

FINAL BILL REPORT

SHB 2372

C 162 L 00

Synopsis as Enacted

Brief Description: Regulating detention of children within secure facilities.

Sponsors: By House Committee on Children & Family Services (originally sponsored by Representatives Kagi, D. Sommers, Carrell, Cody, Edwards, Kenney, Wolfe, Lovick and Schual-Berke).

House Committee on Children & Family Services
Senate Committee on Human Services & Corrections

Background:

If a child has run away from home or alternative placement, has acted out in some manner that endangers the child or others, or has a substance abuse problem, petitions may be filed in juvenile court seeking court for assessment, treatment, and placement services with the goal of reconciling the family.

An At-Risk Youth (ARY) petition may be filed only by a parent. The petition must demonstrate that: (1) the child has been absent from the home for at least 72 hours without parental consent; and (2) that the child is engaging in behaviors beyond the control of the parent that endanger the child or others.

A Child in Need of Services (CHINS) petition may be filed by the child, parent, or the Department of Social and Health Services. This petition must demonstrate either: (1) that the child has been absent from the home, crisis residential center, out of home placement, or court ordered placement for at least 24 hours on two or more separate occasions, and that the child is engaging in behaviors beyond the control of the parent that endanger the child or others; or (2) that the child needs food, shelter, health care, or other necessities but lacks access to or has declined services, and that the child's parents have been unsuccessful, unable, or unwilling to continue efforts to maintain the family structure.

If a child is truant from school a prescribed number of times the school district must file a petition with the juvenile court seeking court assistance in getting the child to attend school. If the school district fails to act after a prescribed number of unexcused absences, the parent may file a petition. The court may enter an order establishing requirements most likely to cause the juvenile to return to, and remain in, school.

A child subject to a court order resulting from an ARY, CHINS, or truancy petition, is found to be in civil contempt of a court order, may be taken into custody by a law enforcement officer if so ordered by the court. As a sanction for the failure to comply, the court may order that the child be confined. Confinement must occur in a secure juvenile detention facility operated by a county and may be for a period of up to seven days.

A child may be removed from his or her home and temporarily placed elsewhere based on allegations of child abuse or neglect. The Department of Social and Health Services (DSHS) investigates allegations of abuse or neglect including such allegations regarding state employees.

After investigating, the department may determine that the allegations are unfounded. However, the allegations are not removed from the DSHS records, but remain as "unfounded allegations." There are circumstances in which the DSHS must respond to request for such records containing information of unfounded allegations.

Summary of Bill:

Until July 1, 2002, the juvenile court may order confinement of a child for contempt in either (1) a secure facility which is a separate section of a juvenile detention facility; or (2) a juvenile detention facility. Secure facility beds are prioritized for runaways; no more than 50 percent of secure facility beds may be devoted to youth held in contempt.

No unfounded allegation of child abuse or neglect may be disclosed to a child-placing agency, private adoption agency, or any other licensed provider.

Votes on Final Passage:

House	97	0	
Senate	47	0	(Senate amended)
House	97	0	(House concurred)

Effective: June 8, 2000
July 1, 2002 (Sections 11 through 17)