

Structure and Function of the State's Juvenile Justice System

Washington State enacted its first juvenile code in 1913. The code remained in effect without major changes until 1977. In 1967, the United States Supreme Court forced many states, including Washington, to revise their juvenile laws. The Court held that juveniles, between the ages of eight and 18, were entitled to most of the same constitutional rights as adults, except trial by jury.

In 1977, the Washington State Legislature totally revised the state's juvenile code. This code, modeled after the federal Juvenile Justice and Delinquency Prevention Act of 1974, went into effect on July 1, 1978. The legislature has made revisions to the code each year since its enactment.

In 1997, the Washington State Legislature revised the state's juvenile code with the passage of E3SHB 3900. The Revised Code of Washington divides juvenile law into three main areas: juvenile offenders, the family reconciliation act, and dependency/termination of parental rights. Other sections of the code deal with juvenile records and the relationship between states in juvenile matters.

Juvenile Offenders

The Juvenile Justice Act of 1977, and its revisions, governs the management of all juvenile offenders. The Act places emphasis on protecting society and on holding juveniles accountable for their offenses. Parents are encouraged and required to participate in juvenile offender proceedings against their child.

Under the Juvenile Justice Act, youth between the ages of eight and eighteen can be charged with the same crimes as adults. The County Prosecuting Attorney's Office is responsible for prosecuting juvenile cases. The prosecutor decides whether to divert a case, whether charges should be filed, and which crimes should be charged. Juveniles who commit traffic, fish,

game, or boat violations are treated as though they were adults and handled by District or Municipal Courts.

The juvenile courts, which are part of the Superior Court system, handle all charges against juveniles outside of what is handled by District or Municipal Court. Juveniles who are sentenced to confinement serve time in either a local juvenile detention facility and/or a state juvenile facility, instead of an adult jail.

Juveniles who have committed minor crimes, such as shoplifting, and do not have a record of serious offenses, may be offered diversion instead of being taken to court. Juveniles who are diverted meet with citizen volunteers or a court representative who decides the appropriate diversion agreement.

A diversion agreement may be restitution (repayment to the victim), counseling, informational or educational sessions, a fine of up to \$100, and/or community service hours. The juvenile signs the agreement, and if it is completed, no conviction appears on the juvenile's record. If the agreement is broken, the juvenile is referred to the court. Juveniles who commit more serious offenses, and those who fail to keep their diversion agreements, are charged in Juvenile Court.

A juvenile who commits a very serious crime, such as aggravated murder, may be treated as an adult for that crime and for any future crimes committed. A juvenile court must make the determination that handling the juvenile as an adult is the appropriate course of action for the accused offender. Although in general juveniles may not be housed with adult offenders, juveniles remanded to adult court may serve their jail or prison terms in adult facilities.

The Violence Reduction Act, passed in 1994, transferred jurisdiction of 16- and 17-year-old youth charged with certain violent felonies to the Superior Court, to be tried as adults.

Legislation enacted in 1997 increased the range of offenses warranting transfer to adult court and placement in adult facilities for juveniles over the age of 16. The offenses include: robbery

1, rape of a child 1, drive-by shooting, burglary 1 if the offender has a prior adjudication, and any violent offense if the offender was armed with a firearm.

When a juvenile pleads not guilty, the court holds a fact finding hearing (a juvenile trial) to determine guilt or innocence. Unlike adults, juveniles do not have the right to a jury trial, but are tried by a judge. A finding of guilty requires a hearing for sentencing.

Sentencing of Offenders

In imposing a sentence, the court follows a sentencing grid based on the current offense and prior adjudications.

The “standard range” sentence which a judge may impose may include time in a local detention facility designed for short-term residential confinement, a fine, restitution, community service and/or community supervision (probation). For serious or repeat offenders, the judge may commit a youth to the care of the Department of Social and Health Services’ Juvenile Rehabilitation Administration (JRA). JRA provides long-term confinement and individual treatment services to youth within a continuum of maximum, medium, and minimum security residential care facilities followed by a period of parole aftercare.

In imposing a sentence, a judge may use the standard range unless he or she declares a “manifest injustice.” In declaring a “manifest injustice,” the judge is saying that the standard sentence is either too harsh for the offender or too lenient to protect the community. The seriousness of a juvenile’s prior adjudications may be considered by the court for the purposes of imposing a disposition outside the standard range. In these instances, the judge must put his or her reasons for the determination in writing.

