

SENATE BILL REPORT

SB 5617

As of February 10, 2025

Title: An act relating to providing for a child in need of services petition process for juveniles in and exiting detention.

Brief Description: Providing for a child in need of services petition process for juveniles in and exiting detention.

Sponsors: Senators Wilson, C., Frame, Hasegawa, Lovelett, Lovick, Nobles, Trudeau and Valdez.

Brief History:

Committee Activity: Human Services: 2/10/25.

Brief Summary of Bill

- Allows a juvenile in detention to file a child in need of services petition for the court to approve an out-of-home placement and wrap-around services if the juvenile has a reason to believe that there will be no parent, legal guardian, or responsible adult to whom they can be released when legal jurisdiction to detain ends.
- Permits the court to schedule an emergency hearing to be held prior to the fact-finding hearing, as soon as possible and no later than the time that legal authority to detain the juvenile ends.
- Strikes the expiration date for the Housing Stability for Youth in Crisis Program and expands the program statewide.
- Directs the Department of Children, Youth, and Families to offer contracts to provide community-based Family Reconciliation Services in three regions by January 1, 2026, and statewide by January 1, 2030, subject to appropriation.
- Directs the Partnership Council on Juvenile Justice to report to the Governor and the Legislature recommendations for modernizing Chapter

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.

13.32A.RCW and other necessary steps to develop a meaningful safety and support network to address the needs of unaccompanied minors by October 31, 2026.

SENATE COMMITTEE ON HUMAN SERVICES

Staff: Alison Mendiola (786-7488)

Background: Child in Need of Services. A child in need of services (CHINS) is defined as:

- a juvenile who is beyond the control of his or her parent such that the child's behavior endangers the health, safety, or welfare of the child or any other person;
- a juvenile that has been reported to law enforcement as absent without consent for a period of at least 24 consecutive hours on two or more separate occasions from the home of a parent, a crisis residential center, an out of home placement, or a court ordered placement and has exhibited a serious substance abuse problem or has exhibited behaviors that create a serious risk of harm to the health, safety, or welfare of the child or any other person;
- a juvenile who is in need of necessary services, including food, shelter, health care, clothing, or education; or services designed to maintain and reunite the family and the juvenile lacks access or declines to use those services and the parents of the juvenile 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
- a juvenile that is a sexually exploited child. Sexually exploited child means any person under the age of 18 who is the victim of the crime of commercial sex abuse of a minor, promoting commercial sexual abuse of a minor, or promoting travel for commercial sexual abuse of a minor.

Filing of a Child in Need of Services Petition. A CHINS petition shall allege that a child is a CHINS and shall ask only that the placement of a child outside the home of his or her parent be approved. A CHINS petition can be filed by a juvenile, that juvenile's parent, or the Department of Children, Youth, and Families (DCYF). A court must not accept a CHINS petition filed by the child or the parents unless DCYF, or a community-based entity under contracted with DCYF, has completed a family assessment or plan of services developed by the multidisciplinary team aimed at family reconciliation, reunification, and avoidance of the out-of-home placement of the child. DCYF must help either the parent or child in filing the petition. The petition must be filed in the county where the parent resides. When a proper CHINS petition to approve an out-of-home placement is filed, the juvenile court is required to schedule a fact-finding hearing within five days, if the child resides somewhere other than his or her parent's home and out-of-home placement. If the child is at home, or is in an out-of-home placement, then the court must schedule the hearing within ten days.

The court must notify the parent, child, and DCYF of the date of the hearing. Parents have the right to be represented by counsel or have appointed counsel if indigent. Children are appointed counsel. Parents of the child, and the child, are to be informed of the legal consequences of the court approving or disapproving a CHINS petition. Parents are also to be informed of their rights to file an at-risk youth (ARY) petition; right to submit an application for admission of their child to a treatment facility for alcohol, chemical dependency, or mental health treatment; and the right to file a guardianship petition. All parties to the proceeding, including DCYF, have a right to present evidence at the fact-finding hearing.

