

# HOUSE BILL REPORT

## ESB 5429

---

### As Reported by House Committee On: Human Services & Early Learning

**Title:** An act relating to including referred and diverted youth in establishing community juvenile accountability program guidelines.

**Brief Description:** Including referred and diverted youth in establishing community juvenile accountability program guidelines.

**Sponsors:** Senators Nguyen, Das, Saldaña, Hasegawa, Salomon, Darneille, Wilson, C., Zeiger, Randall and Kuderer.

### Brief History:

#### Committee Activity:

Human Services & Early Learning: 3/7/19, 3/22/19 [DPA].

#### Brief Summary of Engrossed Bill (As Amended by Committee)

- Expands community juvenile accountability program (CJAP) funding to include youth referred to programs who would have been diverted or prosecuted in the absence of that program.
- Requires the block grant oversight committee to implement a stop-loss policy for CJAP funding.
- Requires the Department of Children, Youth, and Families to provide two reports on CJAP funding and a one-time report on funding provided to counties for referred youth.

---

### HOUSE COMMITTEE ON HUMAN SERVICES & EARLY LEARNING

**Majority Report:** Do pass as amended. Signed by 13 members: Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry, Goodman, Griffey, Kilduff, Klippert, Lovick and Ortiz-Self.

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

---

*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.*

## **Background:**

### Community Juvenile Accountability Act.

The Community Juvenile Accountability Act (CJAA) was enacted in 1997 as part of an omnibus juvenile justice bill. The CJAA allows local governments to submit proposals for funding community juvenile accountability programs (CJAP) in their communities. These proposals must be submitted to the Juvenile Rehabilitation (JR) division of the Department of Social and Health Services (DSHS). The JR functions of the DSHS will transfer to the Department of Children, Youth, and Families (DCYF) on July 1, 2019.

A CJAP proposal must include:

- a demonstration that the proposal was developed with the input of the community public health and safety networks, and the local law and justice councils;
- a description of how local community groups or members are involved in the implementation of programs; and
- a description of how the grant funds will contribute to the expected outcomes of the program and the reduction of youth violence and juvenile crime in the community.

Local governments that receive CJAP funding must agree that the funds they receive be used efficiently to encourage the use of community-based programs that reduce the reliance on juvenile offender secure confinement.

The JR division, in consultation with the Washington Association of Juvenile Court Administrators, the Washington State Law and Justice Advisory Council, and the Washington State Family Policy Council, establishes CJAP guidelines. These guidelines must:

- target diverted and adjudicated juvenile offenders;
- include assessment methods to determine services, programs, and intervention strategies;
- provide maximum structured supervision in the community;
- promote work ethic values and educational skills and competencies;
- maximize the efficient delivery of treatment services that reduce risk factors associated with committing juvenile offenses;
- maximize reintegration of the juvenile offenders into the community after release;
- maximize a juvenile offender's ability to make restitution to the victims;
- support and encourage increased court discretion in imposing community-based intervention;
- be compatible with research;
- be outcome-based;
- include an evaluation component; and
- recognize the diversity of local needs.

### Washington State Institute for Public Policy Juvenile Justice Program Evaluations.

The CJAA required the Washington State Institute for Public Policy (Institute) to develop standards for measuring the effectiveness of juvenile accountability programs funded by the CJAP. The Institute has evaluated the effectiveness of several juvenile justice programs including the Coordination of Services Program, Aggression Replacement Therapy, Family Integrated Transitions, Functional Family Therapy, and Multisystemic Therapy.

---

**Summary of Amended Bill:**

The guidelines for CJAP funding are expanded to include referred youth, who are defined to include a youth who:

- was contacted by a law enforcement officer who has probable cause to believe the youth committed a crime;
- was referred to a program that allows youth to enter before being diverted or charged with a juvenile offense; and
- would have been diverted or charged with a juvenile offense if not for the program.

The DCYF must provide a report on December 1, 2019, and December 1, 2020, that includes a county-by-county description of the youth served by the CJAP.

The block grant oversight committee (Committee) must implement a stop-loss policy that limits the loss in funding for any juvenile court from one year to the next when allocating CJAP funding. The Committee must establish a minimum base level of funding for juvenile courts with lower numbers of at-risk youth ages 10 to 17. The DCYF must provide a report to the Legislature by December 1, 2019, regarding how funding is used for referred youth and the impact of that use on overall funding.

The Committee is defined to mean a committee established by the JR division of the DCYF and juvenile courts that provides block grant funding formula oversight with equal representation from the JR division of the DCYF and juvenile courts. The purpose of the Committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The Committee is co-chaired by the JR division of the DCYF and juvenile courts who have the authority to change members of the Committee as needed to achieve its purpose.

**Amended Bill Compared to Engrossed Bill:**

The substitute bill replaces the DCYF with the Committee as the entity required to implement a stop loss policy when allocating CJAP funding.

The substitute bill defines the Committee to mean a committee established by the JR division of the DCYF and juvenile courts that provide block grant funding formula oversight with equal representation from the JR division of the DCYF and juvenile courts. The purpose of the Committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The Committee is co-chaired by the JR division of the DCYF and juvenile courts who have the authority to change members of the Committee as needed to achieve its purpose.

---

**Appropriation:** None.**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) There were a couple issues when the House companion bill was heard. It is appreciated that there is not a specific amount identified in the stop-loss policy. This stop-loss policy ensures that funding support is fairly distributed among counties. This funding expansion would help prevent individuals from being detained. In order to meet the program guidelines to be funded by the CJAA, programs have to show an evidence base, and these programs need funding to develop that research base. There is general support for delivering services earlier in the process. There are concerns that in rural areas it may be more difficult to deliver a youth to a program based on the large distances and services available.

(Opposed) None.

**Persons Testifying:** Tom McBride, Washington Association of Juvenile Court Administrators.

**Persons Signed In To Testify But Not Testifying:** None.