

HOUSE BILL REPORT

ESHB 2466

*As Passed House
February 13, 1992*

Title: An act relating to recommendations of the juvenile issues task force.

Brief Description: Changing provisions relating to juveniles.

Sponsor(s): By House Committee on Human Services (originally sponsored by Representatives Ebersole, McLean, Leonard, Padden, Appelwick, Wineberry, Basich, Brumsickle, Ludwig, Lisk, Rayburn, Dellwo, Locke, Pruitt, Neher, R. King, Ogden, Anderson, Franklin, G. Fisher, Bray, Bowman, Edmondson, Moyer, Prentice, Spanel, Dorn, Riley, Silver, Heavey, Mielke, H. Myers, Inslee, Brekke, Chandler, Fuhrman, Jacobsen, Vance, Kremen, Hochstatter, Forner, Brough, Broback, Winsley, Ferguson, Wood, Horn, P. Johnson, Jones, Wang, Haugen, Zellinsky, Carlson, Mitchell, Sprenkle, J. Kohl, Valle, O'Brien, May, Roland, Fraser, Hine, Sheldon, Tate and Rasmussen).

Brief History:

Reported by House Committee on:
Human Services, January 29, 1992, DPS;
Judiciary, February 6, 1992, DPS(HS-A JUD);
Passed House, February 13, 1992, 96-0.

**HOUSE COMMITTEE ON
HUMAN SERVICES**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 10 members: Representatives Leonard, Chair; Riley, Vice Chair; Winsley, Ranking Minority Member; Tate, Assistant Ranking Minority Member; Anderson; Beck; Hargrove; Hochstatter; R. King; and H. Myers.

Minority Report: *Do not pass.* Signed by 1 member: Representative Brekke.

Staff: David Knutson (786-7146).

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *The substitute bill by Committee on Human Services be substituted therefor and the substitute bill as amended by Committee on Judiciary do pass.* Signed by 17 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; Hargrove; Inslee; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; and Vance.

Staff: Pat Shelledy (786-7149).

Background: The Juvenile Issues Task Force was created by the 1991 Legislature to examine the operation of the 1977 Juvenile Justice Act, the Family Reconciliation Act, 1990 at-risk youth legislation and related issues. The task force was also charged with making recommendations to the Legislature. It held 16 public hearings around the state to solicit public input. The task force divided its work into three substantive areas: juvenile offenders, families at risk, and involuntary commitment and treatment. In addition to its substantive recommendations, the task force is recommending that it continue for an additional year.

Summary of Bill:

Juvenile Offenders

The intent and purpose of the state's Juvenile Justice Act is restated to emphasize the equally important policies of rehabilitation, accountability, and flexibility in service delivery, sanctions, and placement options.

The definitions of confinement and community supervision are expanded to provide greater flexibility in sentencing options available to judges. The standard sentencing range for community supervision for all non-committable youth is 0 to 12 months. Sentencing option D is created to allow courts to order evaluation and treatment for substance abuse. Payment for placement under option D is subject to available funds. The standard sentencing ranges for confinement of non-committable middle offenders is modified.

Juvenile Sentencing Standards Schedule E is added, providing for enhancement of sentences when a deadly weapon was involved in the crime. The violation of the Uniform Firearm's Act is amended to apply to juveniles as well as adults. The law that prohibits students from bringing firearms onto elementary or secondary school premises is

amended to provide that the penalty will be increased from a gross misdemeanor to a class C felony. Additional exceptions to the prohibition are added allowing students to bring firearms to school under certain circumstances.

Counties are to develop and apply detention intake standards and risk assessment standards to determine the need for detention.

When the court clerk, as provided in current law, issues a summons to parents to appear at their child's arraignment, the court clerk must also send a letter to the parents advising the parents of their rights, providing information, and advising them that under current law the court may hold the parents in contempt for failing to appear. In addition, the letter must advise them that the court may refer the parents and family to services and other investigative agencies such as Child Protective Services, if the court thinks that family problems or the parents' substance abuse may be contributing to the minor's delinquency. The court is required to consult with the parents, guardian, or custodian of a juvenile offender before disposition of the juvenile's case.

Diversion agreements may not exceed six months unless an extension is necessary for purposes of restitution. Diversion is not allowed when a juvenile has previously been committed to a Division of Juvenile Rehabilitation facility, has three previous diversions, or is accused of a class A felony, a class B felony, or a class C felony that is a crime against a person. Diversion units shall: (1) notify victims of crimes against persons or victims whose property has not been recovered of a diversion; (2) notify such victims how to contact the diversion unit; (3) consult with any victims that contact the unit when assessing the appropriate community service and restitution; and (4) provide interpreters when necessary, subject to available funds. Juvenile offenders may be referred to mediation or victim offender reconciliation programs. Diversion agreements may require attendance at up to 10 hours of counseling and/or up to 20 hours of educational programs. Diversion units may refer a juvenile to local treatment programs or the department's family reconciliation services.

The Department of Social and Health Services (DSHS) is to develop a plan to reduce its reliance on large institutional facilities. The department is directed to continue the racial disproportionality study that began in 1991.

The Administrator for the Courts is to develop a curriculum, to be updated yearly, for court personnel and service providers about child development, placement, and treatment

resources and about relevant statutes, court rules, and case law. The administrator for the courts is also directed to collect data on disparity in the juvenile justice system due to racial, economic, gender or geographic factors and report annually to the Legislature.

School districts may exchange information with law enforcement and juvenile court officials to the extent permitted by federal law.

Families at Risk

Schools will annually notify parents and children of truancy laws. Schools are required to notify parents after one unexcused absence. The courts may order alternatives to detention if a child fails to obey a court order to return to school. The superintendent of public instruction will issue annual reports to the Legislature on school enforcement efforts.

