

HOUSE BILL REPORT

2SHB 1958

As Passed House:

March 12, 2001

Title: An act relating to children in need of services, at-risk youth, and truancy petitions.

Brief Description: Revising provisions for children in need of services, at-risk youth, and truancy petitions.

Sponsors: By House Committee on Appropriations (originally sponsored by Representatives Delvin, Dickerson, Carrell and Darneille).

Brief History:

Committee Activity:

Juvenile Justice: 2/20/01, 2/27/01 [DPS];

Appropriations: 3/6/01, 3/7/01 [DP2S(w/o sub JJ)].

Floor Activity:

Passed House: 3/12/01, 98-0.

Brief Summary of Second Substitute Bill

- Adds truancy to the definition of at-risk youth.
- Allows parents to convert A Child In Need of Services (ChINS) or truancy petitions to At-Risk Youth (ARY) petitions.
- Allows the court to order a risk and needs assessment during a ChINS, ARY or truancy proceeding.
- Provides greater discretion to hold review hearings during ChINS or ARY proceedings.

HOUSE COMMITTEE ON JUVENILE JUSTICE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Delvin, Republican Co-Chair; Dickerson, Democratic Co-Chair; Eickmeyer, Democratic Vice Chair; Marine, Republican Vice Chair; Armstrong, Carrell, Darneille and Tokuda.

Staff: Catherine Blinn (786-7114).

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 Juvenile Justice. Signed by 31 members: Representatives Sehlin, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, D. Schmidt, Schual-Berke, Talcott and Tokuda.

Staff: Heather Flodstrom (786-7391).

Background:

A Child In Need of Services (ChINS) petition filed in juvenile court by a parent, child, or the Department of Social and Health Services (DSHS) seeks out-of-home placement of the child. A Child In Need of Services is a child:

- 1) who is absent from home for 24 hours at least twice and either has a substance abuse problem or whose behavior endangers someone's health, safety, or welfare;
- 2) who is beyond the parents' control and whose behavior endangers someone's health, safety, or welfare;
- 3) who needs necessary services such as food, shelter, health care, clothing, or education; or
- 4) whose parents have been unsuccessful or unwilling to maintain the family structure.

Once a proper ChINS petition is filed, the juvenile court must, among other things, schedule a fact-finding hearing, notify parents of their right to file an at-risk youth petition, and address the current placement of the child. At the conclusion of a fact-finding hearing, the court can dismiss the ChINS petition, approve the ChINS petition and a temporary out-of-home placement for the child, or approve an at-risk youth petition filed by the parents and dismiss the ChINS petition.

At the dispositional hearing, held within 14 days of the fact-finding hearing, the court may reunite the family and dismiss the petition, approve an at-risk youth petition filed by the parents and dismiss the ChINS petition, or order an out-of-home placement. If the child is placed out of the home, the court must hold a review hearing within 90 days, at which the court must continue or discontinue the out-of-home placement. The court can dismiss a ChINS proceeding at any time if circumstances warrant it or if the child becomes the subject of a dependency action. Out-of-home placement may not continue past 180 days from the review hearing, at which time the child must return to the parents' home.

An At-Risk Youth (ARY) petition is a process by which parents may request and receive assistance from juvenile courts to provide appropriate care, treatment, and supervision of an at-risk youth. An At-Risk Youth is defined as a child:

- 1) who is absent from home for at least 72 hours;
- 2) who is beyond the parents' control and whose behavior endangers someone's health, safety, or welfare; or
- 3) who has a substance abuse problem but no pending criminal charges pertaining to the substance abuse.

When a proper ARY petition is filed, the court must schedule a fact-finding hearing. The court can approve or dismiss the ARY petition at the fact-finding hearing, and may order that the child reside either in the parents' home or in an out-of-home placement. At the dispositional hearing, held within 14 days of the fact-finding hearing, the court must consider recommendations by the parties, including the DSHS, to assist the parents in maintaining care, custody, and control of the child and assist the family in resolving conflicts. The court shall hold a review hearing within 90 days of the dispositional hearing to continue or discontinue court supervision. Court supervision cannot continue more than 180 days past the review hearing. The court can dismiss an ARY proceeding at any time if circumstances warrant it or if the child becomes the subject of a dependency action. The court must grant a parent's request to dismiss an ARY proceeding or terminate an out-of-home placement unless a contempt action is pending or a ChINS petition is pending.

A truancy petition may be filed by a school district or parent when a student has accrued an unacceptable number of unexcused absences, when actions taken by the school district have been unsuccessful in reducing the absences, and when court intervention and supervision are necessary to reduce the absences. The court must inform the parents of, among other things, their rights with regard to ChINS and ARY petitions. Upon approving the truancy petition, the court or truancy board must enter into an agreement with the student and parents that establishes school attendance requirements and takes any other action necessary to reduce the child's absences.

Summary:

The definition of at-risk youth includes truants who also exhibit one of the other behavior factors listed in the current definition of at-risk youth. Parents may request that a ChINS petition or truancy petition be converted to an ARY petition, disposing of the need to file a new, separate petition. The court may convert the ChINS petition or truancy petition to an ARY petition without having to dismiss the original petition. If an ARY petition that was previously converted from a truancy petition is dismissed, the ARY petition shall revert to a truancy petition.

The court may order a risk and needs assessment of a child at any time during a ChINS or ARY proceeding. With regard to a truancy petition, the court may order a risk and

needs assessment after a child fails to comply with the truancy order. Upon the outcome of the risk and needs assessment, the court can order any appropriate conditions of supervision, including regular school attendance, counseling, and participation in a substance abuse or mental health treatment program.

The court may hold a review hearing at any time following disposition of a ChINS or ARY petition, and may hold more than one review hearing. Because the maximum duration for a ChINS or ARY proceeding previously commenced at the review hearing and the court can now hold more than one review hearing, the maximum duration is extended in order to commence at the dispositional hearing.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

Testimony For: (Juvenile Justice) (Original bill): The Superior Court Judges Association supports HB 1958. The option of allowing parents to ask the court to change a petition is significant because most parents are pro se and therefore may be confused about which petition is appropriate for their needs. Courts can have greater discretion in the level of supervision and the number of review hearings. A risk and needs assessment may be ordered by the court, subject to available resources. The purpose is to facilitate access to the courts by parents and families. The risk and needs assessment can be conducted by a variety of providers. The changes to the ChINS, ARY, and truancy statutes is an attempt to make the system more efficient for the court and less cumbersome for families. The changes make more resources available to truants, who frequently have the same problems as at-risk youth but are simply entering the juvenile court system through a different channel.

(With concerns, original bill): The DSHS appreciates the judges' intent to streamline the various processes. However, the department is concerned about the fiscal impact that the bill will have if truancy petitions are converted to at-risk youth petitions in significant numbers. The DSHS is not currently involved in truancy petitions but is involved in at-risk youth petitions. Additional risk and needs assessments could increase the workloads of the DSHS evaluators if the DSHS is responsible for all assessments ordered by the courts. The DSHS could also experience a workload increase if ordered to monitor truancy proceedings. Truancy should not be the only factor that qualifies a juvenile as an at-risk youth and allows a truancy petition to be converted to an at-risk youth petition.

Testimony For: (Appropriations) None.

Testimony Against: (Juvenile Justice) None.

Testimony Against: (Appropriations) None.

Testified: (Juvenile Justice) (Original bill): Judge Kathleen O'Connor, Spokane County Superior Court, Superior Court Judges Association.

(With concerns, original bill): Marianna Conner, Children's Administration of DSHS; and Sharon Young, Children's Administration of Department of Social and Health Services.

Testified: (Appropriations) None.