

HOUSE BILL REPORT

EHB 1110

As Amended by the Senate

Title: An act relating to sexually aggressive youth.

Brief Description: Prescribing treatment for sexually aggressive youth.

Sponsors: Representatives Vance, Leonard, Cooke, Sheldon, Basich, Foreman, Brough, Long, Karahalios, Miller, Brumsickle and Kremen.

Brief History:

Reported by House Committee on:
Human Services, February 25, 1993, DP;
Passed House, March 9, 1993, 95-0;
Amended by Senate.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass. Signed by 10 members: Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Lisk; Padden; Patterson; and Thibaudeau.

Staff: David Knutson (786-7146).

Background: A treatment program for sexually aggressive youth was created in statute in 1990. Sexually aggressive youth are defined as youth in the care and custody of the Department of Social and Health Services and (1) have been abused and committed a sexually aggressive or other violent act that is sexual in nature, or (2) cannot be prosecuted for a sex offense because they are under age 12 and considered incompetent to stand trial. The Community Protection Act, enacted in 1990, appropriated \$1,200,000 to the Department of Social and Health Services to provide services to sexually aggressive youth. Children under age 12, who meet the statutory definition of a sexually aggressive youth, are difficult to provide services to, particularly if their parent or guardian refuses to acknowledge that their child needs help and refuses to obtain help.

Summary of Bill: Law enforcement is required to investigate complaints that a child under age 12 has committed a sex

offense. If the investigation determines that the child is at least eight years old and that probable cause exists that a sex offense was committed, the agency will refer the case to the prosecuting attorney. If the prosecutor or a judge determines the child cannot be prosecuted for the alleged sex offense and that probable cause exists that the child committed a sex offense, the child will be referred to the Department of Social and Health Services as a sexually aggressive youth. The department shall conduct an investigation and may offer appropriate available services and treatment to a sexually aggressive youth and his or her parents. If the child's parents refuse to accept or fail to obtain appropriate services, the department may pursue a dependency action under Chapter 13.34 RCW.

A dependency action related to an alleged sexually aggressive youth, must find by a preponderance of the evidence that: (1) the child committed sex offenses; (2) the parent or guardian failed to obtain or has refused to accept available appropriate services, and; (3) that treatment and services are available. If a court finds a child is dependent, based on the parent or guardian's failure to obtain treatment and services, the court must limit the department's authority to the amount necessary to obtain treatment and services for the child.

The secretary of the Department of Social and Health Services is authorized to transfer surplus unused treatment funds from the civil commitment center to programs serving sexually aggressive youth.

EFFECT OF SENATE AMENDMENT(S): The Senate amendment authorizes the Department of Social and Health Services to seek a dependency action for sexually aggressive youth whose parent or guardian refuses to accept or fails to obtain appropriate treatment or services. The department will investigate allegations of sexually aggressive youth to determine whether the child is abused or neglected and whether the child or the child's parent is in need of services or treatment. The Senate amendment deletes the proposal for a limited dependency for the purpose of providing treatment to a sexually aggressive youth in his or her home.

Fiscal Note: Requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: There is a need for a legal mechanism for children who commit sexually aggressive acts, are under the

age of 12, and have parents or guardians who refuse to accept available and necessary services.

Testimony Against: None.

Witnesses: Jean Soliz, Department of Social and Health Services; Margaret Casey, The Children's Alliance; and Lee Ann Miller, Attorney General's Office.

VOTE ON FINAL PASSAGE:

Yeas 95; Excused 3

Excused: Representatives Brown, Lisk, Mielke