

HOUSE BILL REPORT

SHB 2873

As Passed House:
February 13, 2020

Title: An act relating to families in conflict.

Brief Description: Concerning families in conflict.

Sponsors: House Committee on Human Services & Early Learning (originally sponsored by Representatives J. Johnson, Frame, Ramel, Callan, Hudgins, Ryu, Davis, Orwall and Pollet).

Brief History:

Committee Activity:

Human Services & Early Learning: 2/5/20, 2/7/20 [DPS];
Appropriations: 2/10/20, 2/11/20 [DPS(HSEL)].

Floor Activity:

Passed House: 2/13/20, 94-3.

Brief Summary of Substitute Bill

- Modifies the definition of Family Reconciliation Services (FRS).
- Requires the Department of Children, Youth, and Families (DCYF) to offer FRS upon request from a family or youth experiencing conflict.
- Authorizes community-based entities under contract with the DCYF to conduct family assessments.
- Requires data regarding activities related to FRS to be made publicly available.

HOUSE COMMITTEE ON HUMAN SERVICES & EARLY LEARNING

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Eslick, Assistant Ranking Minority Member; Goodman, Griffey, Kilduff, Lovick and Ortiz-Self.

Minority Report: Do not pass. Signed by 4 members: Representatives Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry and Klippert.

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

Staff: Riley O'Leary (786-7296) and Luke Wickham (786-7146).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Human Services & Early Learning be substituted therefor and the substitute bill do pass. Signed by 32 members: Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Stokesbary, Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Chopp, Cody, Corry, Dolan, Dye, Fitzgibbon, Hansen, Hoff, Hudgins, Kilduff, Kraft, Macri, Mosbrucker, Pettigrew, Pollet, Ryu, Schmick, Senn, Springer, Steele, Sullivan, Sutherland, Tarleton, Tharinger and Ybarra.

Staff: Mary Mulholland (786-7391).

Background:

Family Reconciliation Services.

Family Reconciliation Services (FRS) are services designed to develop skills and supports within families to resolve problems related to at-risk youth (ARY), children in need of services, or family conflicts. These services may include referral to services for:

- suicide prevention, psychiatric, or other medical care;
- psychological, mental health, drug or alcohol treatment, welfare, legal, educational, or other social services as appropriate to the needs of the child and the family; and
- training in parenting conflict management and dispute resolution skills.

These services may be offered to families by the Department of Children, Youth, and Families (DCYF) upon request.

Juvenile Court Petitions.

At-Risk Youth.

When members of a family are experiencing conflict, the parent of a child may file an ARY petition under certain circumstances. An ARY is a juvenile who:

- is absent from home for at least 72 hours without parental consent;
- is beyond the control of the parent such that the juvenile's behavior endangers the health, safety, and welfare of the juvenile or another person; or
- has a substance use disorder for which there are no pending criminal charges.

The purpose of filing an ARY petition is to obtain assistance and support from the juvenile court in maintaining the care, custody, and control of the child and to assist in the resolution of family conflict after alternatives to court intervention have been attempted. The ARY proceeding is a voluntary process, and a parent or guardian may request dismissal at any time.

The court may impose remedial sanctions, including confinement for up to seven days, for contempt of the ARY court proceeding.

Child in Need of Services.

A child in need of services (CHINS) court process allows a child, parent, guardian, or the DCYF, to petition the court if the child meets at least one of the following requirements:

- the child is beyond parental control such that the child's behavior endangers the health, safety, or welfare of the child or another person;
- the child has been reported to law enforcement as absent without consent for at least 24 consecutive hours from the parent's home, a crisis residential center, an out-of-home placement, or a court-ordered placement on two or more separate occasions, and has exhibited a serious substance abuse problem or behaviors that create a serious risk of harm to the health, safety, or welfare of the child or any other person;
- the child is in need of necessary services, including food, shelter, health care, clothing, educational, or services designed to maintain or reunite the family and lacks access to or has declined to use these services, and whose parents have evidenced continuing but unsuccessful efforts to maintain the family structure or are unable or unwilling to continue efforts to maintain the family structure; or
- is a sexually exploited child.

The purpose of filing a CHINS petition is to obtain a court order mandating alternative temporary placement because a serious conflict exists between the parent and child that cannot be resolved by delivery of services to the family during continued placement of the child in the parental home, and reasonable efforts have been made to prevent the need for removal of the child from the parental home.

The juvenile court must not accept a CHINS or an ARY petition unless verification is provided that the DCYF has completed a family assessment.

Summary of Substitute Bill:

The definition of Family Reconciliation Services (FRS) is modified to authorize culturally relevant, trauma-informed, community-based entities that are under contract with the Department of Children, Youth, and Families (DCYF) to provide services. References to mental health, drug, or alcohol treatment, and welfare services are replaced with a reference to behavioral health services.

The DCYF is required to offer FRS upon request from a family or youth that is in conflict and in need of services subject to available funding for these services.

The juvenile court must not accept a child in need of services petition or an at-risk youth petition unless verification is provided that the DCYF, or a community-based entity under contract with the DCYF, has completed a family assessment.

Beginning December 1, 2020, the DCYF must make data publicly available on the use of FRS including the number of requests, the number of referrals, specific demographic information, the nature of the conflict, the type and length of services delivered, family outcomes after receiving services, and any recommendations for improving FRS. If the DCYF cannot collect data on any of these metrics, the DCYF must determine how it plans to obtain this data in the future.

Appropriation: None.

Fiscal Note: Requested on January 28, 2020.

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

Staff Summary of Public Testimony (Human Services & Early Learning):

(In support) Services that are critical for families suffering from abuse and neglect are lacking in Washington at the state level. This bill would reduce barriers for families requesting help before interacting with the courts and would improve access to referral services for the courts. Allowing families to self-refer to Family Reconciliation Services (FRS) is a public health strategy that is a successful prevention model, which includes services that are tailored to the needs of the family or youth on an individual level and are provided by culturally relevant, trauma-informed organizations. This model allows each person to succeed, ensuring that no one is left behind, and it helps equip communities and helps families tailor services to a child experiencing conflict. Training communities and families how to address behavioral health and identity issues among youth is an important part of helping youth thrive. Appropriate access to existing services available to youth and families in need can be delivered by allowing families or youth to reach out before conflicts escalate.

The need for early prevention and intervention is the key to keeping youth out of challenging and confusing systems and keeping families together. The biggest barrier to providing services is that some families have to already be experiencing conflict before they can be offered services, and this bill allows families to reach out earlier. Many youth in the juvenile system are coming from homes in crisis. Youth and families are required to overcome structural disparities and economic inequities that most other families do not have to overcome. Some families have differences in opinions, which can result in damaging conflict.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) One agency used to be contracted to provide Family Reconciliation Services (FRS) and is currently contracted to provide family preservation services and other services in the continuum for at-risk youth. There is a gap in preventative interventions that can keep kids from out-of-home placement or juvenile justice system involvement. There is still a need to provide services through community-based, culturally competent organizations.

(Opposed) None.

Persons Testifying (Human Services & Early Learning): Representative Johnson, prime sponsor; Laurie Lippold, Partners for Our Children; Usman Mian, Federal Way Youth Action Team; Shoshana Wineburg, YouthCare; and Alicia Ferris, Community Youth Services.

Persons Testifying (Appropriations): Alicia Ferris, Community Youth Services; and Luckisha Phillips.

Persons Signed In To Testify But Not Testifying (Human Services & Early Learning):
None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.