

SENATE BILL REPORT

SB 5097

As Reported by Senate Committee On:
Human Services & Corrections, February 17, 2011

Title: An act relating to juveniles with developmental disabilities who are in correctional detention centers, juvenile correction institutions or facilities, and jails.

Brief Description: Concerning juveniles with developmental disabilities who are in correctional detention centers, juvenile correction institutions or facilities, and jails.

Sponsors: Senators Delvin, Kohl-Welles, McAuliffe and Chase.

Brief History:

Committee Activity: Human Services & Corrections: 1/20/11, 2/17/11 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5097 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Baxter, Carrell, Harper and McAuliffe.

Staff: Jennifer Strus (786-7316)

Background: When any youth enters the Juvenile Rehabilitation Administration (JRA) system, JRA evaluates the youth for various vulnerabilities and places the youth in accordance with those vulnerabilities. JRA does not have a specific screening tool to use with youth who are, or are suspected of being, developmentally disabled. JRA does notify the Division of Developmental Disabilities (DDD) when a youth with developmental disabilities is to be released in order to determine whether that youth is eligible to receive any services provided by DDD.

Summary of Bill (Recommended Substitute): A workgroup is established, within funds appropriated or otherwise available for the workgroup, to address issues relating to juveniles with developmental disabilities who are confined in juvenile detention or correctional facilities. The workgroup is to be chaired by representatives of the Developmental Disabilities Council (DDC) and the Washington Association of Juvenile Court Administrators (WAJCA) and a representative of JRA. The following are members of the workgroup:

- a representative of the Washington Association of Sheriffs and Police Chiefs;

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- a representative of the Division of Developmental Disabilities within DSHS;
- a representative of Disability Rights Washington;
- a representative of the Office of Superintendent of Public Instruction;
- consumer advocates;
- a representative of the Washington State Defenders Association; and
- representatives of other interested organizations as identified by the DDC, WAJCA, and JRA, including parents of developmentally disabled youth.

By December 1, 2011, the workgroup is to develop recommendations and report to the appropriate committees of the Legislature relating to the following:

- How to expeditiously review and determine eligibility for developmental disability services provided by DSHS before a juvenile is released from detention or a correctional facility;
- The appropriate role for DSHS in providing potential confinement alternatives for persons with developmental disabilities, and consultation and technical assistance to juvenile facilities in their efforts to provide reasonable accommodations for persons with developmental disabilities confined in their facilities or institutions. The fiscal impact to DSHS of providing consultation and technical assistance must be included with this recommendation;
- How to increase the appropriate use of the court's authority under RCW Chapter 13.40 to order secure confinement alternatives;
- The establishment of new options under RCW Title 13 to divert juveniles with developmental disabilities from the justice system while maintaining public safety;
- The feasibility of developing and adopting law enforcement training for responding to juveniles with developmental disabilities similar to the crisis intervention training currently provided to law enforcement officer responding to alleged criminal behavior by persons with mental illness;
- the feasibility of adopting standardized statewide screening and application practices and forms designed to facilitate the application by juveniles who are likely to qualify for medical assistance services by the DDD within DSHS; and
- the feasibility and need for developing a screening tool and training for juvenile justice staff to be used to identify persons with developmental disabilities.

By September 1, 2012, if recommended by the workgroup, it is to develop the following:

- a simple screening tool that can be used by juvenile detention and correctional facilities as part of their intake and classification system to help identify juveniles with the most common types of developmental disability;
- a model policy for the use of the screening tool;
- a cost-effective means to provide concise training to juvenile detention, corrections and probation, and parole staff on the use of the tool;
- information on best practices and training regarding appropriate accommodations for developmentally disabled persons during their confinement; and
- a practical guide for families and juvenile justice staff that has comprehensive information about programs and services available to developmentally disabled youth who are referred to the juvenile justice system.

The workgroup expires on January 1, 2013.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute): Adds a co-chair to the workgroup, a representative of JRA. Changes the entities who would consult with the workgroup to be members of the workgroup. Changes the date by when the workgroup must develop its recommendations from September 1, 2011, to September 1, 2012. Changes the expiration date of the act from January 1, 2012, to January 1, 2013.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: Yes.

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

Staff Summary of Public Testimony on Original Bill: PRO: Developmentally disabled (DD) youth enter detention facilities generally very depressed and often the target of other more sophisticated juvenile offenders. In Benton-Franklin Counties alone, 33 DD youth have come to the attention of juvenile court staff over the last three years. Other courts across the state are facing similar challenges: a lack of a screening tool for early identification of DD youth; a lack of information and coordination of services in the community; and a lack of a proactive intervention plan that meets the needs of the youth and the community. Many of these youth are released from detention having been found incompetent by the court with no new support or services in place in the community. Many of the parents do not know where to turn and don't have the personal resources to provide alternatives. The hope is that this bill will force a critical statewide discussion about the particular needs of these youth. The screening bill that was developed for use in the adult system as a result of a bill during the 2009 session can be adapted for use with DD youth, thus saving some costs of developing the tool.

CON: DDD and JRA have concerns that some of the language in the bill that pertains to DSHS would create a fiscal impact to DSHS that is not addressed in the Governor's proposed 2011-13 budget.

Persons Testifying: PRO: Senator Delvin, prime sponsor; Carolyn Cox, Benton-Franklin Parent Coalition; Ed Holen, DD Council.

CON: Linda Rolfe, Division of Developmental Disabilities, DSHS.