

**SENATE BILL REPORT**

**SSB 6428**

**AS PASSED SENATE, FEBRUARY 18, 1992**

**Brief Description:** Improving the responsiveness of services for at-risk children and families.

**SPONSORS:** Senate Committee on Children & Family Services (originally sponsored by Senators Roach, Stratton and Oke; by request of Dept. of Social and Health Services, Department of Health, Superintendent of Public Instruction, Department of Community Development and Employment Security Department)

**SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES**

**Majority Report:** That Substitute Senate Bill No. 6428 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Stratton, and Talmadge.

**Staff:** Richard Rodger (786-7461)

**Hearing Dates:** February 5, 1992; February 7, 1992

**HOUSE COMMITTEE ON HUMAN SERVICES**

**HOUSE COMMITTEE ON APPROPRIATIONS**

**BACKGROUND:**

State agencies and programs have a difficult time serving children and families needing assistance from more than one service provider. Problems faced by children and families typically involve several bureaucracies which each address a distinct, categorical problem.

Children and families which face multiple problems involving schools, alcohol or drug abuse, criminal activity, abuse, neglect or family disfunction, mental illness, developmental disability, poverty, or health problems pose a dilemma for organizations which administer categorical funds and organize around specific services instead of service populations.

**SUMMARY:**

A family policy cabinet is created. The cabinet is composed of the: 1) Superintendent of Public Instruction; 2) Secretary of the Department of Social and Health Services (DSHS); 3) Secretary of the Department of Health; 4) Commissioner of Employment Security; and 5) Director of Department of Community Development. The Governor may include other state agency representatives in the cabinet.

The cabinet shall solicit funding proposals from local consortia to address the needs of children and families whose needs are not met by the programs of a single department. The cabinet may submit a prioritized list of projects recommended for funding in the Governor's budget. Funds for consortium projects will be identified by agencies represented on the family policy cabinet from budget requests or existing appropriations for services to children and families.

The Washington Council on Children, Youth, and Families is created within the Governor's office. The council shall have 12 voting members appointed by the Governor, six ex officio nonvoting members from the Governor's cabinet, and four nonvoting members from the Legislature.

The council shall: 1) review public and private programs, policies, and services to ensure that the goals of this act are met; 2) search for interdepartmental gaps, inconsistencies, and inefficiencies; 3) advocate for system-wide changes; 4) facilitate joint planning and coordination; 5) accept gifts, appropriations, grants, and loans; 6) disseminate information on effective programs; 7) encourage the formation of local community consortia; and 8) regularly report to the Governor and the Legislature.

The council shall contract with a college or university to establish a state institution for children, youth and families to serve as an information clearinghouse. The institute will also provide technical assistance to consortia on issues of community protection and prevention of violence toward children, youth and families. The center will also review and analyze data collected as required in this act.

The council shall also prepare a study on: 1) establishment of a network of local consortia that would be authorized to receive a transfer of authority and program funds for enumerated programs; 2) requiring local consortia to develop two-year plans; and 3) ways in which the local consortia could improve assistance that will strengthen the family.

The Governor may take whatever action is necessary to avoid the duplication of these efforts by any other councils, commissions, or committees.

**Appropriation:** \$500,000

**Revenue:** none

**Fiscal Note:** requested February 5, 1992

**Effective Date:** July 1, 1992

**TESTIMONY FOR:**

The executive's family policy initiative has been able to bring together the various state agencies involved in administering programs for children, youth and families. It has redirected attention to strengthening input from the local

level and to reduce the number of at-risk children and families not receiving available programs. Formalizing the executive action and given additional responsibilities will help forward the coordination and decentralization of vital programs.

**TESTIMONY AGAINST:** None

**TESTIFIED:** PRO: Barbara Gooding, Department of Community Development; Steve Rogers, Port Angeles Schools; Gay Knutson, Clallam County Youth 2000; Judith Billings, Superintendent of Public Instruction; Dick Thompson, Director, Department of Social and Health Services; Vernon Stoner, ESD; Dr. Mimi Fields, DOH; Peter Berliner, The Children's Alliance; Laurie Lippold, Children's Home Society; Linda Thompson, Cities In Schools

**HOUSE AMENDMENT(S):**

The state institute for children, youth, and families is deleted. The appropriation for \$500,000 and the null and void clause are deleted.

The Juvenile Issues Task Force will study the concept of transferring responsibilities for children's programs to local consortia and determining the need for an institute for children and family services at a college or university. The substitute Senate bill gave this responsibility to the Governor's Council on Children, Youth, and Families which is deleted in the House striking amendment.

The name of the family policy cabinet is changed to Family Policy Council. The membership of the council is expanded by adding four legislators and a representative of the Governor.

In addition, the provisions of five House bills were added. The provisions of these bills are described in their respective order: ESHB 1090 - Early Intervention Services; SHB 2308 - State Employee Child Care; ESHB 2528 - Child Care Programs; HB 2550 - Child Support; ESHB 2466 - Juvenile Issues Task Force.

**Early Intervention Services**

The Birth-to-Six Interagency Coordinating Council is created to ensure the coordination and collaboration of state agencies providing early intervention services to infants and toddlers with disabilities. The Governor will appoint the council members. Agencies providing early intervention services may not use funds received for early intervention services to replace funds from other sources.

