
**Children & Family Services
Committee**

E2SSB 6630

Brief Description: Establishing the community protection program for persons with developmental disabilities.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Kline, Prentice, Keiser, Fairley, Regala, McAuliffe and Kohl-Welles).

Brief Summary of Engrossed Second Substitute Bill

- Creates the Community Protection Program to provide a structured, therapeutic environment for persons who have developmental disabilities and who constitute a risk to others.

Hearing Date: 2/20/06

Staff: Sonja Hallum (786-7092).

Background:

In 1996, the Legislature began providing funding to the Department of Social and Health Services (DSHS) to create and run a program for persons over the age of 18 with developmental disabilities who have demonstrated violent or sexually violent behaviors. The program, known as the Community Protection Program, exists through budget proviso and through Division of Developmental Disabilities policy and is not set out in statute. Additionally, there is no authority or process for appealing a decision to place a person into the Community Protection Program.

The DSHS contracts with firms or agencies to provide support to the Community Protection Program participants. The contracting agencies assist the participants in finding housing, provide supervision, and support the participants.

Currently, there are approximately 393 persons placed in the Community Protection Program. Of the 393, approximately 80 percent demonstrate sexually aggressive behavior, with the remaining 20 percent demonstrating violent, assaultive, or arsonist behaviors. Approximately 100 participants are registered sex offenders.

Summary of Bill:

Establishment of the Program

A Community Protection Program is established to provide a voluntary structured, therapeutic environment for persons who have a developmental disability and who constitute a risk to others.

Placement in the Program

Eligibility

A person is eligible for the Community Protection Program if he or she meets the following criteria:

1. He or she has been determined to have a developmental disability; and
2. a. Has been charged with, or convicted of, a crime of sexual violence or a violent offense and constitutes a current risk to others as determined by a qualified professional; or
 - b. Has not been charged with and/or convicted of a crime, but has a history of specific behaviors that indicate a likelihood to commit a sexually violent and/or predatory act and constitutes a current risk to others as determined by a qualified professional.

Assessment

Prior to receiving services in the Community Protection Program, the person must be assessed by a qualified professional to determine the person's risk and/or dangerousness and whether the person can be successfully managed in the community.

Notification

Any person being considered for placement in the community protection program must be given notice of the persons rights, limitations of the program, and the requirement to engage in treatment as a condition of receiving services.

Appeal Process

An appeal process is created which permits an individual to appeal certain determinations relating to the community protection waiver through an administrative hearings process, including the decisions to place the individual on the community protection waiver. However, there is no right to appeal a decision denying placement on the community protection waiver.

Less Restrictive Alternative

A treatment team must review the participant's progress every ninety days and must include an evaluation of the use of less restrictive alternatives. Prior to lessening program restrictions, reducing supervision, or terminating service, consideration must be given to the safety and welfare of both the individual and the community and the decision must be reviewed by the treatment team.

Service Providers

The Department of Social and Health Services (DSHS) is authorized to take action against residential service providers who fail or refuse to comply with the certification requirements, rules adopted to implement the program, requirements for services to vulnerable adults, or make false statements to the DSHS.

The sanctions the DSHS may impose include decertifying or refusing to renew certification of a provider, imposing conditions on the certification, suspending DSHS referrals to the provider,

imposing civil monetary penalties, or requiring the provider to implement a corrective action plan.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.