

HOUSE BILL REPORT

ESHB 2466

As Passed Legislature

Title: An act relating to recommendations of the juvenile issues task force.

Brief Description: Changing provisions relating to juveniles.

Sponsor(s): By House Committee on Human Services (originally sponsored by Representatives Ebersole, McLean, Leonard, Padden, Appelwick, Wineberry, Basich, Brumsickle, Ludwig, Lisk, Rayburn, Dellwo, Locke, Pruitt, Neher, R. King, Ogden, Anderson, Franklin, G. Fisher, Bray, Bowman, Edmondson, Moyer, Prentice, Spanel, Dorn, Riley, Silver, Heavey, Mielke, H. Myers, Inslee, Brekke, Chandler, Fuhrman, Jacobsen, Vance, Kremen, Hochstatter, Forner, Brough, Broback, Winsley, Ferguson, Wood, Horn, P. Johnson, Jones, Wang, Haugen, Zellinsky, Carlson, Mitchell, Sprenkle, J. Kohl, Valle, O'Brien, May, Roland, Fraser, Hine, Sheldon, Tate and Rasmussen).

Brief History:

Reported by House Committee on:

Human Services, January 29, 1992, DPS;

Judiciary, February 6, 1992, DPS(HS-A JUD);

Passed Legislature.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Leonard, Chair; Riley, Vice Chair; Winsley, Ranking Minority Member; Tate, Assistant Ranking Minority Member; Anderson; Beck; Hargrove; Hochstatter; R. King; and H. Myers.

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

Staff: David Knutson (786-7146).

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *The substitute bill by Committee on Human Services be substituted therefor and the substitute bill as amended by Committee on Judiciary do pass.* Signed by 17 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; Hargrove; Inslee; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; and Vance.

Staff: Pat Shelledy (786-7149).

Background: The Juvenile Issues Task Force was created by the 1991 Legislature to examine the operation of the 1977 Juvenile Justice Act, the Family Reconciliation Act, 1990 at-risk youth legislation and related issues. The task force was also charged with making recommendations to the Legislature. It held 16 public hearings around the state to solicit public input. The task force divided its work into three substantive areas: juvenile offenders, families at risk, and involuntary commitment and treatment. In addition to its substantive recommendations, the task force is recommending that it continue for an additional year.

Summary of Bill:

Juvenile Offenders

The intent and purpose of the state's Juvenile Justice Act is clarified to emphasize that all the purposes of the act are equally important policies.

The definitions of confinement and community supervision are expanded to provide greater flexibility in sentencing options available to judges. The standard sentencing range for community supervision for all non-committable youth is 0 to 12 months. Court ordered foster care or group care must be county funded. The standard sentencing ranges for confinement of middle offenders is modified.

Counties will develop and apply detention intake standards and risk assessment standards to determine the need for detention.

Counties may operate youth offender discipline programs for juvenile offenders. The court is required to consult with the parents, guardian, or custodian of a juvenile offender before disposition of the juvenile's case. Parents are

liable for damage caused by their child in the amount of \$5,000 instead of \$3,000.

Diversion agreements may not exceed six months unless an extension is necessary for purposes of restitution. Law enforcement officials or entities do not qualify as diversion units. Diversion is not allowed when a juvenile has previously been committed to a Division of Juvenile Rehabilitation facility, has three previous diversions, or is accused of a class A felony, a class B felony, or a class C felony that is a crime against a person. Diversion units must: (1) notify victims of crimes against persons or victims whose property has not been recovered of a diversion; (2) notify such victims how to contact the diversion unit; (3) consult with any victims that contact the unit when assessing the appropriate community service and restitution; and (4) provide qualified interpreters when necessary. Juvenile offenders may be referred to mediation or victim offender reconciliation programs. Diversion agreements may require attendance at up to 10 hours of counseling and/or up to 20 hours of educational programs. Diversion units may refer a juvenile to local treatment programs. In the event of noncompliance with a diversion agreement, the unit is to consult with the prosecuting attorney on the appropriate response.

The Administrator for the Courts will develop a curriculum, to be updated yearly, for court personnel and service providers about child development, placement, and treatment resources and about relevant statutes, court rules, and case law.

School districts may exchange information with law enforcement and juvenile court officials to the extent permitted by federal law.

The Department of Social and Health Services will collect data to determine the disproportionate impact of this legislation.

The Juvenile Disposition Standards Commission must make disposition recommendations to the Legislature every year.

Families at Risk

Schools are required to notify parents after one unexcused absence, and schedule a conference with the parents after two unexcused absences. After five or more unexcused absences, the school may file a truancy petition. Schools will annually notify parents and children of truancy laws. The courts may order alternatives to detention if a child fails to obey a court order to return to school. The

superintendent of public instruction will issue annual reports to the Legislature on school enforcement efforts.

The Department of Social and Health Services will operate or contract to operate a minimum of 38 crisis residential centers (CRCs). A child will not remain in a CRC longer than five consecutive days from the date of intake. Only a family reconciliation services supervisor may authorize placement of a child in a CRC. The minimum staffing ratio in regional CRCs is lowered to one staff person per three children.

