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SENATE BILL 5097

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State of Washington

62nd Legislature

2011 Regular Session

By Senators Delvin, Kohl-Welles, McAuliffe, and Chase

Read first time 01/13/11. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to juveniles with developmental disabilities who  
2 are in correctional detention centers, juvenile correction institutions  
3 or facilities, and jails; creating new sections; and providing an  
4 expiration date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

7 (a) A number of juveniles with developmental disabilities are  
8 arrested for criminal conduct, held in places of detention pending  
9 competency evaluations and/or adjudication, tried for their offenses,  
10 and are sentenced to serve time in our juvenile justice system;

11 (b) The developmental disabilities of some youth who are arrested  
12 and detained are not identified or appropriately addressed;

13 (c) Juveniles with developmental disabilities are often confused  
14 with juveniles with mental illness. These populations are different  
15 and must be understood as distinct groups, with different reasonable  
16 accommodation needs; and

17 (d) A developmental disability often stems from a mix of causes and  
18 many persons with developmental disabilities have cognitive impairments  
19 that require reasonable accommodations to assist them in understanding

1 what is happening to them and what is expected of them when they  
2 encounter the juvenile justice system and in identifying community  
3 resources.

4 (2) The legislature intends to improve the ability of the juvenile  
5 justice system to better identify and provide safe, appropriate  
6 accommodations for juveniles with developmental disabilities.

7 NEW SECTION. **Sec. 2.** (1) Within state and federal funds  
8 appropriated or otherwise available for this purpose, a work group is  
9 established, to be cochaired by representatives of the developmental  
10 disabilities council and the Washington association of juvenile court  
11 administrators, to address issues relating to juveniles with  
12 developmental disabilities who are confined in places of detention and  
13 juvenile correction institutions or facilities.

14 (2) In addition to representatives from the developmental  
15 disabilities council and the Washington association of juvenile court  
16 administrators, the work group shall consult with:

- 17 (a) Washington association of sheriffs and police chiefs;
- 18 (b) The department of social and health services, including  
19 juvenile rehabilitation administration;
- 20 (c) Disability rights Washington;
- 21 (d) The office of the superintendent of public instruction;
- 22 (e) Consumer advocates;
- 23 (f) Washington state defenders associations; and
- 24 (g) Other interested organizations as identified by the  
25 developmental disabilities council and the Washington association of  
26 juvenile court administrators, including parents of developmentally  
27 disabled youth.

28 (3) By December 1, 2011, the work group shall develop  
29 recommendations and report to the appropriate committees of the  
30 legislature relating to:

31 (a) Expeditiously reviewing and determining eligibility for  
32 developmental disabilities services provided through the department of  
33 social and health services prior to a juvenile's release from detention  
34 or confinement in a juvenile correction institution or facility;

35 (b) The appropriate role of the department of social and health  
36 services in providing potential alternatives to confinement for persons  
37 with developmental disabilities and consultation and technical

1 assistance to places of detention and juvenile correction institutions  
2 or facilities in their efforts to provide reasonable accommodations for  
3 persons with developmental disabilities who are confined in their  
4 institution or facility;

5 (c) Increasing the appropriate use of the authority granted the  
6 courts under current juvenile justice act provisions, Title 13 RCW, to  
7 order alternatives to secure confinement;

8 (d) The establishment of new options under Title 13 RCW to divert  
9 juveniles with developmental disabilities from the juvenile justice  
10 system while maintaining public safety;

11 (e) The feasibility of developing and adopting law enforcement  
12 training for responding to juveniles with developmental disabilities  
13 that is analogous to the crisis intervention training currently  
14 provided to law enforcement officers for responding to alleged criminal  
15 behavior by persons with mental illness;

16 (f) The feasibility of adopting standardized statewide screening  
17 and application practices and forms designed to facilitate the  
18 application of juveniles who are likely to be eligible for medical  
19 assistance services by the division of developmental disabilities;

20 (g) The need for and feasibility of developing a screening tool and  
21 training for juvenile justice system staff to be used to identify  
22 persons with developmental disabilities who are detained in places of  
23 detention and facing a criminal charge.

24 (4) By September 1, 2011, the work group shall develop:

25 (a) A simple screening tool that may be used by juvenile detention  
26 and correction institutions and facilities as part of the facility's  
27 intake and/or classification process and which will assist in the  
28 identification of offenders with the most common types of developmental  
29 disabilities;

30 (b) A model policy for the use of the screening tool;

31 (c) A cost-effective means to provide concise training to juvenile  
32 detention, juvenile correction, and juvenile probation and parole staff  
33 on the use of the tool;

34 (d) Information on best practices and training regarding  
35 appropriate accommodations for persons with developmental disabilities  
36 during their confinement; and

37 (e) A practical guide for families and juvenile justice staff,  
38 informed by the division of developmental disabilities, inclusive of

1 comprehensive information about programs and services available to  
2 youth with developmental disabilities who are referred to the juvenile  
3 justice system.

4 NEW SECTION. **Sec. 3.** This act expires January 1, 2012.

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