

SENATE BILL REPORT

SB 6042

As of January 15, 2024

Title: An act relating to services and procedures for juveniles releasing from juvenile detention facilities.

Brief Description: Concerning services and procedures for juveniles releasing from juvenile detention facilities.

Sponsors: Senators Trudeau, Wilson, C., Hasegawa, Kauffman, Keiser, Kuderer, Lovelett, Lovick, Nguyen, Saldaña, Valdez and Wellman.

Brief History:

Committee Activity: Human Services: 1/15/24.

Brief Summary of Bill

- Specifies that when a juvenile is released to the Department of Children, Youth, and Families (DCYF), DCYF is to help direct the appropriate use of state and other resources to assist the juvenile with exiting detention safely.
- Expands the Housing Stability for Youth in Crisis Program statewide and strikes its expiration date.

SENATE COMMITTEE ON HUMAN SERVICES

Staff: Alison Mendiola (786-7488)

Background: Juveniles. When a juvenile is released from detention, they may be released only to a responsible adult or the Department of Children, Youth, and Families (DCYF). If the parent, guardian, or custodian of the juvenile is available the court is to consult with them prior to a determination to further detain or release the juvenile.

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.

A Child in Need of Services Petition. A child in need of services petition (CHINS) can be filed by a parent or guardian, a minor on their own behalf, or DCYF. With a CHINS petition, a petitioner can obtain a court order mandating temporary placement of a child in an out-of-home placement because a serious conflict exists between the parent and child. A child in need of services means a juvenile:

- who is beyond the control of their parent such that the child's behavior endangers the health, safety, or welfare of the child or any other person;
- who has been reported to law enforcement as absent without consent for at least twenty-four consecutive hours on two or more separate occasions from the home of either parent, a crisis residential center, an out-of-home placement, or a court-ordered placement; and has exhibited a serious substance abuse problem; or has exhibited behaviors that create a serious risk of harm to the health, safety, or welfare of the child or any other person;
- who is in need of necessary services, including food, shelter, health care, clothing, or education; or services designed to maintain or reunite the family; who 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
- who is a sexually exploited child.

When requested, DCYF is to assist either a parent or child in the filing of the petition.

At-Risk Youth Petitions. At-risk youth (ARY) petitions are filed by the legal custodial parent or guardian alleging that the juvenile:

- has been absent from home for at least 72 consecutive hours without consent of their parent;
- is beyond the control of their parent such that the child's behavior endangers the health, safety, or welfare of the child or any other person; or
- has a substance abuse problem for which there are no pending criminal charges related to the substance abuse.

If the ARY petition is granted, the court will enter an order directing where the youth must live, requiring attendance at school, requiring participation in services, and other relief as needed. When requested, DCYF is to assist the parent in filing the petition.

Office of Homeless Youth Prevention and Protection Programs. The Office of Homeless Youth Prevention and Protection Programs (OHY) was created in 2015 as an office within the Department of Commerce. OHY is responsible for leading efforts to coordinate a spectrum of ongoing funding, policy, and practice efforts related to homeless youth and improving the safety, health, and welfare of homeless youth in the state.

The measurable goals of OHY are to:

- decrease the number of homeless youth and young adults by identifying programs that address the initial causes of homelessness; and

- increase permanency rates among homeless youth by decreasing the length and occurrences of youth homelessness caused by a youth's separation from family or a legal guardian.

Some of the duties of OHY include:

- gathering data and outcome measures;
- developing recommendation to address gaps within the state system;
- increasing system integration and coordinate efforts to prevent state systems from discharging youth and young adults into homelessness;
- developing measures to include by county and statewide the number of homeless youth; and
- developing a comprehensive plan to encourage identification of youth experiencing homelessness.