Once a CHINS petition has been filed, the child may be placed by DCYF in a crisis residential center, HOPE center, foster family home, group home facility, or any other suitable residence to be determined by DCYF. If a child is placed in a foster home, group care facility, or any other suitable residence determined by DCYF, then the child must remain there until final resolution of the petition by the court. Placement may be reviewed by the court within three judicial days upon the request of the child or the child's parent.

Fact-Finding Hearing. At a fact-finding hearing on the petition, the court may approve an order stating that the child shall be placed in a residence other than the home of his or her parent only if it is established by a preponderance of the evidence that:

- the child meets the definition of a CHINS;
- if the petitioner is a child, then the child has made reasonable efforts to resolve the conflict;
- reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and
- a suitable out-of-home placement resource is available.

The court is not allowed to grant a CHINS petition if it is established that the petition is based only upon a dislike of reasonable rules or reasonable discipline of the parent or the child is the subject of a dependency.

Out-of-Home Placement and Disposition Hearing. Following the fact-finding hearing the court may:

- approve and enter a temporary out-of-home placement option not to exceed 14 days pending a disposition hearing;
- approve an ARY petition filed by the parents and dismiss the CHINS petition; or
- dismiss the CHINS petition.

If a CHINS petition is granted, then a disposition hearing must take place no later than 14 days after the initial approval of the temporary out-of-home placement. At the conclusion of the disposition hearing, the court may reunite the family and dismiss the petition, approve of an ARY petition filed by the parents and dismiss the CHINS petition, approve an out of home placement requested in the CHINS petition of the parent, or order an out of home

placement at the request of the child not to exceed 90 days. The court may order DCYF to submit a dispositional plan. An out of home placement may not be continued past 180 days from the day the review hearing commenced.

A child who fails to comply with a court order shall be subject to contempt proceedings, but only if the noncompliance occurs within one year after the entry of the order.

Juvenile Detention, Local Sanctions and Community Supervision Violations. If a juvenile is taken into custody prior to an information being filed, court rules require the court to conduct a hearing on the issue of detention by the end of the next judicial day. At a preliminary appearance, the court will make a determination on probable cause. If the court finds probable cause for the alleged offense, the court may set conditions of release on the juvenile. When a juvenile is adjudicated of an offense, a juvenile may be sentenced to local sanctions. Local sanctions may consist of a combination of any of the following 0 to 30 days in a local detention facility, 0 to 12 months of community supervision, or 0 to 150 hours of community restitution. When a youth violates the terms of community supervision, a court may sentence a youth to 0 to 30 days in detention.

Housing Stability for Youth in Crisis. The Housing Stability for Youth in Crisis (HSYNC) Pilot Program was established by the Legislature in 2022. HSYNC, which is subject to appropriations, is intended to serve as a prevention tool for youth homelessness by identifying youth at risk of or currently experiencing homelessness within existing processes in juvenile court systems and referring youth and their families to appropriate prevention and housing services. HSYNC is operational in King, Kitsap, Okanogan, Pierce, Snohomish, and Spokane counties. The Department of Commerce's Office of Homeless Youth (OHY) is to provide a report to the Legislature and the Governor by October 1, 2025, that includes an evaluation of HSYNC and recommendations for improving and expanding the HSYNC Program. The HSYNC Pilot Program expires on July 1, 2026.

Family Reconciliation Services. Family Reconciliation Services (FRS) are voluntary services for runaway adolescents and youth in conflict with their families. The purpose of FRS is to increase the safety of children through the preservation of families and the provision of assessment, treatment, and placement services. The program targets adolescents between ages 12 through 17. FRS are meant to resolve temporary crisis situations and prevent unnecessary out-of-home placement. The goal is to return the family to a precrisis state and to work with the family to identify alternative methods of handling similar conflicts. If longer-term service needs are identified, FRS will help facilitate getting the youth and his or her family into ongoing services.

FRS may include, but are not limited to short-term family counseling; crisis residential center services; referrals for substance abuse treatment, or counseling, or both; referrals for behavioral health services; short-term placement; and family assessments in conjunction with juvenile court services.

