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**Early Learning & Human Services  
Committee**

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**HB 2870**

**Brief Description:** Concerning families in need of services.

**Sponsors:** Representatives Orwall, Kagi and Slatter.

**Brief Summary of Bill**

- Replaces the at-risk youth and child in need of services court processes with a Family in Need of Services (FINS) court process.
- Allows custodial parent, or other suitable adult to petition a juvenile court for juvenile services case manager and court support through a FINS proceeding if the youth is at risk, intervention is necessary, or alternatives to court have been attempted.
- Allows a youth to petition a juvenile court for juvenile services case manager and court support through a FINS proceeding if the youth has basic immediate needs, the youth has no suitable place to live and either there is no agreement with a parent as to his or her living arrangements or the parent cannot be notified.
- Establishes a transitional success residential program for youth that require development of an independent living skills plan.
- Requires the Washington State Center for Court Research to establish a research plan for determining the effectiveness of the FINS process.

**Hearing Date:** 1/30/18

**Staff:** Luke Wickham (786-7146).

**Background:**

*At-Risk Youth.*

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

An at-risk youth (ARY) court process allows a parent or guardian to petition to the court if their child meets at least one of the following three requirements:

- is absent from home for at least 72 consecutive hours without parental consent;
- is beyond parental control such that his or her behavior endangers the health, safety, or welfare of the child or any other person; or
- has a substance abuse problem for which there are no pending criminal charges relating to the substance abuse.

The purpose of filing an ARY petition is to obtain assistance and support from the juvenile court in maintaining the care, custody and control of the child and to assist in the resolution of family conflict, after alternatives to court intervention have been attempted. The ARY proceeding is a voluntary process, and a parent or guardian may request dismissal at any time.

The court may order the Department of Social and Health Services (DSHS), and after July 1, 2018, the Department of Children, Youth, and Families (DCYF), to submit a dispositional plan if the plan would assist the court in ordering a suitable disposition in the case.

#### *Child in Need of Services.*

A child in need of services (CHINS) court process allows a child, parent, guardian, or the DSHS and after July 1, 2018, the DCYF to petition the court if the child meets at least one of the following requirements:

- is beyond parental control such that the child's behavior endangers the health, safety, or welfare of the child or other person;
- has been reported to law enforcement as absent without consent for at least 24 consecutive hours from the parent's home, a crisis residential center, an out-of-home placement, or a court-ordered placement on two or more separate occasions and has exhibited a serious substance abuse problem or behaviors that create a serious risk of harm to the health, safety, or welfare of the child or any other person;
- is in need of necessary services, including food, shelter, health care, clothing, educational, or services designed to maintain or reunite the family and lacks access to or has declined to utilize these services, and whose parents have evidenced continuing but unsuccessful efforts to maintain the family structure or are unable or unwilling to continue efforts to maintain the family structure; or
- is a sexually exploited child.

The purpose of filing a CHINS petition is to obtain a court order mandating temporary placement, for up to six months, of the child in a residence other than the home of his or her parent or guardian, because a serious conflict exists between the parent and child that cannot be resolved by delivery of services to the family during continued placement of the child in the parental home, and reasonable efforts have been made to prevent the need for removal of the child from the parental home.

For either an ARY or CHINS petition, the DSHS or the DCYF (after July 1, 2018) must complete a family assessment before the court will consider a petition.

Upon the filing of a CHINS petition, the child may be placed by the DSHS or the DCYF (after July 1, 2018) in a crisis residential center, foster family home, group home, or other suitable residence other than a HOPE center. The court may order out-of-home placement if the youth

meets the definition of CHINS, he or she has made reasonable efforts to resolve the conflict, reasonable efforts have been made to prevent the need for removal, and a suitable out-of-home resource is available. The court will consider the DSHS or the DCYF (after July 1, 2018) recommendation regarding approval or dismissal of the petition.

The court may impose remedial sanctions including a fine up to \$100 and confinement for up to 7 days, or both for contempt of the ARY or the CHINS court proceeding.