Housing Stability for Youth in Crisis Programs. In 2022 the Legislature passed 2SHB 1905, which, in part, created the Housing Stability for Youth in Crisis Program (HSYCP). OHY must select, monitor, and provide funding and assistance for a minimum of six total counties that implement HSYCP for a period of three years. HSYCP must include the following components:

- regular training for all appropriate juvenile court staff regarding risk factors and identifiers for youth homelessness;
- an identification and referral system used throughout the juvenile court system related to youth homelessness;
- a dedicated housing stability coordinator that receives referrals, conducts housing stability assessments with youth and caregivers, connects youth and caregivers with relevant community providers based on assessments, and follows up on referrals;
- a model of homelessness prevention services that provides the appropriate amount of intervention based on the youth or family needs; and
- coordinated housing services for youth experiencing homelessness.

OHY must provide a report to the Legislature and the Governor by October 1, 2025, that includes an evaluation of HSYCP and recommendations for improving and expanding the programs.

Summary of Bill: Juvenile courts are to make reasonable good faith efforts and attempts to facilitate the return of young people who are not dependents, to their parent, guardian, or responsible adult after a stay in detention, with support from DCYF. A juvenile court officer or public employee acting reasonably and in good faith is not to be held liable in any civil action for returning the juvenile to a responsible adult if the parent or legal guardian refuses to take custody of the juvenile upon release.

When a juvenile is released to DCYF, DCYF is to help direct the appropriate use of state and other resources to assist the juvenile with exiting detention safely, including as follows and as appropriate:

- assistance with locating services and connect youth with families and families with appropriate services to allow the juvenile to safely find stable housing options;
- offering voluntary placement agreements so that the juvenile has a safe place to live while appropriate planning and services are put in place;
- offering services to help locate family, relatives, or kin locally or nationally, using DCYF's family search resources;
- offering and providing family reconciliation services to assist the juvenile, family or other responsible adult willing to support the juvenile to remedy issues that prevent the juvenile from living with their family or other responsible adults or;
- filing a dependency petition if the juvenile is abused, neglected or abandoned as defined by statute and doing so is necessary to prevent imminent physical harm.

A Child in Need of Services and At-Risk Youth Petitions. When a parent or child requests assistance DCYF, or a community-based entity under contract with DCYF, is to assist the parent or the child in filing the CHINS or ARYS petition. If a CHINS petition proposes out-of-home placement, the court is to notify DCYF of the date and time of the hearing no less than 72 hours prior to the hearing. DCYF is entitled to be heard in the proceeding.

The HSYCP does not expire and is expanded statewide. The reporting requirement is changed to an annual report starting in 2025.

Appropriation: None.

Fiscal Note: Requested on January 9, 2024.

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 bill is about the safe release of minors in the community. Superior Court judges said there's a problem when no adult is willing to take the kid when they are leaving detention, some changes are needed. If not adults take the kid, kids will continue to be systems involved. This bill is a result of stakeholder work with local courts on figuring out a pathway. The language in this bill reflects memorandums of understanding (MOUs) that some courts have with DCYF. There are some things DCYF can do now, and some things that will be harder for them to do. The goal is not to increase dependencies. Judges are faced with a binary choice, to illegally detain or release to the streets. The best option is DCYF. Some kids have good reasons not to go home—like sexual abuse, addiction, or too violent. This bill address these concerns but we need to do more in the long-term. We can't release youth into homelessness.

OTHER: This bill solves legal challenges for the court but creates a legal risk for DCYF. DCYF has a role in helping through MOUs but these kids aren't dependent. We have seen kids kept in detention when it's unconstitutional, but the kids can't be released into

homelessness. We support family reconciliation. This is an urgent issue and this bill doesn't relieve the urgency. We don't want an incentivize courts to hold onto youth or for them to go into foster care. We do support expanding the Housing Stability for Youth in Crisis program. This conversation should be led by impacted youth, who are disproportionately youth of color. We need to improve to the CHINS timeline.

Persons Testifying: PRO: Senator Yasmin Trudeau, Prime Sponsor; Judge Sean O'Donnell, Superior Court Judges' Association; Dennis Rabidou, Washington Association of Juvenile Court Administrators.

OTHER: Katie Hurley, King County Department of Public Defense; Karen Pillar, TeamChild; Erin Shea McCann, Legal Counsel for Youth and Children (LCYC); Allison Krutsinger, Dept of Children, Youth, and Families.

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