

SENATE BILL REPORT

SHB 2873

As Passed Senate, March 3, 2020

Title: An act relating to families in conflict.

Brief Description: Concerning families in conflict.

Sponsors: House Committee on Human Services & Early Learning (originally sponsored by Representatives J. Johnson, Frame, Ramel, Callan, Hudgins, Ryu, Davis, Orwall and Pollet).

Brief History: Passed House: 2/13/20, 94-3.

Committee Activity: Human Services, Reentry & Rehabilitation: 2/20/20 [DP].

Floor Activity:

Passed Senate: 3/03/20, 49-0.

Brief Summary of First Substitute Bill

- Provides a modified and expanded definition for family reconciliation services (FRS).
- Directs the Department of Children, Youth and Families (DCYF), or a community-based entity under contract with DCYF, to offer FRS to families or youth experiencing conflict upon request from the family, subject to the funds appropriated for these services.
- Specifies that DCYF, or a community-based entity under contract with DCYF, can complete a required family assessment as part of the child in need of services, or an at-risk youth petition.
- Directs DCYF to provide data on the use of FRS.

SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

Majority Report: Do pass.

Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Cleveland, O'Ban, Wilson, C. and Zeiger.

Staff: Alison Mendiola (786-7488)

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: Under state law, there are two different type of petitions that can be filed in juvenile court to protect youth and reconcile families in crisis—child in need of services (CHINS) and at-risk youth (ARY). The CHINS petition facilitates out-of-home placement for youth for up to six months while the family tries to address the conflict. A child, social worker or parent can initiate the CHINS petition. The ARY petition is similar to the CHINS, except that only parents can initiate ARY petitions.

At-Risk Youth. When members of a family are experiencing conflict, the parent of a child may file an ARY petition under certain circumstances. An ARY is a juvenile who is absent from home for at least 72 hours without parental consent; who is beyond the control of the parent such that the juvenile's behavior endangers the health, safety, and welfare of the juvenile or another person; or who has a substance use disorder for which there are no pending criminal charges. If a court grants an ARY petition, the court may order the juvenile to reside at home with the parent or to reside in an agreed out-of-home placement.

Child in Need of Services. A CHINS court process allows a child, parent, guardian, or 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 use 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 of a child, for up to six months, in a residence other than the home of the child's 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.

Family Reconciliation Services. FRS is a voluntary program serving runaway adolescents and youth in conflict with their families.

DCYF may involve a local multidisciplinary team in its response in determining the services to be provided and in providing those services. Services are to be provided to alleviate situations which present a serious and imminent threat to the health or stability of the child or family and to maintain families intact wherever possible.

FRS are designed to develop skills and supports within families to resolve problems related to ARY, CHINs, or family conflicts. These services may include, but are not limited to,

referral to services for suicide prevention, psychiatric or other medical care, or psychological, mental health, drug or alcohol treatment, welfare, legal, educational, or other social services, as appropriate to the needs of the child and the family, and training in parenting, conflict management, and dispute resolution skills.

FRS can be accessed through the ARY or CHINS petition process, or directly through self-referral. According to DCYF's April 2019 *Families and Youth Crisis Report*, in 2017, more than 3000 youth had an FRS intake. Not all of these youth received services; one-quarter of youth with an FRS intake had one or more screened-in CPS report prior to their FRS intake. In 2017, 262 youth—8%, were placed in out-of-home care within nine months of their FRS intake.

Family Assessment. For both an ARY and CHINS petition a family assessment must be completed. For ARY petitions, the assessment must be completed prior to filing the petition. A CHINS petition may be filed before completion of a family assessment under FRS. The family assessment, completed by DCYF, involves the multidisciplinary team if one exists. The family assessment or plan of services developed by the multidisciplinary team is aimed at family reconciliation, reunification, and avoiding out-of-home placement of the child.

Summary of First Substitute Bill: Family Reconciliation Services. Family reconciliation services (FRS) means culturally relevant and trauma-informed informed services. FRS are designed to assess and stabilize the family with the goal of resolving crises and building supports, skills, and connection to community networks and resources including, but not limited to:

- referrals for services for suicide prevention, psychiatric or other medical care; psychological care; behavioral health treatment; legal assistance; or educational assistance;
- parent training;
- assistance with conflict management or dispute resolution; or
- other social services, as appropriate to meet the needs of the child and the family.

DCYF, or community-based entities under contract with DCYF, must offer FRS to families or youth who are experiencing conflict and need services upon request from the family, subject to the availability of funding appropriated. A community-based entity under contract with DCYF, in addition to DCYF, can complete the required family assessment.

Data Requirements. Beginning December 1, 2020, and annually thereafter, DCYF must make available data on the use of FRS which includes:

- the number of requests for FRS;
- the number of referrals made for FRS;
- the demographic profile of families and youth accessing family reconciliation services including race, ethnicity, housing status, child welfare history, existence of an individualized education program, eligibility for vocational rehabilitation services under federal law, or eligibility for other disability-related services;
- the nature of the family conflict;
- the type and length of the FRS delivered;
- family outcomes after receiving family reconciliation services; and
- recommendations for improving family reconciliation services.

If DCYF cannot provide this specified information, DCYF must identify steps necessary to obtain and make the required information available.

Appropriation: None.

Fiscal Note: Available.

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

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

Staff Summary of Public Testimony: PRO: A kid's first referral to the system may be due to family conflict. Working on providing services in the community that are trauma-informed, and culturally appropriate is the better way to go. Families in crisis want help in their community, not from the government which they may not trust. Family reconciliation services have been around for a long time. FRS is both a program and a strategy, with the hopes of preventing bigger problems down the road. Right now services are generally only offered if CPS is involved or a youth is arrested. It is very important that youth can access these services as well. Bringing in community-based organizations will help expand the program much more quickly as there are programs all around the state already engaged in this type of work. No buildings are needed, just contracts.

Persons Testifying: PRO: Representative Jesse Johnson, Prime Sponsor; Jim Theofelis, A Way Home Washington; Usman Mian, Federal Way Youth Action Team; Liz Trautman, The Mockingbird Society & Washington Coalition for Homeless Youth Advocacy.

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