DCYF is to make data about the use of FRS available on its website, including:

- the number of requests and referrals made for FRS;
- the demographic profile of families and youth accessing FRS including race, ethnicity, housing status, child welfare history, existence of an individualized education plan, eligibility for services under 29 U.S.C. 701 or eligibility for other disability-related services;
- the nature of the family conflict;
- the type and length for the FRS offered; and
- family outcomes after receiving FRS.

Partnership Council on Juvenile Justice. The Partnership Council on Juvenile Justice (PCJJ) is the primary state advisory group for matters pertaining to juvenile justice. The PCJJ was established by executive order directing the PCJJ to conform with the federal requirements of the Juvenile Justice and Delinquency Prevention Act, and to function as a common point of analysis, planning and advocacy for youth involved in the juvenile justice system or youth at risk of involvement in the juvenile justice system. PCJJ consists of 26 members appointed by the Governor with 25 percent of the members identified as youth under the age of 28, over 50 percent non-governmental employees, and two members of the Legislature.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Substitute): Child in Need of Services Petition. Prior to their release, a juvenile in detention or in the physical custody of the juvenile court may file a CHINS petition for the court to approve an out-of-home placement and wrap-around services if the juvenile has a reason to believe that there will be no parent, legal guardian, or responsible adult to whom they can be released when the court's legal jurisdiction to detain ends.

If the juvenile may be released from detention or physical custody of the court prior to the time of a scheduled fact-finding hearing, the court shall schedule an emergency hearing to be held as soon as possible and no later than the time that legal authority to detain the juvenile ends. Hearsay is admissible at the emergency hearing. If at the conclusion of the hearing the court finds the juvenile successfully argues that their parents are not able or willing to ensure their basic needs are met, the court shall order DCYF to take custody of the juvenile pending the outcome of a fact-finding hearing.

If the court schedules an emergency hearing, the court shall make diligent efforts to inform the parent or legal guardian of the emergency hearing. This notice may be given by any means reasonably certain of notifying the parent or legal guardian including, but not limited to, written, including in electronic format, telephone, or in-person oral notification.

If a CHINS petition is filed pursuant to this act:

- a family assessment is not required and the petition is to be filed in the county where

- the juvenile is detained;
- a parent does not have the right to file an ARY petition or submit an application for admission of their child to a treatment facility for alcohol, chemical dependency, mental health treatment, or file a guardianship petition;
- the court does not need to find that the petitioner made a reasonable effort to resolve the conflict or that a suitable out-of-home placement is available;
- the juvenile is not subject to contempt proceedings for noncompliance;
- a parent or DCYF cannot request a dismissal of the petition when it is not feasible for DCYF to provide services due to one or more of the following circumstances: the child has been absent from a court approved placement for 30 consecutive days or more; the parents, the child, or both refuse to cooperate in available, appropriate intervention aimed at reunifying the family; or DCYF has exhausted all available and appropriate resources that would result in a reunification; and
- the court is not able to dismiss a placement upon the request of the parents.

Responsible adult means an adult the court orders as a responsible adult to assist in making release plans with the juvenile. The juvenile may recommend adults that they believe to be a responsible adult for the court's consideration.

Housing Stability for Youth in Crisis. HSYNC is expanded statewide and is no longer a pilot program. HSYNC is to provide an annual report regarding the existing reporting requirements except for a recommendation for expanding HSYNC. Additional reporting requirements include any other relevant information as determined by OHY.

Family Reconciliation Services. Subject to appropriation, DCYF shall:

- offer contracts to provide community-based FRS in three regions served by DCYF, two regions on the west side of the mountains and one region on the east side of the mountains by January 1, 2026; and
- offer contracts to provide community-based FRS statewide by January 1, 2030.

Community-based FRS means FRS that are provided by a community-based entity under contract with DCYF. Additional data about FRS use that must be available on DCYF's website includes the number of requests for community-based FRS and the number of referrals made through community-based FRS.

