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HOUSE BILL 1248

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State of Washington

69th Legislature

2025 Regular Session

By Representative Couture

Prefiled 01/10/25. Read first time 01/13/25. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to improving the effectiveness of juvenile  
2 justice programs by providing ongoing evaluations and clarifying  
3 juvenile diversion practices; and amending RCW 43.20C.020 and  
4 13.40.080.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 43.20C.020 and 2014 c 225 s 66 are each amended to  
7 read as follows:

8 ~~((The department of social and health services shall accomplish  
9 the following in consultation and collaboration with the Washington  
10 state institute for public policy, the evidence-based practice  
11 institute at the University of Washington, a university-based child  
12 welfare partnership and research entity, other national experts in  
13 the delivery of evidence-based services, and organizations  
14 representing Washington practitioners:))~~

15 (1) ~~((By September 30, 2012, the Washington state institute for  
16 public policy, the University of Washington evidence-based practice  
17 institute, in consultation with the department shall publish  
18 descriptive definitions of evidence-based, research-based, and  
19 promising practices in the areas of child welfare, juvenile  
20 rehabilitation, and children's mental health services.))~~

1 (a) (~~(In addition to descriptive definitions, the)~~) The  
2 Washington state institute for public policy and the University of  
3 Washington evidence-based practice institute must prepare an  
4 inventory of evidence-based, research-based, and promising practices  
5 for prevention and intervention services (~~that will be used for the~~  
6 ~~purpose of completing the baseline assessment described in subsection~~  
7 ~~(2) of this section~~). The inventory shall be periodically updated as  
8 more practices are identified.

9 (b) In identifying evidence-based and research-based services,  
10 the Washington state institute for public policy and the University  
11 of Washington evidence-based practice institute must:

12 (i) Consider any available systemic evidence-based assessment of  
13 a program's efficacy and cost-effectiveness; and

14 (ii) Attempt to identify assessments that use valid and reliable  
15 evidence.

16 (c) Using state, federal, or private funds, the department of  
17 social and health services and the department of children, youth, and  
18 families shall prioritize the assessment of promising practices  
19 identified in (a) of this subsection with the goal of increasing the  
20 number of such practices that meet the standards for evidence-based  
21 and research-based practices.

22 (2) (~~(By June 30, 2013, the department and the health care~~  
23 ~~authority shall complete a baseline assessment of utilization of~~  
24 ~~evidence-based and research-based practices in the areas of child~~  
25 ~~welfare, juvenile rehabilitation, and children's mental health~~  
26 ~~services. The assessment must include prevention and intervention~~  
27 ~~services provided through medicaid fee-for-service and healthy~~  
28 ~~options managed care contracts. The assessment shall include~~  
29 ~~estimates of:~~

30 ~~(a) The number of children receiving each service;~~

31 ~~(b) For juvenile rehabilitation and child welfare services, the~~  
32 ~~total amount of state and federal funds expended on the service;~~

33 ~~(c) For children's mental health services, the number and~~  
34 ~~percentage of encounters using these services that are provided to~~  
35 ~~children served by behavioral health organizations and children~~  
36 ~~receiving mental health services through medicaid fee-for-service or~~  
37 ~~healthy options;~~

38 ~~(d) The relative availability of the service in the various~~  
39 ~~regions of the state; and~~

40 ~~(e) To the extent possible, the unmet need for each service.~~

1 ~~(3) (a) By December 30, 2013, the department and the health care~~  
2 ~~authority shall report to the governor and to the appropriate fiscal~~  
3 ~~and policy committees of the legislature on recommended strategies,~~  
4 ~~timelines, and costs for increasing the use of evidence-based and~~  
5 ~~research-based practices. The report must distinguish between a~~  
6 ~~reallocation of existing funding to support the recommended~~  
7 ~~strategies and new funding needed to increase the use of the~~  
8 ~~practices.~~

9 ~~(b) The department shall provide updated recommendations to the~~  
10 ~~governor and the legislature by December 30, 2014, and by December~~  
11 ~~30, 2015.~~

12 ~~(4) (a) The report required under subsection (3) of this section~~  
13 ~~must include recommendations for the reallocation of resources for~~  
14 ~~evidence-based and research-based practices and substantial increases~~  
15 ~~above the baseline assessment of the use of evidence-based and~~  
16 ~~research-based practices for the 2015-2017 and the 2017-2019 biennia.~~  
17 ~~The recommendations for increases shall be consistent with subsection~~  
18 ~~(2) of this section.~~