The Department of Social and Health Services will contract with two types of crisis residential centers (CRCs); group care CRCs, and foster care CRCs. A child will remain in a CRC no longer than five consecutive days from the date of intake. Family reconciliation services supervisors will authorize placement of a child in a CRC. The minimum staffing ratio in group care CRCs is one staff person per three children.

Children who are inappropriately housed in CRCs will, to the extent possible, be transferred to residential and treatment services designed to meet their specific needs.

Family reconciliation services staff will not perform other social workers' case work tasks for the Department of Social and Health Services except in rural offices where it proves impractical.

A planning, allocation, and service system for at-risk youth, runaways, and families in conflict will be developed by the Juvenile Issues Task Force for consideration during the 1993 legislative session.

Involuntary Treatment and Commitment

The purpose of the involuntary treatment statute is clarified to ensure that a continuum of culturally-relevant services are available to both the patients and their families and to ensure that voluntary services are given the highest priority. Additionally, all divisions of the Department of Social and Health Services are required to

jointly plan and deliver mental health services to all youth in out-of-home placements.

The Department of Social and Health Services will design and implement the department's services and programs to maximize the state's allocation of federal funds. The department will also encourage the development and expansion of evaluation and treatment facilities by redirecting federal Title XIX funds which are used for out-of-state placements to fund placements within the state.

The department will conduct a planning study to assess the residential and treatment needs of a sample of all at-risk youth in their care and the needs of youth for whom an involuntary commitment was denied.

When a youth is not detained for involuntary treatment, the county-designated mental health professionals (CDMHP) and county-designated chemical dependency specialists (CDCDS) are required to: (1) inform the parents of their right to file an at-risk youth petition or an alternative residential placement petition; (2) inform the parents of their right to file a petition to seek a review of the decision not to commit the youth; (3) write a report detailing the reasons a commitment was not authorized; and (4) refer the parents to any other available services.

An appeal process is created to allow parents the right to petition the court for a review of a CDMHP or a CDCDS decision not to detain a youth for involuntary mental health or chemical dependency treatment. County designated mental health professionals will take additional information into account when deciding if a child should be involuntarily committed for treatment.

Continuation of Task Force

The composition of the task force is modified and the life of the task force is extended for one year. The final report on the DSHS study of racial disproportionality is to be submitted by December 1, 1992.

Fiscal Note: Available.

Effective Date: Most of the provisions that may have significant fiscal impact are delayed until July 1, 1993. The following sections take effect on July 1, 1993: sections 103, 105, 107, 111, 118, 207, 305, 306, 307, 308, 309 and 310. The remaining sections will take effect 90 days after adjournment of the session in which bill is passed.

Testimony For: (Human Services): The recommendations of the Juvenile Issues Task Force, contained in House Bill 2466, address many of the most serious problems facing children and families. Children need more treatment services for alcohol and drug abuse. Juvenile offenders should be held accountable for their actions, but they should also receive counseling and treatment services. Runaways should be picked up by law enforcement officers and returned to their parents or taken to crisis residential centers. Additional family counseling services should be available to keep families together or reunite families when children run away. There are insufficient beds to serve children who require inpatient alcohol and drug treatment. Judges need additional discretion when sentencing juvenile offenders to confinement. Prevention and early intervention services should be expanded to serve the entire at-risk youth population.

(Judiciary): The Juvenile Justice Act should be amended to provide greater flexibility in sentencing so that juveniles can receive needed treatment. Parental involvement is important. Developing smaller secure institutions in communities where the offender can have contact with his or her family will promote reintegration into the community upon release from custody.

Testimony Against: (Human Services): None.

(Judiciary): The bill's provisions could have a significant fiscal impact on state and local resources, but the bill does not contain any appropriations. Requiring services to be delivered through the criminal justice system without providing funding will strain already limited resources and will displace recipients of those services who need them and now receive them voluntarily or through other commitment avenues. Parents need to be encouraged, not coerced, into participating in the juvenile justice system when their child is charged with a crime.

Witnesses: (Human Services): Representative Ebersole, Prime Sponsor; Don Knapp, Foster Parents of Washington; Robert Hunner, Governor's Juvenile Justice Advisory Committee; Linda Grant, Alcoholism and Addiction Programs; John Kvamme, Tacoma Schools; Bob Naon, Prosecuting Attorneys Association; Jerry Sheehan, American Civil Liberties Union; Julie Bonsteel, Federation of Residential Care Providers; Dave Okimoto, Juvenile Issues Task Force; Kurt Sharar, Association of Counties; Larry Fehr, Council on Crime and Delinquency; Pete Vander Wegen, Wapato Schools; and Dick Thompson, Department of Social and Health Services.

(Judiciary): Norm Maleng, King County Prosecutor, Juvenile Issues Task Force Subcommittee Chair on Juvenile Offenders (pro); Kathleen O'Connor, Superior Court Judge and Juvenile Issues Task Force member (pro); Lyle Quasim, Safe Streets Campaign of Pierce County (pro); Linda Grant, Alcoholism and Addictions Programs (opposed to provisions regarding option D, suggests amendments); Peter Berliner, Children's Alliance (concerned about impact on local and state resources); Larry Fehr, Washington Council on Crime and Delinquency (concerned about impact on local and state resources); Lonnie Johns-Brown, Washington Association of Social Workers (concerned about compelling parents into treatment); Robert Hunner, Governor's Juvenile Justice Advisory Committee (concerned about disparity in application); Kurt Sharar, Washington Association of Counties (concerned about fiscal impact on counties); Stephanie Carter, Washington Association of Prosecuting Attorneys (concerned about blurring distinction between criminal courts and dependency courts); and Darlene Flowers, Foster Parents Association of Washington State; (concerned about impacts on foster care placements).