

HOUSE BILL REPORT

SSB 5097

As Reported by House Committee On:

Early Learning & Human Services
Health & Human Services Appropriations & Oversight

Title: An act relating to juveniles with developmental disabilities who are in correctional detention centers, juvenile correction institutions or facilities, and jails.

Brief Description: Concerning juveniles with developmental disabilities who are in correctional detention centers, juvenile correction institutions or facilities, and jails.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Delvin, Kohl-Welles, McAuliffe and Chase).

Brief History:

Committee Activity:

Early Learning & Human Services: 3/17/11, 3/18/11 [DP];
Health & Human Services Appropriations & Oversight: 3/28/11 [DPA].

Brief Summary of Substitute Bill (As Amended by House)

- Establishes a work group to address issues relating to juveniles with developmental disabilities who are confined in juvenile detention or correctional facilities, and requires the work group to make recommendations to the Legislature.
- Requires the work group, if recommended, to develop a simple screening tool, a model policy, cost effective training, and other tools to identify and assist juveniles who are confined and who may have a developmental disability.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: Do pass. Signed by 6 members: Representatives Kagi, Chair; Roberts, Vice Chair; Walsh, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Goodman and Orwall.

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

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.

Staff: Linda Merelle (786-7092).

Background:

When any youth enters the Juvenile Rehabilitation Administration (JRA) system, the JRA evaluates the youth for various vulnerabilities and places the youth in accordance with those vulnerabilities. The JRA does not have a specific screening tool to use with youth who are, or are suspected of being, developmentally disabled. The JRA notifies the Division of Developmental Disabilities (DDD) when a youth with developmental disabilities is to be released in order to determine whether that youth is eligible to receive any services provided by the DDD.

In 2009 the Legislature passed Engrossed Second Substitute House Bill 2078 which required the Developmental Disabilities Council and the Washington Association of Sheriffs and Police Chiefs to convene a work group. Among other things, the work group was required to develop a simple screening tool that may be used by jails as part of the intake process to identify adult offenders with a developmental disability or a traumatic brain injury and a model policy for use of the screening tool. In the August 2010 report, the work group provided a screening tool and a model policy.

Summary of Bill:

A work group is established, within funds appropriated or otherwise available for the work group, to address issues relating to juveniles with developmental disabilities who are confined in juvenile detention or correctional facilities. The work group is to be chaired by representatives of the Developmental Disabilities Council (DDC) and the Washington Association of Juvenile Court Administrators (WAJCA) and a representative of the JRA. The following are members of the work group:

- a representative of the Washington Association of Sheriffs and Police Chiefs;
- a representative of the DDD within the Department of Social and Health Services (DSHS);
- a representative of Disability Rights Washington;
- a representative of the Office of the Superintendent of Public Instruction;
- consumer advocates;
- a representative of the Washington State Defenders Association; and
- representatives of other interested organizations as identified by the DDC, the WAJCA, and the JRA, including parents of developmentally disabled youth.

By December 1, 2011, the work group is to develop recommendations and report to the appropriate committees of the Legislature relating to the following:

- how to expeditiously review and determine eligibility for developmental disability services provided by the DSHS before a juvenile is released from detention or a correctional facility;
- the appropriate role for the DSHS in providing potential confinement alternatives for persons with developmental disabilities, and consultation and technical assistance to juvenile facilities in their efforts to provide reasonable accommodations for persons

- with developmental disabilities confined in their facilities or institutions. The fiscal impact to the DSHS of providing consultation and technical assistance must be included with this recommendation;
- how to increase the appropriate use of the court's authority under RCW chapter 13.40 to order secure confinement alternatives;
 - the establishment of new options under RCW Title 13 to divert juveniles with developmental disabilities from the justice system while maintaining public safety;
 - the feasibility of developing and adopting law enforcement training for responding to juveniles with developmental disabilities similar to the crisis intervention training currently provided to law enforcement officers responding to alleged criminal behavior by persons with mental illness;
 - the feasibility of adopting standardized statewide screening and application practices and forms designed to facilitate the application by juveniles who are likely to qualify for medical assistance services by the DDD within the DSHS; and
 - the feasibility and need for developing a screening tool and training for juvenile justice staff to be used to identify persons with developmental disabilities.

By September 1, 2012, if recommended by the work group, it is to develop the following:

- a simple screening tool that can be used by juvenile detention and correctional facilities as part of their intake and classification system to help identify juveniles with the most common types of developmental disabilities;
- a model policy for the use of the screening tool;
- a cost-effective means to provide concise training to juvenile detention, corrections and probation, and parole staff on the use of the tool;
- information on best practices and training regarding appropriate accommodations for developmentally disabled persons during their confinement; and
- a practical guide for families and juvenile justice staff that has comprehensive information about programs and services available to developmentally disabled youth who are referred to the juvenile justice system.

The work group expires on January 1, 2013.

Appropriation: None.

Fiscal Note: Available on the original bill.

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) Court Administrators recognized that there are a lot more juveniles who are developmentally disabled and who are being held in juvenile detention facilities. Parents and advocates suggested that the facilities needed a screening tool to identify juveniles with developmental disabilities and to direct the parents to services for their children to get them out of juvenile detention. Juveniles with developmental disabilities frequently enter the

system, and they can be depressed or the target of more sophisticated offenders. Parents do not understand where to turn, and they may not have the resources to look at other alternatives to help their children. The DDC will highly participate in the work group process. A similar work group process was effective for adults with developmental disabilities who have been detained in correctional or jail facilities. A screening tool has already been developed for adults, and the work group can start there when developing a tool for juveniles.

(Opposed) None.

Persons Testifying: Senator Delvin, prime sponsor; Ed Holen, Developmental Disabilities Council; and Tom McBride, Association of Juvenile Court Administrators.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON HEALTH & HUMAN SERVICES APPROPRIATIONS & OVERSIGHT

Majority Report: Do pass as amended. Signed by 11 members: Representatives Dickerson, Chair; Appleton, Vice Chair; Johnson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Cody, Green, Harris, Kagi, Overstreet, Pettigrew and Walsh.

Staff: Amy Skei (786-7109).

Summary of Recommendation of Committee On Health & Human Services Appropriations & Oversight Compared to Recommendation of Committee On Early Learning & Human Services:

The amendment recommended by the Health and Human Services Appropriations and Oversight Committee specifies that the work group created in the bill must be established within available resources.

Appropriation: None.

Fiscal Note: Available on the original bill.

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

Staff Summary of Public Testimony:

(In support) This bill is modeled after House Bill 2078, which was passed by the House of Representatives two years ago. That bill dealt with adults with developmental disabilities in prisons and correction facilities; this bill deals with juveniles. The Developmental Disabilities Council will underwrite the costs of the work group with monies allocated from its federal funds. The juvenile court administrators worked on the development of this bill. This will address the needs of youth with developmental disabilities in the juvenile justice

system, particularly those who cycle through the detention process. The lack of a screening tool means that many youth may not be identified as developmentally disabled and may not be connected to appropriate services.

(Opposed) None.

Persons Testifying: Ed Holen, Washington State Developmental Disabilities Council; Tom McBride, Washington Association of Juvenile Court Administration; Donna Obermeyer; and David Lord, Disability Rights of Washington.

Persons Signed In To Testify But Not Testifying: None.