

# ***HOUSE BILL ANALYSIS***

## ***PSHB 2372***

---

**Title:** An act relating to detention of children in secure facilities.

**Brief Description:** Regulating detention of children within secure facilities.

**Sponsors:** Representatives Kagi, D. Sommers, Carrell, Cody, Edwards, Kenney, Wolfe, Lovick and Schual-Berke.

---

### **HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES**

**Meeting Date:** January 20, 2000.

**Bill Analysis Prepared by:** Deborah Frazier (786-7152).

**Background:** If a child is running away from home or alternative placement, or acting out in some manner that endangers the child or others, or if the child has a substance abuse problem, petitions may be filed in juvenile court seeking court assistance in obtaining assessment, treatment and placement services directed toward the reconciliation of the family.

An at-risk youth (ARY) petition may be filed only by a parent. The petition must demonstrate that the child has been absent from the home for at least 72 hours without parental consent, and 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, etc., and 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, school districts must file petitions 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 setting forth requirements most likely to cause the juvenile to return to, and remain in, school.

A child subject to the provisions of a court order resulting from ARY, CHINS, or truancy petition, 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. Current law requires that this confinement occur in a secure juvenile detention facility operated by a county. Such confinement may be for a period up to seven days.

***Summary of Bill:*** This bill amends the Family Reconciliation Act and truancy statutes to provide the court the option to place the child found to be in civil contempt of a court order resulting from an ARY, CHINS, or truancy petition, in either detention, or, a secure crisis residential center (CRC).

The court may order the placement in secure CRC's only if the department certifies that space is available. If the space initially is not available, or, if the space becomes unavailable due to the need to house other children, the court is required to immediately transfer the child to a juvenile detention facility for the remainder of the period of confinement, which may not exceed seven days.

Amends child welfare statutes relating to crisis residential centers to permit seven days of confinement under instances of civil contempt.

***Appropriation:*** None.

***Fiscal Note:*** Requested on January 19, 2000.

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