19 ~~(b) If the department or health care authority anticipates that~~  
20 ~~it will not meet its recommended levels for an upcoming biennium as~~  
21 ~~set forth in its report, it must report to the legislature by~~  
22 ~~November 1st of the year preceding the biennium. The report shall~~  
23 ~~include:~~

- 24 ~~(i) The identified impediments to meeting the recommended levels;~~  
25 ~~(ii) The current and anticipated performance level; and~~  
26 ~~(iii) Strategies that will be undertaken to improve performance.~~

27 ~~(5) Recommendations made pursuant to subsections (3) and (4) of~~  
28 ~~this section must include strategies to identify programs that are~~  
29 ~~effective with ethnically diverse clients and to consult with tribal~~  
30 ~~governments, experts within ethnically diverse communities, and~~  
31 ~~community organizations that serve diverse communities.)) The~~  
32 ~~Washington state institute for public policy shall conduct biennial~~  
33 ~~outcome evaluations of juvenile justice programs identified as~~  
34 ~~evidence-based.~~

35 (a) The Washington state institute for public policy shall  
36 prioritize juvenile justice programs for evaluation under this  
37 section based on:

- 38 (i) The length of time since an evaluation has been conducted on  
39 the program; and  
40 (ii) The number of juveniles participating in the program.

1       (b) The outcome evaluations required under this subsection (2)  
2 must focus on recidivism and include a benefit-cost analysis.

3       **Sec. 2.** RCW 13.40.080 and 2022 c 34 s 1 are each amended to read  
4 as follows:

5       (1) A diversion agreement shall be a contract between a juvenile  
6 accused of an offense and a diversion unit whereby the juvenile  
7 agrees to fulfill certain conditions in lieu of prosecution. Such  
8 agreements may be entered into only after the prosecutor, or  
9 probation counselor pursuant to this chapter, has determined that  
10 probable cause exists to believe that a crime has been committed and  
11 that the juvenile committed it. Such agreements shall be entered into  
12 as expeditiously as possible.

13       (2) A diversion agreement shall be limited to one or more of the  
14 following:

15       (a) Community restitution not to exceed one hundred fifty hours,  
16 not to be performed during school hours if the juvenile is attending  
17 school;

18       (b) Restitution limited to the amount of actual loss incurred by  
19 any victim, excluding restitution owed to any insurance provider  
20 under Title 48 RCW;

21       (c) Attendance at up to ten hours of counseling and/or up to  
22 twenty hours of positive youth development, educational or  
23 informational sessions at a community agency. The educational or  
24 informational sessions may include sessions relating to respect for  
25 self, others, and authority; victim awareness; accountability; self-  
26 worth; responsibility; work ethics; good citizenship; literacy; and  
27 life skills. If an assessment identifies mental health or chemical  
28 dependency needs, a youth may access up to thirty hours of  
29 counseling. The counseling sessions may include services demonstrated  
30 to improve behavioral health and reduce recidivism. For purposes of  
31 this section, "community agency" may also mean a community-based  
32 nonprofit organization, a physician, a counselor, a school, or a  
33 treatment provider, if approved by the diversion unit. The state  
34 shall not be liable for costs resulting from the diversion unit  
35 exercising the option to permit diversion agreements to mandate  
36 attendance at up to thirty hours of counseling and/or up to twenty  
37 hours of educational or informational sessions;

1 (d) Requirements to remain during specified hours at home,  
2 school, or work, and restrictions on leaving or entering specified  
3 geographical areas; and

4 (e) Upon request of any victim or witness, requirements to  
5 refrain from any contact with victims or witnesses of offenses  
6 committed by the juvenile.

7 (3) Notwithstanding the provisions of subsection (2) of this  
8 section, youth courts are not limited to the conditions imposed by  
9 subsection (2) of this section in imposing sanctions on juveniles  
10 pursuant to RCW 13.40.630.

11 (4) In assessing periods of community restitution to be performed  
12 and restitution to be paid by a juvenile who has entered into a  
13 diversion agreement, the court officer to whom this task is assigned  
14 shall consult with the juvenile's custodial parent or parents or  
15 guardian. To the extent possible, the court officer shall advise the  
16 victims of the juvenile offender of the diversion process, offer  
17 victim impact letter forms and restitution claim forms, and involve  
18 members of the community. Such members of the community may meet with  
19 the juvenile and may advise the court officer as to the terms of the  
20 diversion agreement and may supervise the juvenile in carrying out  
21 its terms.