Certain offenders are eligible for a Chemical Dependency Disposition Alternative (CDDA). The court may require the offender to attend available outpatient or in-patient treatment. Certain

offenders are eligible for a Special Sex Offender Disposition Alternative (SSODA). SSODA is for juvenile offenders adjudicated for a first-time sex offense other than Rape in the 1st Degree, and requires the offender to participate in treatment with a state-certified therapist and remain on community supervision for at least 24 months; other conditions may also be imposed, including up to 30 days of confinement.

New disposition options were implemented in July 2003. Certain offenders may be eligible for the Mental Health Disposition Option (similar to CDDA and SSODA, except for juveniles with mental health-related issues) and Option B, a suspended commitment option for youth who are not eligible for CDDA, SSODA, or MHDA.

Juvenile Detention Facilities

Washington has **21 county-operated detention centers**, which are maintained by the juvenile courts; and **one regional center**, maintained by a consortium of counties (14 of the detention centers are in western Washington, and eight are in eastern Washington). Juveniles from all 39 counties are held in these facilities. Juveniles are held in local detention facilities either to await court hearings or as sentenced juveniles.

There is one federally approved, **collocated juvenile detention facility** located in Whitman County where the adult jail is located adjacent to the detention facility. This short-term facility is used only intermittently to hold juveniles (and juveniles have not been held in the facility for the past 3 years).

Juvenile Correctional Institutions

The **Juvenile Rehabilitation Administration (JRA)**, Department of Social and Health Services, provides rehabilitative services to juvenile offenders adjudicated for crimes throughout the state.

JRA operates the following four secure residential facilities: Two maximum-security institutions (Green Hill School and Echo Glen Children’s Center); one medium security forestry camp (Naselle Youth Camp); and one Basic Training

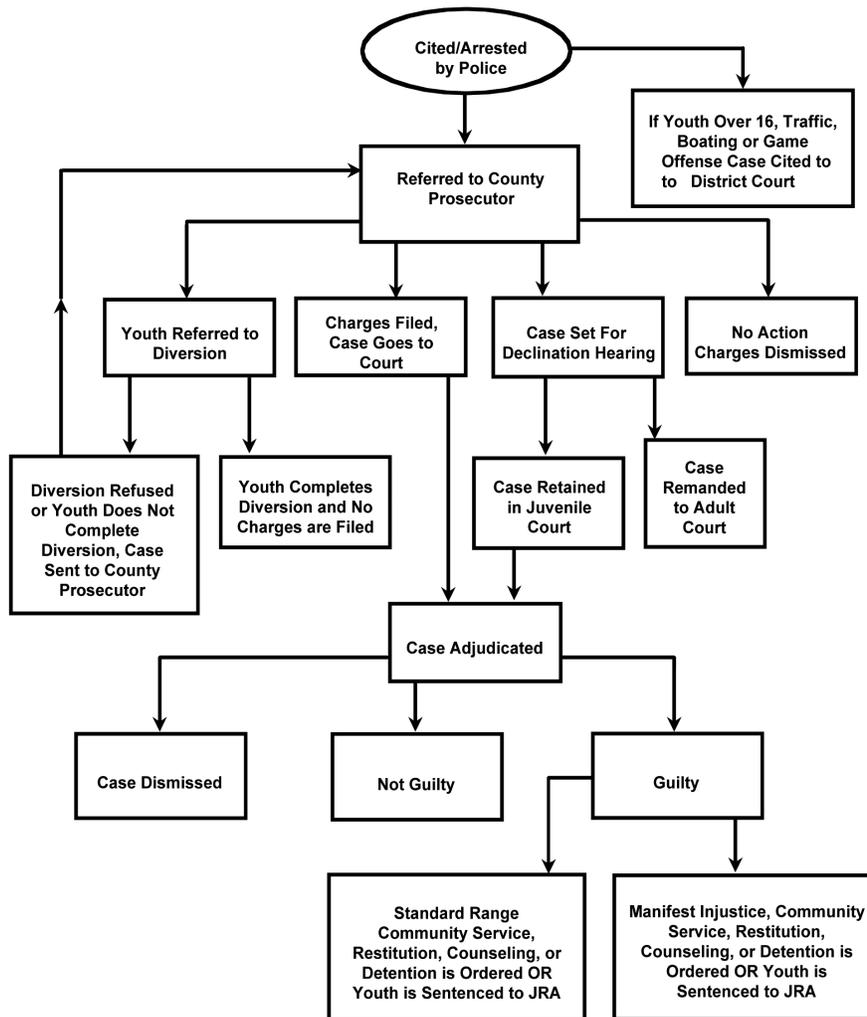
Camp ("Camp Outlook"), which is operated through a contract with Pioneer Human Services, a private non-profit organization. Due to state budget reductions, the Maple Lane School closed on June 30, 2011. Echo Glen Children's Center provides services for female offenders. The basic training camp provides a 120-day program for both male and female offenders.

