

HOUSE BILL REPORT

HB 2372

As Reported By House Committee On:
Children & Family Services

Title: An act relating to detention of children in secure facilities.

Brief Description: Regulating detention of children within secure facilities.

Sponsors: Representatives Kagi, D. Sommers, Carrell, Cody, Edwards, Kenney, Wolfe, Lovick and Schual-Berke.

Brief History:

Committee Activity:

Children & Family Services: 1/20/00, 2/3/00 [DPS].

Brief Summary of Substitute Bill

- The juvenile court may order confinement of a child for contempt in either (1) a secure Crisis Residential Center (CRC) which is a separate section of a juvenile detention facility; or (2) a juvenile detention facility.
- Confinement in a secure CRC may occur if the department and the center director certify that a bed is available and the confinement is consistent with any local court rule of the county in which the secure CRC is located.
- A CRC resident who is disruptive may be moved to an available bed in a juvenile detention facility.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Staff: Deborah Frazier (786-7152).

Background:

If a child is running away from home or alternative placement, or acting out in some manner that endangers the child or others, or if the child has a substance abuse problem, petitions may be filed in juvenile court seeking court assistance in obtaining assessment, treatment, and placement services directed toward the reconciliation of the family.

An At-Risk Youth (ARY) petition may be filed only by a parent. The petition must demonstrate that the child has been absent from the home for at least 72 hours without parental consent, and that the child is engaging in behaviors beyond the control of the parent that endanger the child or others.

A Child in Need of Services (CHINS) petition may be filed by the child, parent, or the Department of Social and Health Services. This petition must demonstrate either: (1) that the child has been absent from the home, crisis residential center, out of home placement, or court ordered placement for at least 24 hours on two or more separate occasions, and that the child is engaging in behaviors beyond the control of the parent that endanger the child or others; or (2) that the child needs food, shelter, health care, etc., and lacks access to, or has declined services, and that the child's parents have been unsuccessful, unable, or unwilling to continue efforts to maintain the family structure.

If a child is truant from school a prescribed number of times, school districts must file petitions with the juvenile court seeking court assistance in getting the child to attend school. If the school district fails to act after a prescribed number of unexcused absences, the parent may file a petition. The court may enter an order setting forth requirements most likely to cause the juvenile to return to, and remain in school.

A child subject to the provisions of a court order resulting from ARY, CHINS, or truancy petition, found to be in civil contempt of a court order, may be taken into custody by a law enforcement officer if so ordered by the court. As a sanction for the failure to comply, the court may order that the child be confined. Current law requires that this confinement occur in a secure juvenile detention facility operated by a county. Such confinement may be for a period of up to seven days.

Summary of Substitute Bill:

The juvenile court may order confinement of a child for contempt in either (1) a secure CRC which is a separate section of a juvenile detention facility; or (2) a juvenile detention facility. Confinement in a secure CRC may occur if the department and the center director certify that a bed is available and the confinement is consistent with any local court rule of the county in which the secure CRC is located. A CRC

resident who is disruptive may be moved to an available bed in a juvenile detention facility.

Substitute Bill Compared to Original Bill: The original bill permitted the court to order confinement of a child for contempt in either a secure CRC or a juvenile detention facility. The substitute requires that the secure CRC be within a juvenile detention facility.

The original bill provided that the confinement in a secure CRC could occur if the department and the center director certify that a bed is available. The substitute adds the second condition that the confinement be consistent with any local court rule of the county in which the secure CRC is located.

Current law provides that a CRC resident who is disruptive may be removed to a separate area of the facility. The substitute gives the CRC director the option of moving the child to an available bed in a juvenile detention facility.

Appropriation: None.

Fiscal Note: Requested on January 19, 2000.

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

Testimony For: Placing children who are in civil contempt in detention with children who are offenders can have an adverse effect on the child. It is administratively difficult as well, because the two populations are supposed to be separated.

Testimony Against: None.

Testified: (In support) Representative Kagi, prime sponsor; and Patty Shelledy, King County Superior Juvenile Judges, Department of Juvenile Detention.

(In support with concerns) Barbara Stone, Department of Social and Health Services.