

HOUSE BILL REPORT

HB 2153

As Reported by House Committee On:
Juvenile Justice & Family Law

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

Brief Description: Revising provisions pertaining to at-risk youth proceedings.

Sponsors: Representatives Moeller, McCoy, Roberts, McCune and Chase.

Brief History:

Committee Activity:

Juvenile Justice & Family Law: 2/28/05, 3/1/05 [DP].

Brief Summary of Bill

- Expands the definition of an "at-risk youth" to include a youth with a possible substance abuse or mental health problem.
- Restricts the time a youth may be held in detention for contempt of an at-risk youth petition when the petition is based on the youth having a possible substance abuse or mental health problem.

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: Do pass. Signed by 4 members: Representatives Dickerson, Chair; Moeller, Vice Chair; Lovick and Roberts.

Minority Report: Do not pass. Signed by 3 members: Representatives McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; and Crouse.

Staff: Sonja Hallum (786-7092).

Background:

An at-risk youth (ARY) petition is a process by which parents may request and receive assistance from juvenile courts to provide appropriate care, treatment, and supervision of an at-risk youth. An at-risk youth is defined as a juvenile who:

- is absent from home for at least 72 hours;
- is beyond the parents' control such that the juvenile's behavior endangers health, safety, or welfare of the juvenile or any other person; or

- has a substance abuse problem but no pending criminal charges pertaining to the substance abuse.

When a proper ARY petition is filed, the court must schedule a fact-finding hearing. The court can approve or dismiss the ARY petition at the fact-finding hearing, and may order that the child reside either in the parents' home or in an out-of-home placement.

If the court approves the petition, the court will enter a dispositional order to assist the parents in maintaining care, custody, and control of the child and assist the family in resolving conflicts. The court order may include:

- (1) regular school attendance;
- (2) counseling;
- (3) participation in a substance abuse or mental health outpatient treatment program;
- (4) reporting on a regular basis to the Department of Social and Health Services or any other designated person or agency; and
- (5) any other condition the court deems appropriate including employment, participation in an anger management program, or refraining from the use of drugs or alcohol.

The dispositional order may not include involuntary commitment of a child for substance abuse or mental health treatment.

The court must hold a review hearing within 90 days of the entry of the dispositional hearing to continue or discontinue court supervision. If the court determines it is necessary for the petition to continue, the court may continue the petition for up to 180 additional days. If the court determines the petition is no longer needed, the court may dismiss the petition. The court may also dismiss an ARY proceeding at any time if circumstances warrant it or if the child becomes the subject of a dependency action.

If a child violates the ARY petition, the court may impose a sanction including a fine of up to \$100 and confinement of up to seven days, or both. If the court orders a period of confinement, the child will be held in the juvenile detention facility.

Summary of Bill:

The definition of an "at-risk youth" is expanded to include a youth with a possible substance abuse or mental health problem. The expanded definition of an at-risk youth includes a juvenile who:

- is absent from home for at least 72 hours;
- is beyond the parents' control such that the juvenile's behavior endangers health, safety, or welfare of the juvenile or any other person; or
- has a *possible* substance abuse *or mental health* problem but no pending criminal charges pertaining to the *possible* substance abuse *or mental health problem*.

If the court orders the ARY petition based upon a finding that the juvenile has a possible substance abuse or mental health problem and the juvenile violates the order, the court may impose a sanction of a fine of up to \$100 and confinement for up to two days.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (In support) This bill is a combination that includes part of a previous bill. It is designed to encourage alternatives to detention instead of just putting the child in detention. We want the courts to think of alternatives to detention.

(With concerns) The Office of Children's Administration has fiscal concerns and concerns with limiting detention. The contempt only applies if there is a violation. This language is confusing.

Testimony Against: We appreciate the desire to limit the number of days a youth may be detained in detention, but we would like to add to the definition of "mental health problem." We are already seeing ARY petitions filed on kids in King County who have mental illnesses. The court system is not the place for these kids.

Persons Testifying: (In support) Representative Moeller, prime sponsor.

(With concerns) David Del Villas Fox, Office of Children's Administration.

(Opposed) Linda Lillevik, Washington Defenders Association.

Persons Signed In To Testify But Not Testifying: None.