Partnership Council on Juvenile Justice. PCJJ is to consider and provide recommendations regarding the family reconciliation, CHINS, ARY, and truancy systems in order to develop recommendations to modernize Chapter 13.32A RCW and align its intentions, goals, and services with other, newer chapters, including Chapter 43.330 RCW. PCJJ is authorized to consult with experts to study and gather research on best practices regarding supports and services for family reconciliation, ARY, CHINS in need of services, and truancy, and to consult with relevant stakeholders regarding its potential recommendations.

Relevant stakeholders may include, but are not limited to, the Superior Court Judges

Association; Washington Association of Juvenile Court Administrators; OHY; the Office of the Superintendent of Public Instruction; community-based organizations with expertise in unaccompanied youth, truancy professionals, and youth shelter providers; law enforcement; prosecutors; public defenders; incarcerated and formerly incarcerated youth and young adults; youth and young adults who have experienced homelessness; parents who have experienced raising ARY; chemical dependency treatment providers; adolescent behavioral health professionals; and the Administrative Office of the Courts.

By October 31, 2026, PCJJ shall report to the Governor and appropriate committees of the Legislature recommendations for modernizing Chapter 13.32A.RCW and other necessary steps to develop a meaningful safety and support network to address the needs of unaccompanied minors.

Recommendations from PCJJ shall consider restorative principles and best practices and shall be developed in consultation with those who have been unaccompanied minors; have experienced truancy, chemical dependency, or have been children in need of services; and family members of youth who have experienced truancy or at-risk behaviors.

PCJJ shall provide recommendations for updating statutory language, identifying gaps in the provision of services, recommending pathways to address those gaps, recommending program implementation including, but not limited to, structure and placement within state government; scope and scale of funding including eligibility criteria; court processes as needed; and coordination with the existing adolescent services.

Appropriation: The bill contains a section or sections to limit implementation to the availability of amounts appropriated for that specific purpose.

Fiscal Note: Requested on February 3, 2025.

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 Proposed Substitute: PRO: Minors are being released from a system of care into homelessness, a topic that this committee has discussed during two different work sessions over the interim. We need to expand tools and address gaps in the systems that unaccompanied minors face. There is no state agency tasked with caring for these children. This is an important bill to address the intersection of parents struggling to raise teenagers and teenagers struggling. Teenagers should not be treated as criminals or put in dependency. We want a community driven and community based response.

The available tools are outdated and doesn't recognize the ways that families struggle. Programs that are available now didn't exist 30 years ago when this statute was enacted.

This bill addresses the long standing crisis of incarcerated youth with nowhere to go and provides an emergency pathway for the court to intervene, acknowledging this bill needs to more work. Each case is as unique as any family. There can be high mental health needs, high conflict with step parents, substance use, harm caused to the family and the parents can't keep the child safe in their own home. When a parent doesn't pick up their child, they are abandoned, which is neglect. Allowing protective custody won't solve all cases but right now you can't get a CHINS petition granted if DCYF says there is no placement for the child. There should always be a pathway for reconciliation, but that won't be the outcome in every case. Some families just need time apart and the parents and child can learn skills to safely live together. If DCYF doesn't take the youth, where do they go?

OTHER: When there is no child abuse or neglect, CPS is not the right response. The greatest concern about this bill is fast tracking children into the foster care system and the bill doesn't allow the court to consider if DCYF has a place for the youth, which is disruptive to the youth. DCYF is under a settlement agreement regarding night to night stays because they didn't have a placement for youth. Courts are in a difficult situation when the youth no one to release to. One of the biggest concerns is the youth is choosing to file the petition—DCYF should take the youth if there is no placement at release. Based on the timing of detention, emergencies hearing are not possible. Additionally, a youth can be detained in a county where they do not reside and they should be released to the county where they came from. The challenge is courts don't know when a parent isn't going to show up.

Persons Testifying: PRO: Senator Claire Wilson, Prime Sponsor; Aaron Yared, Building Changes; Karen Pillar, TeamChild; Roxana Gomez, Legal Counsel for Youth and Children; Sara Zier, TeamChild.

OTHER: Julie Watts, Department of Children, Youth and Families; Judge Kristin Ferrera, Superior Court Judges' Association; George Moya, Washington Association of Juvenile Court Administrators.

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