22 (5)(a) A diversion agreement may not exceed a period of six  
23 months and may include a period extending (~~beyond the eighteenth~~)  
24 up to the 21st birthday of the divertee.

25 (b) If additional time is necessary for the juvenile to complete  
26 the terms of the agreement or restitution to a victim, the time  
27 period limitations of this subsection may be extended by an  
28 additional six months at the request of the juvenile.

29 (c) If the juvenile has not paid the full amount of restitution  
30 by the end of the additional six-month period, then the juvenile  
31 shall be referred to the juvenile court for entry of a civil order  
32 establishing the amount of restitution still owed to the victim. In  
33 this order, the court shall also determine the terms and conditions  
34 of the restitution, including a payment plan extending up to ten  
35 years if the court determines that the juvenile does not have the  
36 means to make full restitution over a shorter period. For the  
37 purposes of this subsection (5)(c), the juvenile shall remain under  
38 the court's jurisdiction for a maximum term of ten years after the  
39 juvenile's eighteenth birthday. Prior to the expiration of the  
40 initial ten-year period, the juvenile court may extend the judgment

1 for restitution an additional ten years. The court may relieve the  
2 juvenile of the requirement to pay full or partial restitution if the  
3 juvenile reasonably satisfies the court that he or she does not have  
4 the means to make full or partial restitution and could not  
5 reasonably acquire the means to pay the restitution over a ten-year  
6 period. If the court relieves the juvenile of the requirement to pay  
7 full or partial restitution, the court may order an amount of  
8 community restitution that the court deems appropriate. The county  
9 clerk shall make disbursements to victims named in the order. The  
10 restitution to victims named in the order shall be paid prior to any  
11 payment for other penalties or monetary assessments. A juvenile under  
12 obligation to pay restitution may petition the court for modification  
13 of the restitution order.

14 (d) A diversion agreement may be completed by the juvenile any  
15 time prior to an order terminating the agreement.

16 (6) The juvenile shall retain the right to be referred to the  
17 court at any time prior to the signing of the diversion agreement.

18 (7) Divertees and potential divertees shall be afforded due  
19 process in all contacts with a diversion unit regardless of whether  
20 the juveniles are accepted for diversion or whether the diversion  
21 program is successfully completed. Such due process shall include,  
22 but not be limited to, the following:

23 (a) A written diversion agreement shall be executed stating all  
24 conditions in clearly understandable language;

25 (b) Violation of the terms of the agreement shall be the only  
26 grounds for termination;

27 (c) No divertee may be terminated from a diversion program  
28 without being given a court hearing, which hearing shall be preceded  
29 by:

30 (i) Written notice of alleged violations of the conditions of the  
31 diversion program; and

32 (ii) Disclosure of all evidence to be offered against the  
33 divertee;

34 (d) The hearing shall be conducted by the juvenile court and  
35 shall include:

36 (i) Opportunity to be heard in person and to present evidence;

37 (ii) The right to confront and cross-examine all adverse  
38 witnesses;

39 (iii) A written statement by the court as to the evidence relied  
40 on and the reasons for termination, should that be the decision; and

1 (iv) Demonstration by evidence that the divertee has  
2 substantially violated the terms of his or her diversion agreement;

3 (e) The prosecutor may file an information on the offense for  
4 which the divertee was diverted(~~(+~~

5 ~~(i) In~~) in juvenile court if the divertee is under (~~(eighteen))~~  
6 21 years of age; (~~(or~~

7 ~~(ii) In superior court or the appropriate court of limited~~  
8 ~~jurisdiction if the divertee is eighteen years of age or older)) and~~

9 (f) In no case may a court terminate a diversion agreement on or  
10 after the juvenile's 21st birthday and, thereafter, any pending  
11 information in the case diverted and any pending motion to terminate  
12 shall be dismissed with prejudice, and the matter shall remain  
13 criminal history as defined in RCW 13.40.020 unless sealed or  
14 destroyed.

15 (8) The diversion unit shall, subject to available funds, be  
16 responsible for providing interpreters when juveniles need  
17 interpreters to effectively communicate during diversion unit  
18 hearings or negotiations.

19 (9) The diversion unit shall be responsible for advising a  
20 divertee of his or her rights as provided in this chapter.

21 (10) The diversion unit may refer a juvenile to a restorative  
22 justice program, community-based counseling, or treatment programs.

