

HOUSE BILL REPORT

HB 2439

As Reported By House Committee On:
Children & Family Services
Appropriations

Title: An act relating to family reconciliation services.

Brief Description: Revising the family reconciliation process.

Sponsors: Representatives Tokuda, Kagi, D. Sommers, Lovick, Kessler, Regala, Kenney, Cooper, Ogden, Eickmeyer, Murray, Schual-Berke, Stensen, Edmonds, Santos, Lantz, Wood and Benson.

Brief History:

Committee Activity:

Children & Family Services: 1/24/00, 2/2/00 [DPS];
Appropriations: 2/5/00, 2/8/00 [DP2S(w/o sub CFS)].

Brief Summary of Second Substitute Bill

- Combines the provisions of the child in need of services (CHINS) and at-risk youth (ARY) petitions into a single petition, called an at-risk youth petition.
- Allows the juvenile court to order a risk and needs assessment at any time, subject to available resources and allows the court to grant an extension of an out of home placement for a period of time to be determined by the court.
- Requires the Department of Social and Health Services (DSHS) to publish and distribute a manual describing family reconciliation services and the at-risk youth petition process.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Staff: 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 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 CHINS petition may be filed by the child, parent, or DSHS. 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 both a CHINS and an ARY petition have been filed regarding the same child, the petitions must be consolidated into an ARY petition.

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.

Community truancy boards and juvenile courts are required, to the extent possible, to coordinate proceedings and actions related to a child subject to truancy petitions, and ARY and CHINS petitions.

Summary of Substitute Bill:

The bill combines the provisions of the CHINS and ARY petitions into one petition called an at-risk youth petition. The bill retains the option to convert a truancy petition to an at-risk youth petition. The juvenile court may order a risk and needs

assessment at any time, subject to available resources. DSHS is required to provide a court liaison to each juvenile court to support at-risk youth petition proceedings. The court may grant an extension of an out-of-home placement for a period of time to be determined by the court.

Substitute Bill Compared to Original Bill: The original bill combined the provisions of the CHINS and ARY petitions into one petition called a family reconciliation petition. The substitute renames the blended petition an at risk-youth petition. The substitute retains the option to convert a truancy petition to an at-risk youth petition.

The original bill granted the juvenile court the authority to order a risk and needs assessment at any time. The substitute makes this order subject to available resources.

The substitute bill adds a provision that requires DSHS to provide a court liaison to each juvenile court to support at-risk youth petition proceedings.

The original bill permitted the juvenile court to grant an extension of an out-of-home placement by no more than 90 days. The substitute bill gives the court the discretion to determine the appropriate period for the extension.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Blending these petitions will streamline and simplify the process for the child, parents, department, and the juvenile court. Allowing the conversion of a truancy petition to an at-risk youth petition gives parents more options in addressing the behavior of children who are difficult to reach.

Testimony Against: Including the truancy petitions in the process could create a large increase in workload for the department.

Testified: (In support) Judge Alan Hancock, Superior Court Judges Association, Island County Superior Court; Judge Patricia Clark, Superior Court Judges Association, King County Superior Court; and Commissioner Charles Snyder, Superior Court Judges Association, Whatcom County Superior Court.

(Opposed) Jake Romo, Children's Administration.

(Comments/Explanations) Shirley Moore.

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 31 members: Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sump; Tokuda and Wensman.

Staff: Heather Flodstrom (786-7391).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Children & Family Services: The second substitute eliminates the option to convert a truancy petition to an at-risk youth petition, allowing truancy petitions to be issued as they currently are by the courts. The second substitute eliminates the requirement that the Department of Social and Health Services (DSHS) provide court liaisons to each juvenile court to support at-risk youth proceedings. The second substitute also requires DSHS to publish and distribute a manual that is designed to inform and assist parents and children who may be in need of family reconciliation services and at-risk youth petition proceedings. The manual must be widely distributed and made available to the public at no cost.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This bill will be a great benefit to parents and children of our state. Blending these petitions will streamline and simplify the process for the child, parents, department, and the juvenile court. Multiple, duplicative and confusing hearings and evaluations can be eliminated, so the court can get to the merits of the case early on. Under existing law the court only has the authority to order community service or detention if a child fails to comply with a court order to attend school, but this has been frustrating for parents and the courts because it is not compelling some children to attend school. This is alleviated in the bill by allowing the court to order a risk and needs assessment in a truancy case if necessary. This risk and needs assessment is subject to available resources. The DSHS fiscal note is

wrong because the bill has been changed. This measure could actually end up saving money. We support the amendment that eliminates allowing truancy petitions to be converted to at-risk youth petitions.

Testimony Against: None.

Testified: Martha Harden, Superior Court Judges Association; and Judge Alan Hancock, Island County Superior Court.