

SENATE BILL REPORT

SB 5535

As of February 3, 2022

Title: An act relating to repealing requirements for parent payment of the cost of their child's support, treatment, and confinement in juvenile rehabilitation residential facilities.

Brief Description: Repealing requirements for parent payment of the cost of their child's support, treatment, and confinement in juvenile rehabilitation residential facilities. [**Revised for 1st Substitute:** Repealing requirements for parent payment of the cost of their child's support, treatment, and confinement.]

Sponsors: Senators Wilson, C., Das, Dhingra, Hasegawa, Lovelett, Nguyen, Nobles, Robinson and Saldaña; by request of Department of Children, Youth, and Families.

Brief History:

Committee Activity: Human Services, Reentry & Rehabilitation: 1/13/22, 1/20/22 [DPS-WM].

Ways & Means: 2/03/22.

Brief Summary of First Substitute Bill

- Repeals the requirement for parents or other legally obligated persons to pay a portion of the cost of their child's support, treatment, and confinement in Department of Children, Youth, and Family's (DCYF) Juvenile Rehabilitation residential facilities and the local juvenile detention facilities.
- Cancels all outstanding debts or other obligations including interest charges owed by the parents or other legally obligated persons under the parent pay statute for the local courts and DCYF .
- Terminates all pending actions or proceedings against the parents or other legally obligated persons to recover the debt owed under the parent pay statute for the local courts and DCYF.

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

SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

Majority Report: That Substitute Senate Bill No. 5535 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Wilson, C., Chair; Nguyen, Vice Chair; Gildon, Ranking Member; Dozier, McCune, Saldaña and Trudeau.

Staff: Julie Tran (786-7283)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Monica Fontaine (786-7341)

Background: Juvenile Rehabilitation Institutions. On July 1, 2019, the Juvenile Rehabilitation Division (JR) transferred from the Department of Social and Health Services to the Department of Children, Youth and Families (DCYF). JR operates three juvenile institutions for juveniles, who are convicted of crimes and serving more than 30 days of confinement.

The Echo Glen Children's Center in Snoqualmie serves younger males, as well as female offenders. The Green Hill School in Chehalis serves older male offenders. The Naselle Youth Camp serves male offenders and provides services such as the forestry work program.

Juvenile Rehabilitation Community Facilities. Community facilities allow youth to begin transitioning back to the community. These facilities provide treatment, education, and vocational services. To be eligible for community facility placement, a youth must be placed on minimum security status. Minimum security status is based on risk and behavior assessments and requires that the individual served 10 percent of their aggregate minimum disposition or 30 days, whichever is greater, and all placement assessment requirements have been met. Individuals who attempt to escape or escape, individuals who are eligible for civil commitment, and individuals who meet other criteria are not eligible for minimum security status.

There are eight community facilities across the state including:

- Canyon View—Wenatchee;
- Oakridge—Lakewood;
- Parke Creek—Ellensburg;
- Ridgeview—Yakima;
- Sunrise—Ephrata;
- Touchstone—Olympia;
- Twin Rivers—Richland; and
- Woodinville—Kirkland.

Department of Children Youth and Families Parent Pay Statute. Under DCYF's Parent Pay statute, the court may order the parents or other legally obligated persons to pay a reasonable sum representing in whole or in part the costs of support, treatment, and confinement of the child when legal custody of a child is vested in someone other than the child's parents, and not vested in DCYF; after due notice to the parents or other persons legally obligated to care for and support the child; and after a hearing.

Parents or other persons legally obligated to care for and support the child are liable for the costs of support, treatment, and confinement of the child when the child's legal custody is vested in DCYF. The costs are in accordance to DCYF's cost schedule reimbursement. The court may proceed against the parent or other legally obligated person for contempt if that person willfully fails or refuses to pay the sum.

DCYF must serve the parents or other persons legally obligated to care for and support the child a notice and finding of financial responsibility. If the parents or other legally obligated persons object, an application for an adjudicative hearing may be filed within 20 days of the notice's date of service. Once the application for an adjudicative hearing is filed, the presiding or reviewing officer must determine the past liability and responsibility, if any, of the parents or other legally obligated persons and the amount of periodic payments to be made in the future.

If the parents or other legally responsible persons fails to file an application within 20 days, the notice and finding of financial responsibility becomes a final administrative order. These debts are subject to collection action without further action by the presiding or reviewing officer and may be collected by DCYF.

Payment exemptions must be made in certain circumstances for parents receiving various adoption support and a parent or other legally obligated person when the parent or other legally obligated person, or such person's child, spouse, or spouse's child, was the victim of the offense for which the child was committed.

Local Government Parent Pay Statute. Under the local court's Parent Pay statute, in any case where a child under the age of 18 has been placed in any detention facility under the juvenile court's jurisdiction, the court may inquire into the facts concerning the necessity or propriety of such child's detention, notwithstanding that the child may not have been found to be either a dependent or a delinquent child.