JRA also operates seven state-run community facilities with 103 minimum-security community

beds, with an additional state-run facility with 15 beds in State Fiscal Year 2012. Additionally, JRA contracts with one private provider for 6 Residential Treatment and Care Beds for low-risk offenders that replicate the Therapeutic Foster Care blueprints program.

Juveniles released from JRA residential programs may be supervised in the community for up to 6 months; most sex offenders are supervised for 24 to 36 months.

Juvenile Justice System Flow Chart for Criminal Offenses



JRA provides Cognitive Behavioral Treatment with an emphasis on the Dialectical Behavior treatment model for most of the youth in residential care. Additionally, JRA provides specialized drug and alcohol treatment services to substance abusing and chemically dependent juvenile offenders. JRA operates three separate intensive inpatient chemical dependency programs, two intensive outpatient programs and one recovery house and long-term care chemical dependency program. Other institutional and community programs include: drug and alcohol assessment, intervention, education, and aftercare.

Sex offenders are provided assessments, treatment, and resources throughout the JRA system.

Offenders with mental health disorders are given assessments, appropriate medication management, and treatment services. In 2010, it was reported that 60 percent of the youth currently in residential care have significant mental health issues. This segment of JRA's population has risen from 40 percent of the residential population in 2000.

Locally Committed Youth Block Grant

The Juvenile Rehabilitation Administration manages the **Locally Committed Youth Block Grant** program, previously known as the Consolidated Juvenile Services (CJS). CJS was initiated in 1981 to assist counties in developing programs based on local priorities. In 2009, the Legislature authorized the JRA to provide the juvenile court funding to the 33 county juvenile courts in a "Block Grant" as opposed to a categorical funding mechanism. This funding change creates higher levels of local flexibility regarding the use of these State funds while requiring higher levels of accountability linked to outcomes. The first year of Block Grant implementation was State Fiscal Year 2011. As was true under the CJS funding process, counties applying for these State funds must include efforts to address disproportionality in their plans. The Block Grant provides funding to counties for a wide range of programs. These

programs include: Evidence-Based and Promising Programs, Disposition Alternatives, Diversion, diagnosis, probation supervision, individual counseling, drug/alcohol assessment and treatment, alternative education, vocational training, sex offender treatment, psychiatric and psychological services, recreation, detention, work release, intensive supervision, and other specialized services. County juvenile courts participating in the Block Grant are mandated to utilize a client risk assessment tool to determine the most appropriate Evidence-Based Program assignment for probation youth. All of the state's 39 counties have Locally Committed Youth Block Grant programs (within 33 juvenile court jurisdictions).

Over the years, the original CJS Program has been expanded to include CJAA (Community Juvenile Accountability Act), CDDA (Chemical Dependency Disposition Alternative), SSODA (Special Sex Offender Disposition Alternative), MHDA (Mental Health Disposition Alternative), and the SDA (Suspended Disposition Alternative or Option B). These programs are folded together into a single funding source to give the courts flexibility to more effectively coordinate services at the local level.

Community Juvenile Accountability Act

The **Community Juvenile Accountability Act (CJAA)** was enacted as part of juvenile justice reform legislation (E3SHB 3900) in 1997. Juvenile courts began implementing CJAA interventions in January 1999. CJAA provides a grant program to enable local courts to develop and administer community-based accountability and intervention programs shown by research to be effective in reducing recidivism among juvenile offenders. The CJAA program is managed by JRA. Programs target youth on county probation who are moderate to high risk for re-offending. Research-based programs include: Functional Family Therapy (FFT), Aggression Replacement Training (ART), and Multi-systemic Therapy (MST).

