

SENATE BILL REPORT

EHB 1110

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, MARCH 30, 1993

Brief Description: Prescribing treatment for sexually aggressive youth.

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

HOUSE COMMITTEE ON HUMAN SERVICES

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, Nelson, Niemi, Roach, and Spanel.

Staff: Alan Caplan (786-7465)

Hearing Dates: March 29, 1993; March 30, 1993

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 who have been abused and either (1) have 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 of 1990 appropriated \$1,200,000 to the Department of Social and Health Services to provide services to sexually aggressive youth. However, it reportedly has been difficult to provide services to aggressive youth under age 12, particularly where their parents or guardians have refused to acknowledge that they need help.

SUMMARY:

Law enforcement authorities are 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 the 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 will 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 relating to an alleged sexually aggressive youth must find by a preponderance of the evidence that: (1) the child committed a sex offense; (2) the parent or guardian failed to obtain or refused to accept available appropriate services; and (3) treatment and services are available. If a court finds a child is dependent, 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.

SUMMARY OF PROPOSED SENATE AMENDMENT:

There is a technical amendment to correct a citation.

Appropriation: none

Revenue: none

Fiscal Note: requested

TESTIMONY FOR:

A legal mechanism is needed to provide treatment to sexually aggressive youth whose parents or guardians refuse to obtain or accept available, necessary services.

TESTIMONY AGAINST:

DSHS's Division of Children and Family Services should focus its resources in the treatment of abused children. This bill would expand the division's mandate beyond that narrow scope. The limited nature of the dependency proceeding may constrain the division's ability to intervene when necessary.

TESTIFIED: Representative Vance, prime sponsor; Bonnie Jaques, DSHS; Deborah Butler