#### *Crisis Residential Centers.*

A crisis residential center (CRC) is a short-term, semi-secure or secure facility for runaway youth and adolescents in conflict with their families. Youth may be brought to the CRCs by law enforcement under certain circumstances. Counselors at a CRC work with the family to resolve the immediate conflict and develop better ways of dealing with conflict in the future. The stated goal of CRCs is to reunite the family and youth whenever possible.

The maximum length of stay in a CRC 15 days per admission.

#### *HOPE Centers.*

HOPE centers provide temporary residential placements for street youth. Youth may self-refer to a HOPE center for services, and entering a center is voluntary. While residing in a HOPE center, youth undergo a comprehensive assessment in order to develop the best plan for the youth, with the focus on finding a permanent and stable home. The assessment includes gathering information on the youth's legal status and conducting a physical examination, a mental health and chemical abuse evaluation, and an educational evaluation of basic skills, any learning disabilities, or special needs.

The maximum length of stay in a HOPE center is 30 consecutive days per admission. A stay longer than 30 days is allowed only if a long-term placement is not available.

#### **Summary of Bill:**

The Family in Need of Services (FINS) civil court petition process is established, replacing the ARY and CHINS petition process. A FINS petition may be filed in juvenile court by a youth, custodial parent, or other suitable adult, who is seeking support through case management, assessment, intervention, and possible placement of the youth. A person identified as other suitable adult for purposes of being a petitioner is someone with whom the youth or family has a preexisting relationship. If the FINS petition is filed by an other suitable adult, the court must enter a finding that approves the person as the petitioner in the proceeding.

A FINS petition may be filed by a parent or other suitable adult in the following set of circumstances:

- the youth is at risk because the youth's behavior poses imminent risk to the youth's health, safety, or welfare;
- intervention and case management support are necessary to assist the family and maintain parental responsibility; and
- alternatives to court intervention have been attempted or there is good cause why such alternatives have not been attempted.

A FINS petition may be filed by a youth under any of the following circumstances:

- the youth has basic immediate needs such as residential placement, interventions, and case management support;
- the youth has been admitted to a HOPE or crisis residential center and has no suitable place to live, and after notifying the parent, there is no agreement between the youth and parent as to where the youth will reside;
  - the agreement between the youth and parent is no longer acceptable; or
  - the placement arrangement for the youth is no longer acceptable and no new agreement has been reached; or
- the youth has been admitted to a HOPE or crisis residential center and has no suitable place to live after best efforts to notify the parent within 72 hours and:
  - notification was not successful because no parent could be located;
  - no new agreement between the youth and parent as to where the youth will reside has been reached; or
  - any of the above circumstances exist, residing in the family home is not safe for the youth or family members, and there is no agreement between the youth and parent as to where the youth will reside.

At any time the court may order the DCYF to be a party to the case to:

- screen the youth for child protective services investigation for purposes of filing a dependency petition; or
- place the youth in licensed care only if the court finds that all other options for placement have been exhausted and have not resulted in placement.

When a FINS petition is filed by a parent or other suitable adult, the petitioner must have a copy of the petition served on the youth. When a FINS petition is filed by a youth, the court must have a copy of the petition served on the responding party. Service must be attempted in person, but if unsuccessful, by certified mail with return receipt.

When a FINS petition is filed, the court must:

- appoint a juvenile services case manager;
- appoint legal counsel for the youth;
- if temporary placement in a home outside the family home in a home not licensed by the DCYF is requested, review the sworn statement, petition, request for temporary placement, and background check provided by the juvenile services case manager; and
- schedule a fact-finding hearing to be held within 14 days excluding holidays and weekends and notify the parties of the date.

#### *Temporary Out-of-Home Placement.*

A request for temporary out-of-home placement is only necessary if the youth and parent do not agree on placement. A youth must file a sworn statement about the nature of the family conflict and show a copy of the FINS petition for a court to consider a temporary out-of-home placement request. Before the out-of-home placement request is made to the court, the youth must meet with a juvenile services case manager and provide options for potential placement.

When a FINS petition is filed seeking temporary placement in a home outside the family home in a home not licensed by the DCYF, the juvenile case manager must make a good faith effort to notify the parent or other suitable adult.

After considering a temporary out-of-home placement request, sworn statement, potential placement options, and response from the responding party when available, the court must either:

- grant the request and issue a temporary out-of-home placement order which is valid for 14 days pending the fact finding hearing and approval of placement of the youth; or
- deny the motion.