Participating state and local agencies will have formal interagency agreements defining their relationships and financial responsibilities for services in each county. The agreements will include procedures for resolving disputes, provisions establishing maintenance of effort requirements,

and any additional components to ensure collaboration and coordination.

The council will work with county early childhood interagency coordinating councils to coordinate and enhance existing services for infants and toddlers with disabilities.

### **State Employee Child Care**

A state Employee Child Care Program is established in the Department of Personnel. The program will establish a flexible set of child care services and policies designed to meet the child care needs of state employees. The departments of General Administration and Personnel may conduct needs assessments to determine the need for additional child care services. State employees may form nonprofit organizations and contract for the operation of child care facilities. The Director of the Office of Financial Management is authorized to make space available to these organizations free or at reduced rates. The membership of the Child Care Coordinating Council is expanded, and the council is directed to work with the Department of Personnel in developing child care arrangements between state agencies and private employers.

### **Child Care Programs**

The promotion of before-and-after-school child care programs located in or near public school buildings is established as state policy. Mini-centers are deleted from current policy.

A before-and-after-school child care facility grant program is established. Grants may be used to expand existing programs or to establish new programs in or near public elementary schools. Public school districts, educational service districts, governmental, and nonprofit organizations may apply for these grants. A local match of 25 percent is required when establishing a new program.

Grants may be used for planning and design of facilities and programs, equipment, supplies, materials, and operating expenses for the first six months of a new program. The Child Care Coordinating Committee will establish grant standards and report to the Legislature on grants awarded.

The Department of Social and Health Services is authorized to fund before-and-after-school child care programs within available federal funds.

### **Child Support**

A juvenile court in a child dependency action shall order child support in accordance with the schedule and standards generally applicable under the child support law. However, in determining how much of a parent's income is subject to the schedule, the court is to take into account the effect reunification efforts may have on the parent's availability for work. After a parent's income has been determined, the court is also to consider costs associated with a

reunification as the basis for a possible deviation from the child support schedule.

### **Juvenile Issues Task Force**

The intent and purpose of the state's Juvenile Justice Act is restated to emphasize the equally important policies of rehabilitation, accountability, and flexibility in service delivery, sanctions, and placement options.

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. Sentencing option D is created to allow courts to order evaluation and treatment for substance abuse. Payment for placement under option D is subject to available funds. The standard sentencing ranges for confinement of non-committable middle offenders is modified.

Juvenile Sentencing Standards Schedule E is added, providing for enhancement of sentences when a deadly weapon was involved in the crime. The violation of the Uniform Firearm's Act is amended to apply to juveniles as well as adults. The law that prohibits students from bringing firearms onto elementary or secondary school premises is amended to provide that the penalty will be increased from a gross misdemeanor to a class C felony. Additional exceptions to the prohibition are added allowing students to bring firearms to school under certain circumstances.

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

When the court clerk, as provided in current law, issues a summons to parents to appear at their child's arraignment, the court clerk must also send a letter to the parents advising the parents of their rights, providing information, and advising them that under current law the court may hold the parents in contempt for failing to appear. In addition, the letter must advise them that the court may refer the parents and family to services and other investigative agencies such as Child Protective Services, if the court thinks that family problems or the parents' substance abuse may be contributing to the minor's delinquency. The court is required to consult with the parents, guardian, or custodian of a juvenile offender before disposition of the juvenile's case.

Diversion agreements may not exceed six months unless an extension is necessary for purposes of restitution. 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 shall: (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 interpreters when necessary, subject to available funds. 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 or the department's family reconciliation services.

The Department of Social and Health Services (DSHS) is to develop a plan to reduce its reliance on large institutional facilities. The department is directed to continue the racial disproportionality study that began in 1991.

The Administrator for the Courts is to 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. The administrator for the courts is also directed to collect data on disparity in the juvenile justice system due to racial, economic, gender or geographic factors and report annually to the Legislature.

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

Schools will annually notify parents and children of truancy laws. Schools are required to notify parents after one unexcused absence. 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 contract with two types of crisis residential centers (CRCs); group care CRCs, and foster care CRCs. A child will remain in a CRC no longer than five consecutive days from the date of intake. Family reconciliation services supervisors will authorize placement of a child in a CRC. The minimum staffing ratio in group care CRCs is 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.

Family reconciliation services staff will not perform other social workers' case work tasks for the Department of Social and Health Services 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 Juvenile Issues Task Force for consideration during the 1993 legislative session.

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 will design and implement the department's services and programs to maximize the state's allocation of federal funds. The department will also 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 will 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) inform the parents of their right to file a petition to seek a review of the decision not to commit the youth; (3) write a report detailing the reasons a commitment was not authorized; and (4) refer the parents to any other available services.

An appeal process is created to allow parents the right to petition the court for a review of a CDMHP or a CDCDS decision not to detain a youth for involuntary mental health or chemical dependency treatment. County designated mental health professionals will take additional information into account when deciding if a child should be involuntarily committed for treatment.

The composition of the task force is modified and the life of the task force is extended for one year. The final report on the DSHS study of racial disproportionality is to be submitted by December 1, 1992.