

SENATE BILL REPORT

2SHB 1958

As of March 15, 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: Human Services & Corrections:

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Joan K. Mell (786-7447)

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 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 of Bill: 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 must 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.