When a FINS petition is filed and the court or the petitioner knows or has reason to know that an Indian child is involved, the state Indian Child Welfare Act applies.

A FINS petition may not be filed if the youth is the subject of a dependency proceeding.

Once a FINS petition is filed, the petitioner and parties must cooperate with the family assessment and multidisciplinary team to develop a family services plan.

#### *Juvenile Services Case Manager.*

The juvenile services case manager is an employee of the juvenile court unless the court decides to contract out the services through funds provided by the state. The case manager must make attempts to:

- initiate in-person contact with the youth, parent, or other suitable adult if possible;
- determine if a local multidisciplinary team should be convened to facilitate the family services plan and schedule a multidisciplinary team; and
- facilitate the multidisciplinary team discussion with the purpose of reaching agreement on the family services plan.

#### *Family Services Plan.*

The family services plan must:

- be designed to alleviate personal or family situations that present a threat to the health, safety, or welfare of the child or family and to maintain families intact wherever possible;
- include services that assist families and communities to develop skills and supports to resolve problems related to FINS and family conflicts;
- include services that target individual issues or family crises and include, but are not limited to referral to services for:
  - suicide prevention;
  - psychiatric or other medical care;
  - psychological, mental health, drug or alcohol treatment;
  - welfare, legal educational, or other social services as appropriate to the needs of the youth and the family; and
  - training in parenting, conflict management, and dispute resolution skills; and
- include a residential plan for the youth;
- include a family-focused or individual service plan, including assessments and counseling; and
- the general conduct of parties.

#### *Fact-Finding.*

The court must enter an order on FINS fact-finding and issue a FINS disposition to determine the family services plan in open court or ex parte if agreement is reached between the parties. If there is agreement to entering a fact-finding order, but no agreement on the family services plan,

the court must hold a fact-finding hearing within 14 days after the FINS petition is filed. If there is no agreement on the merits of the petition and family services plan, the court must conduct a fact-finding hearing. During a fact-finding hearing, the court must make a decision based on the record, testimony, and evidence, and the decision must be entered into the court record. A petition cannot be granted if the youth is the subject of a dependency proceeding.

If the order on disposition of the family services plan is not entered simultaneously with the order on fact-finding, a dispositional review hearing must be held no later than 14 days after approval of the FINS petition.

The disposition order must include provisions for case management support of the order and assistance in coordinating court-ordered services. The disposition order must schedule the matter on the calendar for review within three months.

#### *Review Hearings.*

Before a review hearing, the juvenile services case manager must consult with the attorneys to determine if a multidisciplinary team should be convened. The multidisciplinary team must consider the status of the youth and family and discuss modifications to the family services plan. If the parties agree to the family services plan, the hearing may be canceled and the order on review may be presented to the court ex parte. If the parties do not agree to the family services plan, the review hearing must proceed and the court will determine if the youth and family are complying with the family services plan, and whether the family services plan should be modified.

If at any time there is disagreement between the parties regarding the family services plan, a review hearing must be scheduled to determine whether reasonable efforts have been made to reunify the family and make it possible for the youth to return home. The court must cancel the placement and order the youth to return home if the parents have made reasonable efforts to resolve the conflict and the court has reason to believe the child's refusal to return home is capricious.

#### *Placement.*

The court must make a finding if it is proven by a preponderance of the evidence that placement of the youth in or outside the family home is in the best interest of the family. Placement must be discussed as part of the multidisciplinary team, at the disposition review hearing, and any subsequent FINS hearings. A court may approve an order continuing out-of-home placement if it is proven by a preponderance of the evidence that the family is unable to safely reside together while participating in case management and interventions designed to resolve family conflict. If such out-of-home placement is ordered, a youth may be placed in a HOPE or crisis residential center if no other suitable out-of-home placement is available for as long as the court order authorizes.

If placement outside the family home is agreed, no background check is required.

If the parent fails to respond to a FINS petition or cannot be found, the court must authorize out-of-home placement.

