

SENATE BILL REPORT

SB 6467

As Reported by Senate Committee On:
Human Services & Corrections, January 30, 2018

Title: An act relating to families in need of services.

Brief Description: Concerning families in need of services. **[Revised for 1st Substitute:** Creating a pilot program to allow certain counties to provide additional family services through community truancy boards and site secure crisis residential center facilities.]

Sponsors: Senators Darneille, O'Ban, Hasegawa and Kuderer.

Brief History:

Committee Activity: Human Services & Corrections: 1/22/18, 1/30/18 [DPS-WM].

Brief Summary of First Substitute Bill

- Creates a three-county pilot program to site more secure crisis residential centers (CRC) as an alternative to juvenile detention and expand family services through community truancy boards (CTB) to prevent nonoffender youth from entering the juvenile court system.
- Requires the allocation of funds to the selected counties to site secure CRCs that meet therapeutic standards and make them more accessible and available.
- Requires the allocation of funds to CTBs to provide certain evidence-based services and case management services.
- Requires the submission of a joint report to the Legislature that includes statistics on the number of youth placed in secure CRCs, the number receiving evidence-based services or case management services, or both, and any legislative recommendations, by January 1, 2021.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6467 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle, Frockt and Miloscia.

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.

Staff: Brandon Popovac (786-7465)

Background: Family Reconciliation Act (FRA). In 1990, the Legislature amended the Juvenile Justice Act of 1977 to enact the FRA. The FRA provides services and assistance for families that are in conflict and dealing with children who run away, have substance abuse problems, or who are endangered because of behavior that their parents are unable to control. A parent, child, or the Department of Social and Health Services (DSHS) may seek court assistance by filing an at-risk youth or child in need of services petition.

ARY. An ARY is defined as a child under the age of 18 who 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 the child's 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.

Only the parent or guardian of the child may file an ARY petition. 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.

CHINS. A CHINS is defined as a child under the age of 18 who 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 (CRC), 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.

A child, parent, or guardian, or DSHS may file a CHINS petition. 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 the child's parent or guardian. Petitions are filed 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.

Community Truancy Boards (CTB). A CTB, made up of community members may:

- identify barriers to school attendance;
- recommend methods for improving attendance such as connecting students and their families with community services, culturally appropriate promising practices, and evidence-based services;
- suggest to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program; or
- recommend to the juvenile court that a juvenile be referred to a HOPE center or crisis residential center.

Crisis Residential Centers (CRC). Crisis residential centers are short-term, semi-secure or secure, facilities for runaway youth and adolescents in conflict with their families. Counselors at a CRC work with the families to resolve the immediate conflict and develop better ways of dealing with conflict in the future.

Summary of Bill (First Substitute): The Office of Homeless Youth Prevention and Protection Programs (OHY), the Office of the Superintendent of Public Instruction (OSPI), and the Office of Juvenile Justice (OJJ), in consultation with the state Center for Court Research must conduct a three-county pilot program to site more secure CRCs in the selected counties as an alternative to juvenile detention and expand family services through CTBs in those counties to prevent nonoffender youth from entering the juvenile court system.

The preferred three counties to be selected must have the highest use of detention, must have the highest propensity to use a valid court order, must not have implemented juvenile detention alternatives initiative (JDAI) strategies, and do not have secure CRCs accessible or available.

OHY must allocate funds to the selected counties to site secure CRCs that meet therapeutic standards and make them more accessible and available.

OSPI must allocate funds to CTBs to provide evidence-based services, including functional family therapy, when possible.

OJJ must allocate funds to CTBs to provide families with case management services, including the use of JDAI, when possible. Current funding for JDAI in other counties must not be affected. CTBs may provide services directly or through contract.

The pilot program expires on July 1, 2020.