Children who are inappropriately housed in CRCs will, to the extent possible, be transferred to residential and treatment services designed to meet their specific needs.

The Department of Social and Health Services will discontinue the practice of having social workers in the Division of Children and Family reconciliation services program also perform non-related staff functions; except in rural offices where it proves impractical.

A planning, allocation, and service system for at-risk youth, runaways, and families in conflict will be developed by the Joint Select Legislative Committee on Juvenile Issues.

Involuntary Treatment and Commitment

The purpose of the involuntary treatment statute is clarified to ensure that a continuum of culturally-relevant services are available to both the patients and their families and to ensure that voluntary services are given the highest priority. Additionally, all divisions of the Department of Social and Health Services are required to jointly plan and deliver mental health services to all youth in out-of-home placements.

The Department of Social and Health Services is directed to design and implement the department's services and programs to maximize the state's allocation of federal funds. The department is also directed to encourage the development and expansion of evaluation and treatment facilities by redirecting federal Title XIX funds which are used for out-of-state placements to fund placements within the state.

The department is required to conduct a planning study to assess the residential and treatment needs of a sample of all at-risk youth in their care and the needs of youth for whom an involuntary commitment was denied.

When a youth is not detained for involuntary treatment, the county-designated mental health professionals (CDMHP) and county-designated chemical dependency specialists (CDCDS) are required to: (1) inform the parents of their right to file an at-risk youth petition or an alternative residential placement petition; (2) write a report detailing the reasons a commitment was not authorized; and (3) refer the parents to any other available services.

Continuation of Juvenile Issues Study

The task force is changed to a joint select legislative committee and is extended for one year. The final report on the DSHS study of racial disproportionality will be submitted by December 1, 1992.

Fiscal Note: Requested January 24, 1992.

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

Testimony For: (Human Services) The recommendations of the Juvenile Issues Task Force, contained in House Bill 2466, address many of the most serious problems facing children and families. Children need more treatment services for alcohol and drug abuse. Juvenile offenders should be held accountable for their actions, but they should also receive counseling and treatment services. Runaways should be picked up by law enforcement officers and returned to their parents or taken to crisis residential centers. Additional family counseling services should be available to keep families together or reunite families when children run away. There are insufficient beds to serve children who require inpatient alcohol and drug treatment. Judges need additional discretion when sentencing juvenile offenders to confinement. Prevention and early intervention services should be expanded to serve the entire at-risk youth population.

(Judiciary) The Juvenile Justice Act should be amended to provide greater flexibility in sentencing so that juveniles can receive needed treatment. Parental involvement is important. Developing smaller secure institutions in communities where the offender can have contact with his or her family will promote reintegration into the community upon release from custody.

Testimony Against: (Human Services) None.

(Judiciary) The bill's provisions could have a significant fiscal impact on state and local resources, but the bill does not contain any appropriations. Requiring services to

be delivered through the criminal justice system without providing funding will strain already limited resources and will displace recipients of those services who need them and now receive them voluntarily or through other commitment avenues. Parents need to be encouraged, not coerced, into participating in the juvenile justice system when their child is charged with a crime.

Witnesses: (Human Services) Representative Ebersole, Prime Sponsor; Don Knapp, Foster Parents of Washington; Robert Hunner, Governor's Juvenile Justice Advisory Committee; Linda Grant, Alcoholism and Addiction Programs; John Kvamme, Tacoma Schools; Bob Naon, Prosecuting Attorneys Association; Jerry Sheehan, American Civil Liberties Union; Julie Bonsteel, Federation of Residential Care Providers; Dave Okimoto, Juvenile Issues Task Force; Kurt Sharar, Association of Counties; Larry Fehr, Council on Crime and Delinquency; Pete Vander Wegen, Wapato Schools; and Dick Thompson, Department of Social and Health Services.

(Judiciary) Norm Maleng, King County Prosecutor, Juvenile Issues Task Force Subcommittee Chair on Juvenile Offenders (pro); Kathleen O'Connor, Superior Court Judge and Juvenile Issues Task Force member (pro); Lyle Quasim, Safe Streets Campaign of Pierce County (pro); Linda Grant, Alcoholism and Addictions Programs (opposed to provisions regarding option D, suggests amendments); Peter Berliner, Children's Alliance (concerned about impact on local and state resources); Larry Fehr, Washington Council on Crime and Delinquency (concerned about impact on local and state resources); Lonnie Johns-Brown, Washington Association of Social Workers (concerned about compelling parents into treatment); Robert Hunner, Governor's Juvenile Justice Advisory Committee (concerned about disparity in application); Kurt Sharar, Washington Association of Counties (concerned about fiscal impact on counties); Stephanie Carter, Washington Association of Prosecuting Attorneys (concerned about blurring distinction between criminal courts and dependency courts); and Darlene Flowers, Foster Parents Association of Washington State; (concerned about impacts on foster care placements).