

FINAL BILL REPORT

ESHB 2466

PARTIAL VETO

C 205 L 92

Brief Description: Changing provisions relating to juveniles.

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).

House Committee on Human Services
House Committee on Judiciary
Senate Committee on Law & Justice

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 18 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: Juvenile Offenders: The intent and purpose of the state's Juvenile Justice Act is clarified to emphasize that all the purposes of the act are equally important policies.

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. Court ordered foster care or group care must be county funded. The standard sentencing ranges for confinement of middle offenders is modified.

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

Counties may operate youth offender discipline programs for juvenile offenders. The court is required to consult with the parents, guardian, or custodian of a juvenile offender before disposition of the juvenile's case. Parents are liable for damage caused by their child in the amount of \$5,000 instead of \$3,000.

Diversion agreements may not exceed six months unless an extension is necessary for purposes of restitution. Law enforcement officials or entities do not qualify as diversion units. 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 must: (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 qualified interpreters when necessary. 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. In the event of noncompliance with a diversion agreement, the unit is to consult with the prosecuting attorney on the appropriate response.

The Administrator for the Courts will 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.

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

The Department of Social and Health Services will collect data to determine the disproportionate impact of this legislation.

The Juvenile Disposition Standards Commission must make disposition recommendations to the Legislature every other year.

Families at Risk: Schools are required to notify parents after one unexcused absence, and schedule a conference with the parents after two unexcused absences. After five or more unexcused absences, the school may file a truancy petition. Schools will annually notify parents and children of truancy laws. 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 operate or contract to operate a minimum of 38 crisis residential centers (CRCs). A child will not remain in a CRC longer than five consecutive days from the date of intake. Only a family reconciliation services supervisor may authorize placement of a child in a CRC. The minimum staffing ratio in regional CRCs is lowered to 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.

The Department of Social and Health Services will discontinue the practice of having social workers in the Division of Children and Family reconciliation services program also perform non-related staff functions, 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 Joint Select Legislative Committee on Juvenile Issues.

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 is directed to design and implement the department's services and programs to maximize the state's allocation of federal funds. The department is also directed to 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.

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) write a report detailing the reasons a commitment was not authorized; and (3) refer the parents to any other available services.

Continuation of Juvenile Issues Study: The task force is changed to a joint select legislative committee and is extended for one year. The final report on the DSHS study of racial disproportionality will be submitted by December 1, 1992.

Votes on Final Passage:

House	96	0	
Senate	43	5	(Senate amended)
House	97	0	(House concurred)

Effective: June 11, 1992

Partial Veto Summary: The governor vetoed the authorization for counties to hold alleged juvenile offenders in foster or group homes, or under home electronic detention in lieu of secure detention. A judge's ability to sentence juvenile offenders to alcohol or drug treatment was deleted. Judicial discretion in sentencing juvenile offenders within broader ranges and language authorizing counties to operate youthful offender discipline programs were also vetoed. The governor removed language giving the Department of Social and Health Services two additional days to attempt family reconciliation before filing a court petition to place a child out of their home. Language requiring the department to organize specially trained staff units to work with adolescents in conflict with their parents was vetoed. The governor vetoed language requiring family reconciliation services supervisors to control all placements in crisis residential centers, and work closely with law enforcement regarding runaway youth. Language modifying the staffing levels in crisis residential centers was also removed. The governor vetoed a provision requiring the department to maximize available federal funding for specific children's programs. A parent's right to receive a written explanation why their child was denied alcohol, drug, or mental health treatment was also vetoed. The governor vetoed the requirement that the department monitor disparity in the juvenile justice system. He also vetoed the delayed effective date contained in the legislation. (See VETO MESSAGE)