

SENATE BILL REPORT

ESSB 5599

As Amended by House, April 12, 2023

Title: An act relating to supporting youth and young adults seeking protected health care services.

Brief Description: Supporting youth and young adults seeking protected health care services.

Sponsors: Senate Committee on Human Services (originally sponsored by Senators Liias, Wilson, C., Dhingra, Lovelett, Nguyen and Randall).

Brief History:

Committee Activity: Human Services: 2/06/23, 2/14/23 [DPS, DNP].

Floor Activity: Passed Senate: 3/1/23, 27-19.

Passed House: 4/12/23, 57-39.

Brief Summary of Engrossed First Substitute Bill

- Provides that a licensed shelter for runaway or homeless youth does not need to contact the youth's parents if there is a compelling reason not to, which includes a youth seeking protected health services.
- Allows host homes to house youth without parental permission if a youth is seeking or receiving protected health care services.

SENATE COMMITTEE ON HUMAN SERVICES

Majority Report: That Substitute Senate Bill No. 5599 be substituted therefor, and the substitute bill do pass.

Signed by Senators Wilson, C., Chair; Kauffman, Vice Chair; Frame and Nguyen.

Minority Report: Do not pass.

Signed by Senators Boehnke, Ranking Member; Warnick and Wilson, J..

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.

Staff: Alison Mendiola (786-7488)

Background: Youth Shelters. If a licensed overnight shelter or licensed organization provides services to homeless or runaway youth and their families, shelters a youth and knows that the child is away from home without parental permission, it must contact the youth's parents within 72 hours, but preferably in 24 hours. If there are compelling reasons to not notify the parents, the shelter or organization is to contact the Department of Children, Youth and Families (DCYF) instead. Compelling reasons include, but are not limited to circumstances that indicate notifying the parent or legal guardian will subject the minor to abuse or neglect.

Host Homes. A host home program operated by a tax exempt organization for youth not in the care of or receiving services from DCYF does the following:

- recruits and screens potential homes in the program, including performing background checks on individuals over the age of 18 residing in the home, through the Washington State Patrol or equivalent law enforcement agency, and performs physical inspections of the home;
- obtains a notarized permission slip or limited power of attorney from the parent or legal guardian of the youth, authorizing the youth to participate in the program, and the authorization is updated every six months;
- obtains insurance for the program through an authorized insurance provider;
- provides mandatory reporter and confidentiality training; and
- registers with the Secretary of State.

Host home means a private home that volunteers to host youth in need of temporary placement that is associated with a host home program.

Summary of Engrossed First Substitute Bill: If a licensed youth shelter or homeless youth program knows a youth is away from home with permission, that shelter or program has a duty to contact the parents or guardians unless a compelling reason exists. Compelling reasons include when a minor is seeking or receiving protected health care services. Mandated reports have a duty to report child abuse and neglect.

Host homes do not need parent or legal guardian authorization if there is a compelling reason not to contact the parent or guardian. Compelling reason means that youth is in the host home or seeking placement in a host home while seeking or receiving protected health care services.

Protected health care services means gender affirming treatment and reproductive health care services as defined in statute. Gendering affirming treatment means a service or product that a health care provider, prescribes to an individual to support and affirm the individual's gender identity. Gender affirming treatment includes, but is not limited to, treatment for gender dysphoria. Gender affirming treatment can be prescribed to two-spirit, transgender, nonbinary, and other gender diverse individuals. "Reproductive health care

services" means any medical services or treatments, including pharmaceutical and preventive care service or treatments, directly involved in the reproductive system and its processes, functions, and organs involved in reproduction, in all stages of life. Reproductive health care services does not include infertility treatment.

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 on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Access to health care is important to everyone, but especially trans youth. When you don't have access it leads to life long challenges, including mental health. One in three trans youth report attempting suicide, this rate is much higher than for cis gendered peers. Not every family is ready to provide support to trans youth so if that youth is seeking protected health services, they should be able to safely access that care in supportive environments like shelters and host homes. If shelters are not able to get in touch with the parents, they contact DCYF so there is someone protecting the best interests of the youth. Until the day all kids are accepted, we need to provide loving and supporting places so we can all reach our potential we were given at birth. LGBTQIA+ youth are overrepresented among the homeless, due to families kicking them out or a person seeking services from another state. Our state has a long history of advocating for the rights of LGBTQ community and this bill continues that tradition. We know people are moving to Washington, this will help support families seeking access to services. All youth deserve a stable home. This bill doesn't change medical laws or consent required, but provides support for trans youth.

CON: There is no mention about parents or parental involvement but rather an emotional response to helping children. Minors cannot consent to these kinds of medical procedures. The bill doesn't say how long youth can be away from home, this should be considered child abuse. A parents job is to protect their child, this bill strips parents of that ability. Gender is in your imagination. This bill legalizes the kidnapping of children, allows for the harboring of minors, and segregates us from the union. Children should not be housed in mixed sex situations.

Persons Testifying: PRO: Senator Marko Liias, Prime Sponsor; J. Denise Diskin, QLaw Foundation of Washington; Megan Veith, Building Changes; Jarel Sanders, Equal rights Washington; Matthew Wilson, Oasis Youth Center; Heather Maisen, Public Health -- Seattle and King County.

CON: Eric Pratt, America; Julie Barrett, Conservative Ladies of Washington; Oli London ;

Dawn Land; Alexandra Chrostowski, Gays Against Groomers; Justine Kreher; Marc Nance; Sarah Garriott; Linda Ader; Joshua Hardwick; Andy Cilley, Lakewood CARES; Laurie Layne; Amy Sousa; Leah Anaya, Washington Moms For America; Theresa Schrempp; Dawn Seaver; Erin Brewer; Sharon Slater, Global Helping to Advance Women and Children; Lisa Olson; Brad Payne, Family Policy Institute of Washington; Bonnie Ruiz, Moms for America.

Persons Signed In To Testify But Not Testifying: CON: Karina Kararush; Anthony Carey; Lisa Manske; Keith Adams, Director of Grassroots Outreach; THEODORE CHAMPINE; Trish Huddleston.

EFFECT OF HOUSE AMENDMENT(S):

Host Homes.

- Requires a host home program that serves a youth without parental authorization seeking or receiving protected health care services to do the following:
 1. report to DCYF within 72 hours of the youth's participation in the program and following this report, DCYF must make a good faith attempt to notify the parent of this report and offer services designed to resolve the conflict and accomplish a reunification of the family;
 2. report to DCYF of the youth's participation in the host home program at least once every month when the youth remains in the host home longer than one month; and
 3. provide case management outside of the host home and away from any individuals residing in the home at least once per month.
- Allows host homes to provide care for a youth who is receiving services from the DCYF if the youth is not subject to a dependency proceeding, and is seeking or receiving protected health care services.

Department of Children, Youth, and Families.

- Requires DCYF, after receiving a report from an overnight youth shelter or other licensed organization that provides services to homeless youth that a minor child who is seeking or receiving gender-affirming treatment or reproductive health care services is being served by the shelter or organization without parental permission, to do the following:
 1. offer to make referrals on behalf of the minor for appropriate behavioral health services; and
 2. offer services designed to resolve the conflict and accomplish a reunification of the family.

Office of Homeless Youth.

- Requires the Office of Homeless Youth (OHY) to contract with an outside entity to gather data regarding the number of unsheltered homeless youth under age 18 in the state and develop recommendations for supporting these youth.
- Requires OHY to submit the information and recommendations to the Legislature by July

1, 2024.