23 (11) The right to counsel shall inure prior to the initial  
24 interview for purposes of advising the juvenile as to whether he or  
25 she desires to participate in the diversion process or to appear in  
26 the juvenile court. The juvenile may be represented by counsel at any  
27 critical stage of the diversion process, including intake interviews  
28 and termination hearings. The juvenile shall be fully advised at the  
29 intake of his or her right to an attorney and of the relevant  
30 services an attorney can provide. For the purpose of this section,  
31 intake interviews mean all interviews regarding the diversion  
32 agreement process.

33 The juvenile shall be advised that a diversion agreement shall  
34 constitute a part of the juvenile's criminal history as defined by  
35 RCW 13.40.020(8). A signed acknowledgment of such advisement shall be  
36 obtained from the juvenile, and the document shall be maintained by  
37 the diversion unit together with the diversion agreement, and a copy  
38 of both documents shall be delivered to the prosecutor if requested  
39 by the prosecutor. The supreme court shall promulgate rules setting  
40 forth the content of such advisement in simple language.

1 (12) When a juvenile enters into a diversion agreement, the  
2 juvenile court may receive only the following information for  
3 dispositional purposes:

4 (a) The fact that a charge or charges were made;

5 (b) The fact that a diversion agreement was entered into;

6 (c) The juvenile's obligations under such agreement;

7 (d) Whether the alleged offender performed his or her obligations  
8 under such agreement; and

9 (e) The facts of the alleged offense.

10 (13) A diversion unit may refuse to enter into a diversion  
11 agreement with a juvenile. When a diversion unit refuses to enter a  
12 diversion agreement with a juvenile, it shall immediately refer such  
13 juvenile to the court for action and shall forward to the court the  
14 criminal complaint and a detailed statement of its reasons for  
15 refusing to enter into a diversion agreement. The diversion unit  
16 shall also immediately refer the case to the prosecuting attorney for  
17 action if such juvenile violates the terms of the diversion  
18 agreement.

19 (14) A diversion unit may, in instances where it determines that  
20 the act or omission of an act for which a juvenile has been referred  
21 to it involved no victim, or where it determines that the juvenile  
22 referred to it has no prior criminal history and is alleged to have  
23 committed an illegal act involving no threat of or instance of actual  
24 physical harm and involving not more than fifty dollars in property  
25 loss or damage and that there is no loss outstanding to the person or  
26 firm suffering such damage or loss, counsel and release or release  
27 such a juvenile without entering into a diversion agreement. A  
28 diversion unit's authority to counsel and release a juvenile under  
29 this subsection includes the authority to refer the juvenile to  
30 community-based counseling or treatment programs or a restorative  
31 justice program. Any juvenile released under this subsection shall be  
32 advised that the act or omission of any act for which he or she had  
33 been referred shall constitute a part of the juvenile's criminal  
34 history as defined by RCW 13.40.020(8). A signed acknowledgment of  
35 such advisement shall be obtained from the juvenile, and the document  
36 shall be maintained by the unit, and a copy of the document shall be  
37 delivered to the prosecutor if requested by the prosecutor. The  
38 supreme court shall promulgate rules setting forth the content of  
39 such advisement in simple language. A juvenile determined to be  
40 eligible by a diversion unit for release as provided in this



1 subsection shall retain the same right to counsel and right to have  
2 his or her case referred to the court for formal action as any other  
3 juvenile referred to the unit.

4 (15) A diversion unit may supervise the fulfillment of a  
5 diversion agreement entered into before the juvenile's (~~eighteenth~~)  
6 21st birthday (~~(and which includes a period extending beyond the~~  
7 ~~divertee's eighteenth birthday)~~). A diversion unit may not supervise  
8 the fulfillment of a diversion agreement on or after the juvenile's  
9 21st birthday.

10 (16) If restitution required by a diversion agreement cannot  
11 reasonably be paid due to a change of circumstance, the diversion  
12 agreement may be modified at the request of the divertee and with the  
13 concurrence of the diversion unit to convert unpaid restitution into  
14 community restitution. The modification of the diversion agreement  
15 shall be in writing and signed by the divertee and the diversion  
16 unit. The number of hours of community restitution in lieu of a  
17 monetary penalty shall be converted at the rate of the prevailing  
18 state minimum wage per hour.

19 (17) In no case may a diversion be entered for an offense  
20 committed on or after the juvenile's 18th birthday.

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