The court may, either in proceedings involving the question of dependency or delinquency of such child or in a separate proceeding, inquire into the necessity or propriety of such detention and into the ability of such person or persons to pay the cost of the child's detention upon the parent or parents, guardian, or other person having custody of said child being duly summoned or voluntarily appearing.

The court may enter such an order for the parent, guardian, or other person having custody

of the child to pay or contribute to the payment of the cost of the detention of a child under the age of 18 in any detention facility under the jurisdiction of the juvenile court, if the court finds:

- such detention was necessary or proper for the welfare of the child or for the protection of the community; and
- the parent, guardian, or other person having custody of such child are able to pay or contribute to the payment of the cost of such detention.

Summary of Bill (First Substitute): The requirements for the parents or other legally obligated persons to pay a portion of the cost of their child's support, treatment, and confinement in DCYF's JR residential facilities and local juvenile detention facilities are removed.

All pending actions or proceedings to recover debt owed by a parent or other person legally obligated to care for and support a child under the parent pay statute for the local courts and DCYF must be terminated with prejudice including, but not limited to tax refund intercepts, federal and state benefit intercepts, wage garnishments, payment plans, and automatic bank account deductions.

All outstanding debts or other obligations including but not limited to, interest charges owed by a parent or other person legally obligated to care for and support a child under the parent pay statute for the local courts and DCYF must be canceled with prejudice, rendered null and void, and considered paid in full.

Any assignment of collection authority for debt owed under the parent pay statute for the local courts and DCYF that was reported to a collection agency must be recalled and terminated, and any outstanding debt must be rendered null and void and considered paid in full.

This bill applies prospectively. Any money collected from a parent or other person legally obligated to care for and support a child under the parent pay statute for the local courts and DCYF before this bill's effective date will not be refunded to that person.

This action does not create a cause of action against the state of Washington.

EFFECT OF CHANGES MADE BY HUMAN SERVICES, REENTRY & REHABILITATION COMMITTEE (First Substitute):

- Repeals the local court's parent pay statute, which is the requirement for parents to pay for the cost of the juvenile's support, treatment, and confinement in local juvenile detention.
- Amends the title to read "repealing requirements for parent payment of the cost of their child's support, treatment, and confinement."
- Terminates with prejudice all pending actions or proceedings to recover debt owed by

a parent or other person legally obligated to care for and support a juvenile resident under the local court's parent pay statute.

- Cancels with prejudice and considers all outstanding debts or other obligations including interest charges owed by a parent or other person legally obligated to care for and support a juvenile resident under the local court's parent pay statute to be paid in full.
- Recalls, terminates, and considers any outstanding debts reported to a collection agency under the local court's parent pay statute to be paid in full.
- Provides that any money already collected prior to the effective date under the local court's parent pay statute will not be refunded.

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 on Original Bill (Human Services, Reentry & Rehabilitation): *The committee recommended a different version of the bill than what was heard.* PRO: This statute has been in practice since the 1970s and DCYF has an obligation to change the trajectory for the children and families in their care. This is an opportunity to do just that. Parent pay and other court fees have put an exorbitant price tag on justice. The cost of juvenile detention is one of the most frequent financial burdens and cost for families as it puts them into debt and increases the likelihood that the child in their care will reenter the criminal legal system. It disproportionately destabilizes families of color and economically vulnerable families at a time when they are already navigating significant crisis. Failure to pay can lead to wage garnishments and collections. The collection revenue does not justify the cost of the collections process itself.

Persons Testifying (Human Services, Reentry & Rehabilitation): PRO: Senator Claire Wilson, Prime Sponsor; Tyler Zacherle-Boyd, Confederated Tribes of the Colville Reservation; Jack Murphy, Washington Association of Juvenile Court Administrators; Kia Franklin, Stand for Children; Allison Krutsinger, Department of Children, Youth, and Families; Rachel Sottile, Center for Children & Youth Justice.

Persons Signed In To Testify But Not Testifying (Human Services, Reentry & Rehabilitation): No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): PRO: The bill repeals an unjust, ineffective parent pay statute that poses a significant financial burden on families, and disproportionately affects people of color. The frequent financial burden on families increases the likelihood of youths re-entering the juvenile justice system.

The bill provides an efficient alternative to a process that unnecessarily burdens young people and families in a system that disproportionately impacts people of color. In other states, these processes tend to be wasteful. In 2019, Oregon spent over \$800,000 to collect \$600,000. Nearly three-fourths of the JR population earns below 150 percent of the federal poverty level, meaning the state can't assess against them.

Constructive parental involvement promotes lasting positive outcomes for youth in juvenile justice. The parent pay statues are counter-productive; creating barriers, alienating families, and compounding distrust and financial hardship.

Persons Testifying (Ways & Means): PRO: Rachel Sottile, Center for Children & Youth Justice; Tyler Zacherle-Boyd, Confederated Tribes of the Colville Reservation; Kia Franklin, Stand for Children.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.