Evidence-Based Program Expansion (EBE)

The 2008 Legislature authorized additional funding for evidence-based programming to the JRA to administer to the county juvenile courts. These funds are monitored through a separate contracting process to ensure the outcome is a true statewide expansion in the delivery of EBPs. This funding source roughly doubles the appropriated funding level for these programs that have demonstrated reductions in recidivism and an associated cost/benefit to the State.

Juvenile Accountability Block Grant (JABG)

JRA also administers the federal **Juvenile Accountability Block Grant** (JABG) Program that provides funding for state, county, city and tribal juvenile justice projects. Examples of projects funded include: intensive county probation services, day reporting programs, drug court programs, additional juvenile prosecutors, and enhancement to county CJAA interventions.

Interstate Compact on Juveniles

JRA additionally administers the **Interstate Compact on Juveniles** (RCW 13.24), which provides for the cooperative supervision of youth on probation and parole as they move between states. The program also provides for the return of out-of-state escapees and non-adjudicated runaways.

Family Reconciliation Act

The Family Reconciliation Act (formerly Procedures for Families in Conflict) was enacted in 1978, as a result of the national trend towards the decriminalization of status offenders (RCW 13.32A). The legislative intent of the law recognized "that the family unit is the fundamental resource of American life which should be nurtured, and that it should remain intact in the absence of compelling evidence to the contrary."

Laws dealing with runaways, families in conflict, and abused or neglected children attempt first to reunite the family while protecting the child. Juveniles whose offenses would not be crimes if

committed by an adult (status offenses such as running away and truancy) are treated differently from juveniles who commit crimes.

The At-Risk/Runaway Youth Act, which became effective in July 1995 and is known as the "Becca Law," governs issues related to status offenders/non-offenders (runaways, at-risk youth, truants, and children in need of mental health and substance abuse treatment). Law enforcement officers can pick up a reported runaway or child whom the officer believes is in circumstances that cause a danger to the child's safety.

Per state law (RCW 13.32A.060), a runaway taken into custody by law enforcement shall be taken to his/her parents' home or place of employment. The parent may also request the officer to take the child to the home of a responsible adult, relative, or a licensed youth shelter. If the parent cannot be located, the law enforcement officer shall take the child to a Secure Crisis Residential Center (S-CRC), or to a semi-secure facility if a S-CRC is full, not available, or not located within a reasonable distance. If a Crisis Residential Center is full, not available, or not located within a reasonable distance, the officer shall request that DSHS accept custody of the child.

As of August 2011, there were six S-CRCs statewide with a total of 35 beds. Four of the facilities are private facilities:

- EPIC Youth Services in Yakima (4 beds)
- Daybreak of Spokane (4 beds)
- Oak Grove (Janus Youth Programs) in Vancouver (5 beds)
- Spruce Street Inn (Pioneer Human Services) in Seattle (15 beds)

Two of the facilities are located within separate secure sections of county juvenile detention facilities:

- Chelan County Juvenile Center (4 beds)
- Clallam County Juvenile Court (3 beds)

The Act was amended in 2000, to expand the population of children eligible for admission to some S-CRCs, to permit juvenile courts to order

detention of a child, for contempt of court pursuant to a status offense proceeding, to either a detention facility or a S-CRC which is located in a separate section of a detention facility. No more than 50 percent of the S-CRC population can be comprised of youth held for contempt of court.

A youth could be held in a secure CRC for up to five consecutive days while his/her problems were assessed: A youth could be transferred to a semi-secure CRC after the initial 24 hours--"the aggregate length of time spent in all such centers or facilities may not exceed five consecutive days per admission."

However, in 2009 RCW 13.32A.130 was amended to provide that a youth admitted to a secure crisis residential facility not located in a juvenile detention center or a semi-secure facility may remain for up to 15 consecutive days. "If a child is transferred between a secure and semi-secure facility, the aggregate length of time a child may remain in both facilities, shall not exceed 15 consecutive days per admission, and in no event may a child's stay in a secure facility located in a juvenile detention center exceed five days per admission."

