

SENATE BILL REPORT

SB 5535

As of January 13, 2022

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

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

Sponsors: Senators Wilson, C., Das, Dhingra, Hasegawa, Lovelett, Nguyen, Robinson and Saldaña; by request of Department of Children, Youth, and Families.

Brief History:

Committee Activity: Human Services, Reentry & Rehabilitation: 1/13/22.

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.
- 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

Staff: Julie Tran (786-7283)

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

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institutions for juveniles, who are convicted of crimes and serving more than 30 days of confinement.

The Echo Glen Children's Center in Snoqualmie serves younger males, as well as female offenders. The Green Hill School in Chehalis serves older male offenders. The Naselle Youth Camp serves male offenders and provides services such as the forestry work program.

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.

There are eight community facilities across the state including:

- Canyon View—Wenatchee;
- Oakridge—Lakewood;
- Parke Creek—Ellensburg;
- Ridgeview—Yakima;
- Sunrise—Ephrata;
- Touchstone—Olympia;
- Twin Rivers—Richland; and
- Woodinville—Kirkland.

Current State Law. 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.

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 DCYF's JR residential facilities is removed.

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 or out-of-state collection agency 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 DCYF prior to this bill's effective date is not affected.

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

Appropriation: None.

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: PRO: This statute has been in practice since the 1970s and DCYF has an obligation to change the trajectory for the children and families in their care. This is an opportunity to do just that. Parent pay and other court fees have put an exorbitant price tag on justice. The cost of juvenile detention is one of the most frequent financial burdens and cost for families as it puts them into debt and increases the likelihood that the child in their care will reenter the criminal legal system. It disproportionately destabilizes families of color and economically vulnerable families at a time when they are already navigating significant crisis. Failure to pay can lead to wage garnishments and collections. The collection revenue does not justify the cost of the collections process itself.

Persons Testifying: PRO: Senator Claire Wilson, Prime Sponsor; Tyler Zacherle-Boyd, Confederated Tribes of the Colville Reservation; Jack Murphy, Washington Association of Juvenile Court Administrators; Kia Franklin, Stand for Children; Allison Krutsinger, Department of Children, Youth, and Families; Rachel Sottile, Center for Children & Youth Justice.

Persons Signed In To Testify But Not Testifying: No one.