
**Juvenile Justice & Family Law
Committee**

HB 2153

Brief Description: Revising provisions pertaining to at-risk youth proceedings.

Sponsors: Representatives Moeller, McCoy, Roberts, McCune and Chase.

Brief Summary of Bill

- Expands the definition of an "at-risk youth" to include a youth with a possible substance abuse or mental health problem.
- Restricts the time a youth may be held in detention for contempt of an at-risk youth petition when the petition is based on the youth having a possible substance abuse or mental health problem.

Hearing Date: 2/28/05

Staff: Sonja Hallum (786-7092).

Background:

An at-risk youth (ARY) petition is a process by which parents may request and receive assistance from juvenile courts to provide appropriate care, treatment, and supervision of an at-risk youth. An at-risk youth is defined as a juvenile:

- 1) who is absent from home for at least 72 hours;
- 2) who is beyond the parents' control such that the juvenile's behavior endangers health, safety, or welfare of the juvenile or any other person; or
- 3) who has a substance abuse problem but no pending criminal charges pertaining to the substance abuse.

When a proper ARY petition is filed, the court must schedule a fact-finding hearing. The court can approve or dismiss the ARY petition at the fact-finding hearing, and may order that the child reside either in the parents' home or in an out-of-home placement.

If the court approves the petition, the court will enter a dispositional order to assist the parents in maintaining care, custody, and control of the child and assist the family in resolving conflicts. The court order may include:

- 1) regular school attendance;

- 2) counseling;
- 3) participation in a substance abuse or mental health outpatient treatment program;
- 4) reporting on a regular basis to the Department of Social and Health Services or any other designated person or agency; and
- 5) any other condition the court deems appropriate including employment, participation in an anger management program, or refraining from the use of drugs or alcohol.

The dispositional order may not include involuntary commitment of a child for substance abuse or mental health treatment.

The court must hold a review hearing within 90 days of the entry of the dispositional hearing to continue or discontinue court supervision. If the court determines it is necessary for the petition to continue, the court may continue the petition for up to 180 additional days. If the court determines the petition is no longer needed, the court may dismiss the petition. The court may also dismiss an ARY proceeding at any time if circumstances warrant it or if the child becomes the subject of a dependency action.

If a child violates the ARY petition, the court may impose a sanction including a fine of up to \$100 and confinement of up to seven days, or both. If the court orders a period of confinement, the child will be held in the juvenile detention facility.

Summary of Bill:

The definition of an "at-risk youth" is expanded to include youth with a possible substance abuse or mental health problem. The expanded definition of an at-risk youth includes a juvenile:

- 1) who is absent from home for at least 72 hours;
- 2) who is beyond the parents' control such that the juvenile's behavior endangers health, safety, or welfare of the juvenile or any other person; or
- 3) who has a *possible* substance abuse *or mental health* problem but no pending criminal charges pertaining to the substance abuse *or mental health problem*.

If the court orders the at-risk youth petition based upon a finding that the juvenile has a possible substance abuse or mental health problem and the juvenile violates the order, the court may impose a sanction of a fine of up to \$100 and confinement for up to two days.

Appropriation: None.

Fiscal Note: Requested on February 22, 2005.

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