Multi-disciplinary teams may be established to work with families and achieve reconciliation. If such services fail to resolve the conflict, a Child in Need of Services (CHINS) court process may be initiated by DSHS, the parent(s) or the child. A family assessment must be completed before a CHINS petition is filed.

If the court approves a CHINS petition, the disposition may include an out-of-home placement and may require the child to: attend school, counseling, chemical dependency or mental health outpatient treatment; report to DSHS or other agency; and comply with supervision conditions including employment, anger management, or refraining from alcohol or drugs. The child and DSHS must meet a higher burden of proof than parents, to obtain an out-of-home placement order. If the court grants an out-of-home placement as part of the CHINS petition, it will hold periodic reviews to find out if the child is able to return home.

Parents of at-risk youth may request and receive assistance from the court and the state in providing appropriate care, treatment and supervision for their children. Parents of at-risk youth, as defined in statute, can file an At-Risk Youth (ARY) petition to keep the youth at home. The court can order the youth to remain at home and meet certain conditions. The court can also order both the parent and child to participate in counseling services.

Other sections of the "Becca Law" govern issues relating to truancy and absenteeism in the schools. Specifically, state law (RCW 28A.225.030) provides that "if the actions taken by a school district under RCWA.225.020 are not successful in substantially reducing an enrolled student's absences from public school, not later than the seventh unexcused absence by a child within any month during the current school year, the school district shall file a petition and supporting affidavit for a civil action with the juvenile court alleging a violation of RCW 28A.225.010..." An unexcused absence means (RCW 28A.225.020(2)) that a student has failed to attend the majority of hours or periods in an average school day or has failed to comply with a more restrictive school district policy, and has failed to meet the school district's policy for excused absences.

On January 12, 2009, the State Court of Appeals published an opinion that had a significant impact on the truancy petition process (and subsequently on significantly reducing truancy contempt filings and admissions to juvenile detention facilities related to a truancy order/proceeding in 2009—for contempt or FTA). The case -- *Bellevue School District v. E.S.*, 148 Wash. App. 205 (2009), petition for review granted July 7, 2009 -- found that the youth had not been afforded legal counsel at the time the original truancy petition was filed in court (the fact-finding stage). The appellate court concluded that a child's interest in liberty, privacy and right to an education are in jeopardy, and a child is unable to protect those interests without counsel.

On June 9, 2011, the Washington State Supreme Court reversed the Court of Appeals decision, and found that neither the due process clause of the 14th Amendment to the U.S. Constitution nor the due process clause set forth in the Washington State Constitution would require appointment of counsel at the initial truancy proceeding stage; it was concluded there were no significant interests at stake (i.e., the youth's physical liberty) warranting appointment of counsel at the initial hearing where the determination is made if the student is truant under state statute; and it was noted that the youth has the right to counsel at contempt hearings related to a truancy order,

A youth who fails to comply with the terms of a court order under the Family Reconciliation Act (a contempt of court finding) may be sentenced to confinement in a secure juvenile detention facility for up to 7 days (or to an alternative to detention program) and/or fined up to \$100 (per RCW 13.32A.250). Further, "...the court shall treat the parents and the child equally for the purposes of applying contempt of court processes and penalties under this section."

Dependency / Termination of Parental Rights

A child who is considered to be legally "dependent" is a child under the age of 18 who has been found by the court to be abused, abandoned, neglected, at risk of serious harm, or who is developmentally disabled when DSHS and the parents agree that placement is necessary. The court assumes responsibility for the child's welfare. The child may remain at home with DSHS providing supervision and services to the family. If the court feels that the child would be in danger at home, the court may place the child in foster care or with relatives. When a child is placed out of the home, the law requires DSHS to provide all reasonable services available within the community in an attempt to reunite the family, though the welfare of the child is of primary consideration. The court reviews dependency cases at least every six months.

Court Role in Termination of Parental Rights

The court can terminate the parent child relationship under the following circumstances:

- If the parent abandoned the child and can't be found.
 - If termination is in the child's best interests.
 - If the child has been declared dependent.
 - If all reasonably available services capable of correcting the parent's deficiencies have proved unsuccessful.
 - If there is little chance that the situation will soon improve enough for the child to return home.
 - If continuation of the relationship clearly reduces the child's chance for a stable and permanent home.
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