

HOUSE BILL REPORT

HB 1403

As Reported By House Committee On:

Law & Justice

Title: An act relating to requiring a juvenile offender to remain in the presence of a parent.

Brief Description: Asserting parental control over juvenile offenders.

Sponsors: Representatives Lambert, McDonald, Sterk, Carrell and Thompson.

Brief History:

Committee Activity:

Law & Justice: 2/26/97, 2/27/97 [DPS].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Carrell; Lambert; Radcliff; Sherstad and Skinner.

Minority Report: Do not pass. Signed by 5 members: Representatives Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Cody; Kenney and Lantz.

Staff: Edie Adams (786-7180).

Background: In general, the juvenile court has exclusive original jurisdiction over juveniles under age 18 who are charged with an offense, traffic infraction, or violation.

The Juvenile Justice Act specifies disposition standards for juveniles adjudicated of an offense. Possible dispositions include commitment to the Department of Social and Health Services or a local detention facility, community supervision, community service, or a fine. Community supervision may consist of requirements to attend counseling or educational classes, curfews, restrictions on entering or leaving specified geographical areas, or requirements to remain at home, work, school, or court-ordered treatment programs during specified hours.

Contempt of court is any intentional (1) disorderly conduct towards a judge while holding court which tends to impair the court's authority or interrupt the due course

of a judicial proceeding; (2) disobedience of any lawful judgment, decree, order, or process of the court; (3) refusal as a witness to appear, be sworn, or answer a question without lawful authority; or (4) refusal, without lawful authority, to produce a record, document, or other object.

Contempt of court may be punished with remedial or punitive sanctions that may include imprisonment, a fine, or any other measure to ensure compliance with the court's order.

Summary of Substitute Bill: In entering a disposition order for a juvenile found to have committed an offense, the court may enter any of the following orders in addition to any other dispositional term or condition imposed on the juvenile:

- That the parents take charge of and exercise control over the juvenile;
- That the juvenile submit to the parents and obey their lawful orders;
- That the juvenile remain continuously in the presence of the juvenile's parent for a period of time and under circumstances that the court considers reasonable. "In the presence of" is defined as within range of sight or hearing, or other limitations the court considers reasonable; and
- That the parents and the child, either separately or together, attend counseling services or substance abuse treatment programs.

A parent or juvenile who fails to comply with any of these orders is subject to contempt of court. A parent of a juvenile who is under juvenile court jurisdiction is subject to the jurisdiction of the juvenile court for purposes of enforcing an order that the parent take charge of and exercise control over the juvenile, that the juvenile remain continuously in the presence of the parent, or that the parent attend counseling or substance abuse treatment.

Substitute Bill Compared to Original Bill: The original bill did not authorize the court to require the parent and the juvenile to attend counseling or substance abuse treatment.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill is designed to involve parents early on and keep them involved in the process of dealing with juvenile offenders. Many parents want to help, and this will give them the means. It will provide more accountability and another tool to monitor compliance with conditions imposed by the court. Parents

need to learn how to deal with these offenders. The contempt sanctions will enable the court to start getting parents to be a part of the process, and will also enable the court to address the problem of parents who have substance abuse problems.

Testimony Against: None.

Testified: Representative Lambert, prime sponsor; Harold Delia, Washington State Association of Juvenile Court Administrators and Washington Superior Court Judges Association (pro); and David McGovern, Pierce County Juvenile Court (pro).