

HOUSE BILL REPORT

HB 1417

As Reported By House Committee On:
Children & Family Services
Appropriations

Title: An act relating to juveniles.

Brief Description: Changing provisions relating to juveniles.

Sponsors: Representatives Carrell, Wolfe, Ballasiotes, Morris, Hymes, Conway, Pennington, Cooke, Lambert, Smith, McMorris, Sherstad, Elliot, Mitchell, McMahan, Regala, Basich, B. Thomas, Padden, Ebersole, Robertson, Schoesler, Patterson, Campbell, Mulliken, Johnson, Talcott, Thompson, Scott, Huff, Boldt and Chopp.

Brief History:

Committee Activity:

Children & Family Services: 2/9/95, 2/21/95 [DPS];
Appropriations: 3/4/95, 3/6/95 [DP2S(w/o sub CFS)].

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Cooke, Chairman; Lambert, Vice Chairman; Stevens, Vice Chairman; Boldt; Buck; Carrell; Padden and Patterson.

Minority Report: Do not pass. Signed by 3 members: Representatives Thibaudeau, Ranking Minority Member; Brown, Assistant Ranking Minority Member; and Tokuda.

Staff: David Knutson (786-7146).

Background: When a minor runs away from home, law enforcement officers are required to pick up the child and either return the child to the parent's home, or take the child to a crisis residential center, an extended family member, or other responsible adult. If a minor expresses fear at the prospect of returning home, the child will be taken to the nearest crisis residential center. There are very few crisis residential centers operating around Washington state. Crisis residential centers are operated as semi-secure facilities. As such, they cannot stop minors who decide to run away from a crisis residential center. This has frustrated parents and law

enforcement who want runaways held in a secure facility where their problems can be assessed and treated in a therapeutic setting. A child who runs away from home is subject to legal sanctions only if the child is the subject of a court order.

Parents can commit their child to substance abuse treatment if the child is under 14 years old and mental health treatment if the child is under 13 years old. If the child is 14 years old or older for substance abuse treatment or 13 years old or older for mental health treatment the child's consent must first be obtained.

Summary of Substitute Bill: Crisis residential centers will be operated as secure facilities in a manner to reasonably assure that children placed there do not run away. The Department of Social and Health Services will establish appropriate security requirements by rule for all facilities serving as crisis residential centers to ensure children placed there will not run away. When law enforcement is notified by a court that there is probable cause to believe the child has violated an at-risk youth order or an alternative residential placement order, or the court has issued an order for law enforcement pick up of a child, the child will be picked up and held in a secure juvenile detention facility. Persons who harbor runaways and do not report to a law enforcement agency will be guilty of a gross misdemeanor. Parents will be allowed to commit their child to a substance abuse or mental health facility without the child's consent.

Substitute Bill Compared to Original Bill: Legislative intent is stated that runaway children should be protected, provided appropriate services, and parents should be empowered to raise their children. The Department of Social and Health Services will establish appropriate security requirements for all crisis residential centers to ensure children will not be able to leave without authorization. People who harbor runaways and do not report to law enforcement agency within four hours will be guilty of a gross misdemeanor. Due process rights are provided prior to the Department of Licensing suspending a juvenile's driver's license. If a court finds a juvenile has run away three times in a 12-month period the court will order the juvenile detained for up to six months in a secure facility or other court ordered treatment program.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Current laws concerning runaways are dangerously out dated and put a child at great risk. The law should help parents retain control over their children and not provide children with extensive rights. Crisis residential centers

should be required to keep children from running away through appropriate security provisions. Parents have to kidnap their children and take them out of state in order to provide them treatment for substance abuse or mental health problems in a secure setting.

Testimony Against: Running away should not be criminalized. Most children running away from home are running away from abuse or neglect. These children need services and support, not incarceration.

Testified: Representative Michael Carrell, prime sponsor; Representative Cathy Wolfe, prime sponsor; Representative Bill Backlund, sponsor; Representative Lambert, sponsor; Dennis Hedman, Runaway Alliance (father of "Becca") (pro); Brick Wager (pro); Denise Dickenson (pro); Kristi Vanselow, Runaway Alliance (pro); Jeff Smith, Provo Canyon School (pro); Tish Culp (pro); Michelle Hall (pro); Linda Meyer, Teen Hope (con); Heidie Crawford (concerns); Rachel Simpson (concerns); Barbara Ivanov (concerns); Delona Calkins (pro); Jim Theofelis, Youth Care (concerns); Tony Lee, Children's Alliance (con); Anne O'Leary, Denny Place Youth Shelter (concerns); Jennifer Ahrens (con); Steve Butler (pro); Judi May, Runaway Alliance (pro); Margaret Casey, Washington State Catholic Conference (concerns); Steven Phillips (concerns); Judy Kinney, U-District Youth Center (concerns); Alec Spencer, U-District Youth Center (concerns); Wayne Strombach, Runaway Alliance (pro); Heather Hamilton, Department of Licensing (concerns); Victoria Rumminger, Runaway Alliance (pro); Debbie Davis, Tough Love Parent Support Group (con); Susan Adams, Tough Love Parent Support Group (con); Jim Whittenburg, Lobby for Social Concerns (con); and Carrie Lybecher (concerns).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children & Family Services. Signed by 29 members: Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; Foreman; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Staff: David Knutson (786-7146).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Children & Family Services: Local school districts will establish community truancy boards. The boards will seek to improve school attendance of truants. A parent's insurance carrier is not liable for substance

abuse or mental health treatment unless the parent gives their consent to the treatment. Parents may appeal a decision not to provide their child with substance abuse or mental health treatment. The second substitute deletes the requirement that a child who runs away three times in a 12 month period will be detained in a secure facility or other court ordered treatment program for six months. The age at which children can give their consent to substance abuse or mental health treatment is standardized at 14 years of age.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on March 7, 1995

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

Testimony For: None.

Testimony Against: Runaways should not be locked up if they do not have a serious substance abuse or mental health problem. Requiring people who shelter runaways to report to police within four hours could have a chilling effect on overnight youth shelters.

Testified: Margaret Casey, Washington Catholic Conference (con).