In support) Senator Jeanne Kohl-Welles, prime sponsor; and Jerry Sheehan, American Civil Liberties Union.

(In support with concerns) Jean Wessman, Washington Association of Counties.

(In support with amendments) Jann Hoppler, Department of Social and Health Services.

(Responded to questions) Carole Holland, Children's Administration.