

SENATE BILL REPORT

SHB 2050

As Passed Senate, March 3, 2022

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: House Committee on Appropriations (originally sponsored by Representatives Harris-Talley, Goodman, Senn, Santos, Ormsby, Valdez, Macri, Frame, Ryu, Fitzgibbon, Bergquist, Ramel, Peterson, Simmons, Pollet and Wicks).

Brief History: Passed House: 2/15/22, 85-13.

Committee Activity: Human Services, Reentry & Rehabilitation: 2/17/22 [DP-WM].
Ways & Means: 2/24/22, 2/28/22 [DP, w/oRec].

Floor Activity: Passed Senate: 3/3/22, 41-6.

Brief Summary of 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.

SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

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 and be referred to Committee on Ways & Means.

Signed by Senators Wilson, C., Chair; Nguyen, Vice Chair; Gildon, Ranking Member; Dozier, McCune, Saldaña and Trudeau.

Staff: Julie Tran (786-7283)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig, Carlyle, Conway, Dhingra, Gildon, Hasegawa, Hunt, Keiser, Mullet, Muzzall, Pedersen, Rivers, Van De Wege and Wellman.

Minority Report: That it be referred without recommendation.

Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun, Wagoner and Warnick.

Staff: Monica Fontaine (786-7341)

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). JR operates three juvenile institutions for juveniles, who are convicted of crimes and serving 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.

Department of Children Youth and Families Parent Pay Statute. Since 1977, under DCYF's Parent Pay statute, 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 the child when legal custody of a child is vested in someone other than the child's parents, and not vested in DCYF; after due notice to the parents or other persons legally obligated to care for and support the child; and after a hearing.

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 DCYF. The costs are in accordance to 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.

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 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.

Local Government Parent Pay Statute. Since 1955, in any case where a child under the age of 18 has been placed in any detention facility under the juvenile court's jurisdiction, the court may inquire into the facts concerning the necessity or propriety of such child's detention, notwithstanding that the child may not have been found to be either a dependent or a delinquent child.

The court may, either in proceedings involving the question of dependency or delinquency of such child or in a separate proceeding, inquire into the necessity or propriety of such detention and into the ability of such person or persons to pay the cost of the child's detention upon the parent or parents, guardian, or other person having custody of said child being duly summoned or voluntarily appearing.

The court may enter such an order for the parent, guardian, or other person having custody of the child to pay or contribute to the payment of the cost of the detention of a child under the age of 18 in any detention facility under the jurisdiction of the juvenile court, if the court finds:

- such detention was necessary or proper for the welfare of the child or for the protection of the community; and
- the parent, guardian, or other person having custody of such child are able to pay or contribute to the payment of the cost of such detention.

Summary of Bill: 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 is removed. The statute allowing the court to order the parents or custodial person's to pay or contribute to the payment of the cost of their child's 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.

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: The bill contains a null and void clause requiring specific funding be provided in an omnibus appropriation act.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Substitute House Bill (Human Services, Reentry & Rehabilitation): No public hearing was held.

Persons Testifying (Human Services, Reentry & Rehabilitation): N/A

Persons Signed In To Testify But Not Testifying (Human Services, Reentry & Rehabilitation): N/A

Staff Summary of Public Testimony (Ways & Means): PRO: The cost on parents or guardians of juveniles is too high.

The parent pay statute is ineffective and unjust by putting families into debt and negatively contributing to recidivism.

This bill is an efficient alternative to the parent pay statute, which is the most expensive legal obligation for youth. Most parents/guardians of youths in juvenile facilities can't be assessed, and collecting outstanding debts is expensive.

Persons Testifying (Ways & Means): PRO: Karen Kelly; Nicholas Oakley, Center for Children & Youth Justice; Virginia Barry, Stand for Children.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.