If there is no agreement regarding out-of-home placement, the court may:

- direct the youth to return to the family home;
- place the youth in a licensed facility; or
- place the youth in a temporary placement outside the family home after reviewing background checks on adults residing in the potential placement and referral history from child protective services.

The court may order out-of-home placement of the youth if it finds by a preponderance of the evidence that:

- the family is unable to safely reside together;
- problems cannot be resolved by delivery of services;
- reasonable efforts have been made to prevent or eliminate the need for removal of the youth from the family home;
- a suitable out-of-home resource is authorized under the FINS order; and
- the order is in the best interest of the youth and family.

If the court orders out-of-home placement:

- the court must specify the placement of the youth and the temporary parental powers awarded to that person or agency;
- the court may extend placement not to exceed 90 days from the date of a disposition order;
- the court must give placement preference to the wishes of the parent;
- that placement cannot be made in a secure residence as defined by federal law; and
- a disposition order or condition of supervision may not include involuntary commitment of a youth for substance abuse or mental health treatment.

Any placement outside the family home must be reviewed by the court within three judicial days upon request of the parties, attorneys, or juvenile services case manager.

If the court orders placement in a HOPE or crisis residential center, the placement may continue as long as permitted by the court in the best interest of the family.

#### *Contempt Violations.*

If a party to a FINS order fails to comply with the family services plan ordered, the juvenile services case manager must attempt to address the violation and consult with the attorneys to determine if a multidisciplinary team should be convened. A motion for contempt can be filed by a party, the case manager, or the court. The court can impose the following contempt sanctions for noncompliance:

- of a parent, a fine up to \$100; and
- of a youth, placement in a secure crisis residential center, electronic home monitoring, community service, evaluations, services, or treatment.

#### *Secure Confinement.*

Secure confinement in a juvenile detention center is not allowed for contempt violations. If a court finds probable cause to believe a youth has violated a placement order or failed to appear at a court hearing after proper notification, the court may issue an order directing law enforcement to find and take the youth to a secure juvenile detention center if the order includes written findings that the youth's behavior poses imminent risk to the youth's health, safety, or welfare.

Following admission to detention, a detention review hearing must be held within 24 hours excluding weekends and holidays. The court must decide at this detention review hearing whether to hold or release the youth based on the youth's likelihood of appearing for the next hearing and the youth's risk to self. If the court orders a youth held, the pending contempt hearing must be held within 72 hours.

*Dismissal.*

Juvenile court support related to the FINS petition may not exceed 180 days from the date the review hearing is commenced unless compelling reasons exist for extension up to 90 additional days.

The court may dismiss the FINS proceeding if the court finds good cause to believe continued support would serve no useful purpose.

Nine months from the date the court grants jurisdiction of the FINS proceeding, the court must hold a review hearing to consider the family service plan, evaluate housing for the youth, and consider recommendations on the long-term plan for the youth. Based on that review, the court must determine if dismissal is in the youth's best interest. If there is no long-term plan or placement for the youth, the court may continue jurisdiction for up to three additional months.

The court may extend jurisdiction up to the youth's eighteenth birthday if the court finds it is not safe or the child's best interest to return home, there is no dependency proceeding, and no other custody arrangement is established.

*Transitional Success Program.*

The Department of Commerce is required to establish the transitional success program that include:

- a license from the DCYF;
- a professional with a master's degree in counseling, social work, or related field and at least one year of experience working with street youth or a bachelor's degree with five years of experience working with street youth;
- staff trained in the development needs of older adolescents;
- transitional living services and a therapeutic model of service delivery that emphasizes independent living skills including development of an independent skills plan; and
- a data collection system.

*Consent and Notification.*

Shelter and related services may be provided to a consenting minor for up to 72 hours without the consent of a parent if the provider believes that shelter and services are necessary to ensure the minor's safety and well-being. The provider must make reasonable efforts to notify a minor's parent every 24 hours and document this in writing.

*Evaluation.*

The Washington State Center for Court Research must establish a research plan for evaluation the effectiveness of the FINS process. The research plan must include:

- a collection of demographics;
- the system response for youth and families;
- the impact of the interventions; and



- relevant outcomes including housing stability, educational progress, and access to publicly funded services.

**Appropriation:** None.

**Fiscal Note:** Requested on January 24, 2018.

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