

HOUSE BILL REPORT

HB 2050

As Reported by House Committee On:

Children, Youth & Families
Appropriations

Title: An act relating to repealing requirements for parent payment of the cost of their child's support, treatment, and confinement.

Brief Description: Repealing requirements for parent payment of the cost of their child's support, treatment, and confinement.

Sponsors: Representatives Harris-Talley, Goodman, Senn, Santos, Ormsby, Valdez, Macri, Frame, Ryu, Fitzgibbon, Bergquist, Ramel, Peterson, Simmons, Pollet and Wicks.

Brief History:

Committee Activity:

Children, Youth & Families: 1/24/22, 1/27/22 [DP];
Appropriations: 2/3/22, 2/4/22 [DPS].

Brief Summary of Substitute Bill

- Repeals the requirement for parents or other legally obligated persons to pay a portion of the cost of their child's support, treatment, and confinement in Department of Children, Youth, and Family's Juvenile Rehabilitation residential facilities and repeals the ability of courts to order the parents or custodial person's to pay or contribute to the payment of the cost of their child's detention.
- Cancels all outstanding debts or other obligations including interest charges owed by the parents or other legally obligated persons.
- Terminates all pending actions or proceedings against the parents or other legally obligated persons to recover the debt owed.

HOUSE COMMITTEE ON CHILDREN, YOUTH & FAMILIES

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

Majority Report: Do pass. Signed by 12 members: Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Dent, Ranking Minority Member; Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Callan, Eslick, Goodman, Klippert, Ortiz-Self and Wicks.

Minority Report: Without recommendation. Signed by 1 member: Representative Young.

Staff: Lena Langer (786-7192).

Background:

Juvenile Rehabilitation Institutions.

On July 1, 2019, the Juvenile Rehabilitation division (JR) transferred from the Department of Social and Health Services to the Department of Children, Youth, and Families (DCYF). The DCYF's JR operates three juvenile institutions for juveniles who are convicted of crimes and sentenced to more than 30 days of confinement.

Juvenile Rehabilitation Community Facilities.

Community facilities allow youth to begin transitioning back to the community. These facilities provide treatment, education, and vocational services. To be eligible for community facility placement, a youth must be placed on minimum security status. Minimum security status is based on risk and behavior assessments and requires that the individual served 10 percent of their aggregate minimum disposition or 30 days, whichever is greater, and all placement assessment requirements have been met. Individuals who attempt to escape or escape, individuals who are eligible for civil commitment, and individuals who meet other criteria are not eligible for minimum security status.

Parent Pay Statutes.

The court may order the parents or other legally obligated persons to pay a reasonable sum representing in whole or in part the costs of support, treatment, and confinement of a child, provided that:

- legal custody of the child is vested in someone other than the child's parents and not vested in the DCYF;
- due notice has been given to the parents or other persons legally obligated to care for and support the child; and
- a hearing has taken place.

Parents or other persons legally obligated to care for and support the child are liable for the costs of support, treatment, and confinement of the child when the child's legal custody is vested in the DCYF. The costs are in accordance to the DCYF's cost schedule reimbursement. The court may proceed against the parent or other legally obligated person for contempt if that person willfully fails or refuses to pay the sum.

The DCYF must serve the parents or other persons legally obligated to care for and support the child a notice and finding of financial responsibility. If the parents or other legally obligated persons object, an application for an adjudicative hearing may be filed within 20 days of the notice's date of service. Once the application for an adjudicative hearing is filed, the presiding or reviewing officer must determine the past liability and responsibility, if any, of the parents or other legally obligated persons and the amount of periodic payments to be made in the future.

If the parents or other legally responsible persons fails to file an application within 20 days, the notice and finding of financial responsibility becomes a final administrative order. These debts are subject to collection action without further action by the presiding or reviewing officer and may be collected by the DCYF.

Payment exemptions must be made in certain circumstances for parents receiving various adoption support and a parent or other legally obligated person when the parent or other legally obligated person, or such person's child, spouse, or spouse's child, was the victim of the offense for which the child was committed.

