

SSB 5097 - H COMM AMD

By Committee on Health & Human Services Appropriations & Oversight

ADOPTED 04/07/2011

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that:

4 (a) A number of juveniles with developmental disabilities are
5 arrested for criminal conduct, held in places of detention pending
6 competency evaluations and/or adjudication, tried for their offenses,
7 and are sentenced to serve time in our juvenile justice system;

8 (b) The developmental disabilities of some youth who are arrested
9 and detained are not identified or appropriately addressed;

10 (c) Juveniles with developmental disabilities are often confused
11 with juveniles with mental illness. These populations are different
12 and must be understood as distinct groups, with different reasonable
13 accommodation needs; and

14 (d) A developmental disability often stems from a mix of causes and
15 many persons with developmental disabilities have cognitive impairments
16 that require reasonable accommodations to assist them in understanding
17 what is happening to them and what is expected of them when they
18 encounter the juvenile justice system and in identifying community
19 resources.

20 (2) The legislature intends to improve the ability of the juvenile
21 justice system to better identify and provide safe, appropriate
22 accommodations for juveniles with developmental disabilities.

23 NEW SECTION. **Sec. 2.** (1) Within available resources, a work group
24 is established, to be cochaired by representatives of the developmental
25 disabilities council, the Washington association of juvenile court
26 administrators, and a representative of the juvenile rehabilitation
27 administration within the department of social and health services, to
28 address issues relating to juveniles with developmental disabilities

1 who are confined in places of detention and juvenile correction
2 institutions or facilities.

3 (2) In addition to the cochairs, the work group shall also have as
4 members the following:

5 (a) A representative of the Washington association of sheriffs and
6 police chiefs;

7 (b) A representative of the division of developmental disabilities
8 within the department of social and health services;

9 (c) A representative of disability rights Washington;

10 (d) A representative of the office of the superintendent of public
11 instruction;

12 (e) Consumer advocates;

13 (f) A representative of the Washington state defenders'
14 association; and

15 (g) Representatives of other interested organizations as identified
16 by the developmental disabilities council, the Washington association
17 of juvenile court administrators, and the juvenile rehabilitation
18 administration, including parents of developmentally disabled youth.

19 (3) By December 1, 2011, the work group shall develop
20 recommendations and report to the appropriate committees of the
21 legislature on the following:

22 (a) How to expeditiously review and determine eligibility for
23 developmental disabilities services provided through the department of
24 social and health services prior to a juvenile's release from detention
25 or confinement in a juvenile correction institution or facility;

26 (b) The appropriate role of the department of social and health
27 services in providing potential alternatives to confinement for persons
28 with developmental disabilities as well as consultation and technical
29 assistance to places of detention and juvenile correction institutions
30 or facilities in their efforts to provide reasonable accommodations for
31 persons with developmental disabilities who are confined in their
32 institution or facility. The fiscal impact to the department of social
33 and health services of providing consultation and technical assistance
34 must be included with this recommendation;

35 (c) How to increase the appropriate use of the authority granted
36 the courts under current juvenile justice act provisions, Title 13 RCW,
37 to order alternatives to secure confinement;

1 (d) The establishment of new options under Title 13 RCW to divert
2 juveniles with developmental disabilities from the juvenile justice
3 system while maintaining public safety;

4 (e) The feasibility of developing and adopting law enforcement
5 training for responding to juveniles with developmental disabilities
6 that is analogous to the crisis intervention training currently
7 provided to law enforcement officers for responding to alleged criminal
8 behavior by persons with mental illness;

9 (f) The feasibility of adopting standardized statewide screening
10 and application practices and forms designed to facilitate the
11 application of juveniles who are likely to be eligible for medical
12 assistance services by the division of developmental disabilities;

13 (g) The need for and feasibility of developing a screening tool and
14 training for juvenile justice system staff to be used to identify
15 persons with developmental disabilities who are detained in places of
16 detention and facing a criminal charge.

17 (4) By September 1, 2012, if recommended by the work group under
18 subsection (3) of this section, the work group shall develop:

19 (a) A simple screening tool that may be used by juvenile detention
20 and correction institutions and facilities as part of the facility's
21 intake and/or classification process and which will assist in the
22 identification of offenders with the most common types of developmental
23 disabilities;

24 (b) A model policy for the use of the screening tool;

25 (c) A cost-effective means to provide concise training to juvenile
26 detention, juvenile correction, and juvenile probation and parole staff
27 on the use of the tool;

28 (d) Information on best practices and training regarding
29 appropriate accommodations for persons with developmental disabilities
30 during their confinement; and

31 (e) A practical guide for families and juvenile justice staff,
32 informed by the division of developmental disabilities, inclusive of
33 comprehensive information about programs and services available to
34 youth with developmental disabilities who are referred to the juvenile
35 justice system.

36 NEW SECTION. **Sec. 3.** This act expires January 1, 2013."

1 Correct the title.

EFFECT: Specifies that the work group created in the bill is to be created within available resources.

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