

# HOUSE BILL REPORT

## E2SHB 1938

---

---

**As Passed House**

March 17, 1997

**Title:** An act relating to at-risk youth.

**Brief Description:** Changing provisions relating to at-risk youth.

**Sponsors:** By House Committee on Appropriations (originally sponsored by Representatives Carrell, Cooke, Talcott, Cairnes, Mulliken, Sterk, Huff, L. Thomas, Reams, D. Schmidt, McMorris, Robertson, Hickel, Mitchell, Buck, D. Sommers, B. Thomas, Delvin and Backlund).

**Brief History:**

**Committee Activity:**

Children & Family Services: 2/27/97, 3/4/97 [DPS];

Appropriations: 3/8/97, 3/10/97 [DP2S(w/o sub CFS)].

**Floor Activity:**

Passed House: 3/17/97, 57-41.

---

### HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Cooke, Chairman; Boldt, Vice Chairman; Bush, Vice Chairman; Ballasiotes; Carrell and McDonald.

**Minority Report:** Do not pass. Signed by 5 members: Representatives Tokuda, Ranking Minority Member; Kastama, Assistant Ranking Minority Member; Dickerson; Gombosky and Wolfe.

**Staff:** Douglas Ruth (786-7134).

---

### HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children & Family Services. Signed by 17 members: Representatives Huff, Chairman; Alexander, Vice Chairman; Clements, Vice Chairman; Wensman, Vice Chairman;

Benson; Carlson; Cooke; Crouse; Lambert; Lisk; Mastin; McMorris; Parlette; D. Schmidt; Sehlin; Sheahan and Talcott.

**Minority Report:** Do not pass. Signed by 13 members: Representatives H. Sommers, Ranking Minority Member; Doumit, Assistant Ranking Minority Member; Gombosky, Assistant Ranking Minority Member; Chopp; Cody; Grant; Keiser; Kenney; Kessler; Linville; Poulsen; Regala and Tokuda.

**Staff:** Jason Hall (786-7145).

**Background:** During the 1995 session, the Legislature passed a comprehensive act to address the problems of at-risk and runaway youth. The goal of the legislation, known as the Becca Bill, was to provide increased protection for children who engage in harmful acts or behaviors, and to give parents, the Department of Social and Health Services, schools, courts, and law enforcement additional tools to help these children.

Two of the tools provided by the bill are judicial processes for setting guidelines for these children and for placing them in out-of-home settings. The two judicial processes are known as the at-risk youth petition– (ARY) process and the child in need of services petition– (CHINS) process. In 1995, 970 CHINS and ARY petitions were filed in Washington courts.

A second tool created by the bill is the crime of unlawful harboring of a minor.– A person is guilty of this crime if, without parental consent, the individual provides shelter to a child who the individual knows has run away from home. As a complement to this crime, individuals are required to report the location of a child who they know is a runaway to the child’s parent, the department, or law enforcement.

A third tool is a court process for ordering chronically truant students to attend school.

In 1996, the Legislature enacted improvements to the Becca Bill. One of these improvements authorized courts to place an at-risk youth in a program to treat behavioral difficulties. The program was required to be conducted in a staff-secure facility.

**Summary of Bill:** Penalties are added to the requirement that persons report the location of runaway children. Failure to notify a parent, the department, or a law enforcement agency of the whereabouts of a runaway child is punishable as a misdemeanor. The individual must have an intent to conceal the child, engage the child in a crime, or to assist the child to avoid custody by an officer.

The notification requirements for professionals providing community mental health services is also changed. Providers of outpatient community mental health services who treat children thirteen years old or older must notify parents of their child's treatment. The notice must be given after a child's third visit. Exemptions are provided for children the department identifies as abused or whose treatment would be compromised by notification.

The court's authority to place children in behavioral treatment programs is expanded. Courts are required to place a child in a program if the court finds that the child meets either of two requirements. The two requirements are:

- (1) a court has found that the child has violate an ARY court order and the court has reason to believe that the child will continue to violate the order; or
- (2) a court has found that the child has violated an ARY court order on two or more occasions.

Residential treatment programs must be conducted in secure facilities. If funds are appropriated by the legislature, the state is required to pay for the costs of the program if a child's parents are unable to pay. The state may also pay for the legal defense of operators of treatment centers who are sued for acts related to providing treatment.

The judicial truancy process is also modified. A court may consider a student's noncompliance with prior truancy orders in determining whether a student should be subject to an additional order. A court's authority over a case exists for as long as the court decides is necessary, rather than being limited by the school year.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect on August 1, 1997.

**Testimony For:** (Children & Family Services) Long-term treatment is needed for children who are having significant problems. Girls especially need treatment since boys are more likely to enter into the criminal system and receive guidance there. The treatment needs to be provided in a secure environment since at-risk youth will react to the early stages of treatment by running away.

(Appropriations) Extending the authority of the court beyond the school year is a necessary change. Many of the truancy problems develop late in the spring semester, and under current law, the courts have no authority to punish truant students once school concludes for the summer.

**Testimony Against:** (Children & Family Services) Parents care more about having their children enter treatment than they care about receiving notification. Since notification to parents will deter children from seeking treatment, the notification provision in the bill is not in parents' interests. The judicial process for placing a child in a residential treatment center will detain children who have committed minor acts. A child can be found in violation of an ARY order for merely not cleaning his/her room or not coming home on time.

(Appropriations) This bill complicates an already complex system of truancy-reporting and record-keeping requirements. This will take up more administrative resources at the school without increasing attendance. The bill requires the attorney general to defend secure facility operators but is not specific enough as to which suits require state defense. The first two Becca Bills were negotiated with the Legislature and the agency, but this one was not. Washington receives federal money to deal with delinquency, but this bill puts that money, almost \$52 million, in jeopardy.

**Testified:** (Children & Family Services) Linda Lillevik, Washington Defenders Association (con); and Brenda Jones, parent (pro).

(Appropriations) Rainer Houser, Association of Washington School Principals (con); John Kvamme, Tacoma Public Schools (concerns); Judy Hartmann, Washington Education Association (concerns); and Jennifer Strus, Department of Social and Health Services (concerns).

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date** The bill takes effect on August 1, 1997. However, the bill is null and void unless funded in the budget.