OHY, OSPI, and OJJ must submit a joint report to the Legislature that includes statistics on the number of youth placed in secure CRCs, the number receiving evidence-based services or case management services, or both, and any legislative recommendations, by January 1, 2021.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (First Substitute):

- Removes all provisions in the underlying bill.
- Creates a three-county pilot program administered by the Office of Homeless Youth Prevention and Protection Programs (OHY), the Office of the Superintendent of Public Instruction (OSPI), and the Office of Juvenile Justice (OJJ), in consultation with the state Center for Court Research to site more secure crisis residential centers (CRC) in the selected counties as an alternative to juvenile detention and expand family services through community truancy boards (CTB) to prevent nonoffender youth from entering the juvenile court system.
- Restricts the 3 counties selected to those with the highest use of detention, the highest propensity to use a valid court order, that have not implemented juvenile detention alternatives initiative (JDAI) strategies, and that do not have secure CRCs accessible or available.
- Requires OHY to allocate funds to the selected counties to site secure CRCs that meet therapeutic standards and make them more accessible and available.
- Requires OSPI to allocate funds to CTBs to provide evidence-based services, including functional family therapy, when possible.
- Requires OJJ to allocate funds to CTBs to provide families with case management services, including the use of JDAI, when possible.
- Authorizes the CTBs to provide services directly or through contract.
- Expires the pilot program on July 1, 2020.
- Requires OHY, OSPI, and OJJ to submit a joint report to the Legislature that includes statistics on the number of youth placed in secure CRCs, the number receiving evidence-based services or case management services, or both, and any legislative recommendations, by January 1, 2021.

Appropriation: None.

Fiscal Note: Requested on January 17, 2018.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill takes effect on July 1, 2018.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: The state can step up and implement more evidence-based practices for families. Truancy is not simply a youth skipping school but is also a challenge for families. The current version of the bill is a work in progress. The bill proposal offers a holistic approach to keep kids out of juvenile detention. It is critical for the Legislature to respond to the youth homelessness crisis. The bill would remove procedural roadblocks to receiving services and better facilitate family reunification.

The bill is designed to strengthen families and prevent youth homelessness, and keep youth safe during family crises. Research shows that 90 percent of youth cite family conflict as the cause of their homelessness. Parents have complained that the existing ARY/CHINS system is too complicated and difficult to navigate, or services are just not available. Families still have issues with taking their problems to court. Research shows that detention is traumatic for youth, furthers feelings of alienation, and exacerbates clinical symptoms. Some youth feel aged out of some services while simultaneously too young to receive other services.

The bill is critical to prevent youth from falling through the cracks of our state. A FINS system would allow youth to stay in one shelter and one school. It is very discouraging when a youth asks for family services and is turned away. Most clients need help and support during short-term family crises. The bill would provide youth access to more existing shelter options. The transitional success program is another important step the Legislature should fund and support.

The FINS system would provide immediate counseling services to families. A recent FINS survey of stakeholders with 182 responses collected expressed that the current ARY/CHINS system is burdensome and lacks transparency, but the original intent of the system is still meaningful. There is concern about the FINS system's ability to serve smaller counties with limited capacity.

CON: The bill would remove the use of detention for youth held in contempt of a court order, and such order is a core component of the court process. For chronically non-compliant youth, detention is needed to preserve a safe and secure environment. There are very few CRC and HOPE center beds to meet demand in some counties. There needs to be proper placements and available resources for the bill to work. The role of courts and screening out-of-home placements under the bill would be difficult to implement for training and assignment purposes. Not every county has adequate FFT services.

The detrimental impacts of juvenile detention on youth is significant, but one or two days in detention can be life-saving. Judges prefer not to put kids in juvenile detention, but there are not enough secure CRC beds across the state as an alternative. One possible solution is to place preference with MDT recommendations before remedial sanctions are ordered. If courts cannot enforce an order, it is no longer an order but an invitation. There are funding problems as well. Safety is defined on a fact-dependent, case-by-case basis. Every county sending youth offenders to a secure CRC might be an alternative to detention.

OTHER: The general intent of the bill is supported. Parents may face conflicting information when attempting to file an ARY/CHINS petition. The current Becca bill proceedings needs to be reexamined and perhaps focus on working with the newly created DCYF.

Persons Testifying: PRO: Senator Jeannie Darneille, Prime Sponsor; Laurie Lippold, Partners for Our Children; Mary Van Cleve, Columbia Legal Services; Kim Williams, TeamChild; Blessing Ponder, citizen; Kimberly Ong, Center for Children & Youth Justice; Jim Theofelis, A Way Home Washington; Shoshana Wineburg, YouthCare; Sierra Phillips, The Mockingbird Society; Laurel Simonsen, Managing Attorney, Center for Children & Youth Justice.

CON: Jim Madsen, Juvenile Court Administrator, Mason County; Sean O'Donnell, Superior Court Judge, King County.

OTHER: Patrick Dowd, Office of the Family and Children's Ombuds.

Persons Signed In To Testify But Not Testifying: No one.