

HOUSE BILL REPORT

HB 2798

As Reported by House Committee On:
Early Learning & Human Services

Title: An act relating to the baby court initiative.

Brief Description: Concerning the baby court initiative.

Sponsors: Representatives Kagi and Jinkins.

Brief History:

Committee Activity:

Early Learning & Human Services: 1/31/18, 2/2/18 [DPS].

Brief Summary of Substitute Bill

- Establishes the baby court grant program administered by the Family and Juvenile Court Improvement Grant Program that would support two baby courts in urban and rural areas of the state.
- Provides that baby court grant funds would support an intensive, voluntary court process for parents with a child under age 3 who has been found to be dependent that require court reviews at least every three months.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick, Frame, Goodman, Griffey, Klippert, Lovick, Muri and Ortiz-Self.

Staff: Luke Wickham (786-7146).

Background:

The state's superior courts handle a variety of family and juvenile cases. Family court cases include proceedings involving dissolution, parenting plans, child custody and support, paternity, and adoption. Juvenile court is a division of superior court that handles cases involving juveniles including juvenile offenses, dependencies, termination of parental rights,

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at-risk youth and children in need of services out-of-home placements, and emancipation of minors.

Family and Juvenile Court Improvement Program.

The Family and Juvenile Court Improvement Program (FJCIP) was established in 2008 to provide grants to superior courts to implement plans for improving the handling of family and juvenile court cases, especially child dependency cases, consistent with Unified Family Court (UFC) principles. The UFC is a model for handling cases involving children and families based on the following principles: the assignment of one judicial team to one family; centralized case management; specialized education for judicial officers; judicial assignments for longer terms to provide continuity; and mandatory mediation in certain cases.

The Administrative Office of the Courts administers the FJCIP. A court wishing to receive FJCIP grant money must submit a plan that meets criteria consistent with UFC principles and: (1) commits to a chief judge assignment to the family and juvenile court for a minimum of two years; (2) implements the principal of one judicial team hearing all proceedings in a case involving one family, especially in dependency cases; and (3) requires family and juvenile court commissioners and judges to receive a minimum of 30 hours of specialized training in family and juvenile matters within six months of assuming family and juvenile court duties.

Thirteen superior courts currently receive FJCIP funding to improve their family and juvenile court programs include the following counties: Asotin with Columbia and Garfield; Clallam and Jefferson; King; Pierce; Snohomish; Chelan; Island; Kitsap; Spokane; and Thurston.

Therapeutic Courts.

Therapeutic courts, also known as specialty courts, are courts that deal with treating underlying substance abuse, mental health and/or co-occurring disorders of defendants or other parties to a court action while under the supervision of the courts. Therapeutic courts are currently authorized by statute.

Drug courts, driving under the influence (DUI) courts, mental health courts, family dependency courts, and juvenile gang courts are each specifically authorized. However, any jurisdiction that seeks a state appropriation to fund these court programs must first exhaust all federal funding that is available to support their operation and match, on a dollar-for-dollar basis, state moneys allocated for these courts. Minimum requirements for the participation of offenders in these programs are also set, including that a participant may not have been convicted of a serious violent offense or sex offense, or be currently charged with a crime that is a sex offense, a serious violent offense, an offense alleging intentional discharge of a firearm, vehicular homicide, or an offense during which the defendant used a firearm or caused substantial bodily harm or death to another person.

More than 80 therapeutic courts currently exist in Washington, including: adult drug courts, juvenile drug courts, family treatment courts, DUI courts, domestic violence courts, mental health courts, and veterans treatment courts.

Summary of Substitute Bill:

The baby court grant program is created, which is administered by the Family and Juvenile Court Improvement Grant Program (FJCIP).

A baby court is an intensive court process for families with a child under age 3 who has been found dependent. A baby court must:

- allow parents to voluntarily participate;
- review at least every three months whether the parents are actively engaged and making progress;
- provide access to reasonably available and appropriate services designed to remedy parental deficiencies;
- aim to reduce the length of removal of children from parents and reunify children with their parents;
- make decisions aimed to reduce child abuse and neglect;
- make decisions aimed to reduce the effects of traumatic experiences on child brain development; and
- promote effective interaction and use of resources between the court and public and private child and family service providers.

By January 1, 2019, the FJCIP must distribute grant funds to support baby courts in three superior courts that serve both urban and rural populations.

The FJCIP must also develop and define outcome measures for baby courts that must be reported annually to the fiscal committees of the Legislature by December 1, 2020.

Substitute Bill Compared to Original Bill:

The substitute bill adds the new section to chapter 2.30 RCW, the chapter that relates to therapeutic courts. The substitute bill removes the requirement that parents have a documented substance use disorder treatment as a requirement for baby court. The substitute bill lowers the age requirement for the children who are served by baby court from under age 6 to under age 3 and specifies that cases may remain in baby court after the child turns age 3 or older.

The substitute bill modifies the goals of the baby courts and specifies that the courts must provide access to reasonably available and appropriate services designed to remedy identified parental deficiencies. The substitute bill modifies the frequency of baby court reviews from at least every 30 days to at least every three months.

The substitute bill reduces the number of baby courts funded through the grant program from five to two. The substitute bill specifies that the baby grant funds are to supplement other funds, not supplant other funds.

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.

Staff Summary of Public Testimony:

(In support) There is a baby court in Pierce County that has demonstrated better reunification and safe and stable placement outcomes. The Pierce County baby court was founded in 2016. By passing this bill, a docket that can increase permanent placements from 24 months to nine months can be created. Placement with caregivers allow those parents a full array of services. In Pierce County, cases are heard every other month, and there are 20 cases as part of the baby court. A parent or caregiver will meet with a team of people who can provide them with services. Baby court is different than family treatment court. Family treatment court can often take two years, but baby court needs to move faster because of the acute needs of the children that are served.

When children are removed from their parents, the traumatic experience is amplified for young children. Baby court seeks to make sure that the needs of these young children are met. The court meets regularly with experts in the field. Collaboration is a big part of the program. When families leave the program, they have strong ties to the community. The children served by this program are going home to their families or to relatives.

Baby court allows parents to meet regularly with stakeholders that show genuine concern for the family. Parents are not blamed and they are treated kindly. Parents do not feel like statistics in baby court. These parents become role models for their communities. Children find permanency quicker and feel more protective.

The baby court model has been shown to improve outcomes for children in foster care. The Pierce County model is based on an evidence-based program. There is hope that this model can spread in Pierce County and beyond.

There is hope that this court will connect individuals with Social Security benefits. More parents should have access to this kind of program where parents are treated with more respect.

(Opposed) None.

Persons Testifying: Representative Kagi, prime sponsor; John Hickman, Pierce County Superior Court; Sally Mednansky and Whitney Miller, Pierce County Juvenile Court; Lisa Mansfield, Department of Assigned Counsel; Jennifer Kamel, Amara; and Meagan Murphy.

Persons Signed In To Testify But Not Testifying: None.