When the court finds the parents, guardian, or other persons with custody of a child placed in any detention facility are able to pay or contribute to the payment of the cost of a child's detention, the court may enter an order or decree for payment of costs.

Summary of Bill:

The requirement for the parents or other legally obligated persons to pay a portion of the cost of their child's support, treatment, and confinement in the DCYF's JR residential facilities is removed. The statute permitting a court to order parents, guardian, or other persons with custody of a child placed in detention to pay or contribute to the payment of the cost of the detention is repealed.

All pending actions or proceedings to recover debt owed by a parent or other person legally obligated to care for and support a child must be terminated with prejudice including, but not limited to, tax refund intercepts, federal and state benefit intercepts, wage garnishments, payment plans, and automatic bank account deductions.

All outstanding debts or other obligations including, but not limited to, interest charges owed by a parent or other person legally obligated to care for and support a child must be canceled with prejudice, rendered null and void, and considered paid in full.

Any assignment of collection authority for debt owed that was reported to a collection agency, whether in or out of state, must be recalled and terminated, and any outstanding debt must be rendered null and void and considered paid in full.

This bill applies prospectively. Any money collected from a parent or other person legally obligated to care for and support a child before this bill's effective date will not be refunded to that person. Any money paid to the DCYF or the courts prior to this bill's effective date is not affected.

This bill does not create a cause of action against the State of Washington.

Appropriation: None.

Fiscal Note: Available.

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) Parent pay statutes, which require parents to pay a percentage of their gross income to the DCYF and to the counties for the cost of their child's confinement in facilities, disproportionately affect low income parents. Failure to pay as ordered by local courts can eventually lead parents or legal guardians into collections or garnishments of their wages. Parents have reported many times being stricken financially with charges related to juvenile incarceration. The vast majority of counties do not collect parent pay for local detention; only one county regularly imposes parent pay. Repealing parent pay statutes will allow families to work toward reintegration of their children returning to their homes after incarceration, instead of trying to overcome large financial liabilities. There is support for this approach of combining the repeal of both the state and court obligations to pay for a child's confinement.

(Opposed) None.

Persons Testifying: Representative Kirsten Harris-Talley, prime sponsor; Karen Condon, Confederated Tribes of the Colville Reservation; Jack Murphy, Washington Association of Juvenile Court Administrators; and Allison Krutsinger, Department of Children, Youth, and Families.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 30 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry,

Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke, Chandler, Chopp, Cody, Dolan, Dye, Fitzgibbon, Frame, Hansen, Hoff, Jacobsen, Johnson, J., Lekanoff, Pollet, Rude, Ryu, Schmick, Senn, Springer, Steele, Stonier, Sullivan and Tharinger.

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

Minority Report: Without recommendation. Signed by 1 member: Representative Stokesbary, Ranking Minority Member.

Staff: Yvonne Walker (786-7841).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Children, Youth & Families:

The amendment adds a null and void clause, making the bill null and void unless funded in the budget.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

(In support) The law surrounding parent-pay fees is counterproductive, unjust, and an ineffective statute. These statutes also create barriers by alienating families, compounding distrust, and creating financial hardships for families with limited resources. Juvenile detention costs are expensive, and the collection process does not work. Several other states have already eliminated juvenile detention fees, after it was discovered that they were spending more to collect fees than what the family owed.

The parent-pay program often puts families in debt and increases the likelihood that a child in their care will reenter the criminal justice system. Our justice system is supposed to operate with integrity and equal justice for all, yet there are far too many places in Washington where fines and fees have put an unjust and exorbitant price on justice. Constructive parental involvement promotes positive outcomes for youth involved in juvenile justice. This bill creates an alternative to a process that already burdens vulnerable families. The repeal of this statute will help reverse disproportionality among disadvantaged families in Washington.

(Opposed) None.

Persons Testifying: Rachel Sottile, Center for Children and Youth Justice; Tyler Zacherle-Boyd, Confederated Tribes of the Colville Reservation; and Virginia Barry, Stand for Children.

Persons Signed In To Testify But Not Testifying: None.