

HOUSE BILL REPORT

ESHB 2752

As Passed Legislature

Title: An act relating to the safety of runaway youth.

Brief Description: Modifying provisions relating to providing shelter to a minor.

Sponsors: House Committee on Early Learning & Children's Services (originally sponsored by Representatives Dickerson, Orwall, Walsh, Goodman, Kagi, Roberts, Pedersen, Green, Santos and Nelson).

Brief History:

Committee Activity:

Early Learning & Children's Services: 1/26/10, 1/29/10 [DPS].

Floor Activity:

Passed House: 2/16/10, 95-3.

Senate Amended.

Passed Senate: 3/4/10, 45-0.

House Concurred.

Passed House: 3/6/10, 91-4.

Passed Legislature.

Brief Summary of Engrossed Substitute Bill

- Modifies requirements for notice to the Department of Social and Health Services, local law enforcement agencies, and parents when youth are admitted to licensed shelters serving youth who have run away from home or who are homeless.
- Requires the Washington State Patrol to make information about youth reported by a parent as being absent from home without permission publically available, if there is no cost to do so.
- Creates a private right of action for a parent of a youth admitted to an unlicensed youth shelter if the shelter fails to notify a parent after learning the youth is absent from home without permission.

HOUSE COMMITTEE ON EARLY LEARNING & CHILDREN'S SERVICES

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel, Goodman and Seaquist.

Staff: Sydney Forrester (786-7120).

Background:

Any person providing shelter to a minor who knows the youth is absent from home without parental permission is required to notify the youth's parent, law enforcement, or the Department of Social and Health Services within eight hours of becoming aware that the youth is away from home without permission.

The Washington State Patrol (WSP) maintains data files to assist local law enforcement agencies. These files contain information relating to stolen and wanted vehicles; outstanding warrants; children who have been reported as runaways; and stolen property.

Summary of Engrossed Substitute Bill:

Legislative findings are made regarding the desire to better serve youth by protecting them from dangers of being on the street and the risks of predators seeking to capitalize on the vulnerability of youth; and the desire to notify parents that youth are safe and off the streets even though they may not be ready to begin the conflict resolution process with parents.

At the request of a parent or other legal custodian or guardian, and if there is no cost to do so, the WSP must make information from its data files relating to children who have been reported as runaways publically available. The information must be limited to only that which will facilitate the safe return of the youth to his or her home.

Licensed youth shelters and other licensed organization serving homeless or runaway youth and their families must comply with the following requirements when providing shelter to youth who are homeless or who have run away from home:

- Within eight hours of learning a youth is away from home without permission, shelter staff must consult the information made publically available by the WSP regarding youth who have been reported as runaways. If a youth being served by the shelter is listed as missing, shelter staff must immediately notify the Department of Social and Health Services (DSHS) with a description of the youth's physical and emotional condition and the circumstances surrounding the youth's contact with the shelter. Shelter staff must continue consulting the publically available information at least once every 8 hours during the youth's stay at the shelter, unless notice has already been provided to the youth's parent, law enforcement, or the DSHS.
- Within 72 hours, and preferably within 24 hours, shelter staff must notify the youth's parent with the whereabouts of the youth, a description of the youth's physical and emotional condition, and the circumstances surrounding the youth's contact with the shelter or organization. If there are compelling reasons not to notify a parent, including but not limited to the potential the child will be subjected to child abuse or neglect, the shelter or organization shall instead provide the information to the DSHS.

Compelling reasons for contacting the DSHS instead of a parent include circumstances indicating that notice to a parent will subject the youth to abuse or neglect.

A private right of action is established for a parent if an unlicensed youth shelter or unlicensed homeless youth program fails to notify the parent, law enforcement, or the DSHS with eight hours of learning the youth is away from home without permission.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Allowing staff in youth shelters more time to notify a parent is consistent with federal requirements. This bill is intended to increase safety for children. The Becca Bill has done a lot of good, but the eight-hour notification provision needs a little adjustment. We need to support our outreach workers and our counselors who are trying to reengage youth and bring them back to their families and community.

It often takes shelter staff more than eight hours to stabilize a youth and gain their trust to begin addressing the family conflict. Youth who have run away from home often don't go to a shelter because they are fearful their parents will be notified right away, and when these youth stay on the streets they become vulnerable to predators who are willing to provide shelter and food, but who ignore the reporting law. By allowing shelter staff more time to meet the youth's immediate needs for food, shelter, and rest, staff can develop a rapport and begin working with the youth to gain their cooperation in contacting parents and to begin the process of facilitating communication between the youth and the parent. Shelter staff routinely encourage youth to call parents and at least notify them they are safe.

Research in child prostitution reflects that runaway youth who remain on the street rather than going to a shelter are more likely to be victimized and eventually entrenched into the world of child prostitution. This is really about trying to address the competition between shelter staff, who want to assist the youth and the family, and predators on the street who are using the eight-hour notification requirement to convince youth to stay away from the shelter so that the predator can start the grooming process.

(Opposed) None.

Persons Testifying: Representative Dickerson, prime sponsor; Jaclyn Mellon, Peace for the Streets by Kids from the Streets; Katie Meyer, Street Youth Legal Advocates of Washington; Jim Theofelis, Mockingbird Society; Diane Jordan and Liza Burell, YouthCare; and Charles Shelan, Community Youth Services.

Persons Signed In To Testify But Not Testifying: None.