

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5097**

62nd Legislature  
2011 Regular Session

Passed by the Senate April 15, 2011  
YEAS 48 NAYS 0

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**President of the Senate**

Passed by the House April 7, 2011  
YEAS 92 NAYS 0

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5097** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5097**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2011 Regular Session

**State of Washington                      62nd Legislature                      2011 Regular Session**

**By** Senate Human Services & Corrections (originally sponsored by Senators Delvin, Kohl-Welles, McAuliffe, and Chase)

READ FIRST TIME 02/21/11.

1            AN ACT Relating to juveniles with developmental disabilities who  
2 are in correctional detention centers, juvenile correction institutions  
3 or facilities, and jails; creating new sections; and providing an  
4 expiration date.

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

6            NEW SECTION.    **Sec. 1.**    (1) The legislature finds that:

7            (a) A number of juveniles with developmental disabilities are  
8 arrested for criminal conduct, held in places of detention pending  
9 competency evaluations and/or adjudication, tried for their offenses,  
10 and are sentenced to serve time in our juvenile justice system;

11            (b) The developmental disabilities of some youth who are arrested  
12 and detained are not identified or appropriately addressed;

13            (c) Juveniles with developmental disabilities are often confused  
14 with juveniles with mental illness. These populations are different  
15 and must be understood as distinct groups, with different reasonable  
16 accommodation needs; and

17            (d) A developmental disability often stems from a mix of causes and  
18 many persons with developmental disabilities have cognitive impairments  
19 that require reasonable accommodations to assist them in understanding

1 what is happening to them and what is expected of them when they  
2 encounter the juvenile justice system and in identifying community  
3 resources.

4 (2) The legislature intends to improve the ability of the juvenile  
5 justice system to better identify and provide safe, appropriate  
6 accommodations for juveniles with developmental disabilities.

7 NEW SECTION. **Sec. 2.** (1) Within available resources, a work group  
8 is established, to be cochaired by representatives of the developmental  
9 disabilities council, the Washington association of juvenile court  
10 administrators, and a representative of the juvenile rehabilitation  
11 administration within the department of social and health services, to  
12 address issues relating to juveniles with developmental disabilities  
13 who are confined in places of detention and juvenile correction  
14 institutions or facilities.

15 (2) In addition to the cochairs, the work group shall also have as  
16 members the following:

17 (a) A representative of the Washington association of sheriffs and  
18 police chiefs;

19 (b) A representative of the division of developmental disabilities  
20 within the department of social and health services;

21 (c) A representative of disability rights Washington;

22 (d) A representative of the office of the superintendent of public  
23 instruction;

24 (e) Consumer advocates;

25 (f) A representative of the Washington state defenders'  
26 association; and

27 (g) Representatives of other interested organizations as identified  
28 by the developmental disabilities council, the Washington association  
29 of juvenile court administrators, and the juvenile rehabilitation  
30 administration, including parents of developmentally disabled youth.

31 (3) By December 1, 2011, the work group shall develop  
32 recommendations and report to the appropriate committees of the  
33 legislature on the following:

34 (a) How to expeditiously review and determine eligibility for  
35 developmental disabilities services provided through the department of  
36 social and health services prior to a juvenile's release from detention  
37 or confinement in a juvenile correction institution or facility;

1 (b) The appropriate role of the department of social and health  
2 services in providing potential alternatives to confinement for persons  
3 with developmental disabilities as well as consultation and technical  
4 assistance to places of detention and juvenile correction institutions  
5 or facilities in their efforts to provide reasonable accommodations for  
6 persons with developmental disabilities who are confined in their  
7 institution or facility. The fiscal impact to the department of social  
8 and health services of providing consultation and technical assistance  
9 must be included with this recommendation;

10 (c) How to increase the appropriate use of the authority granted  
11 the courts under current juvenile justice act provisions, Title 13 RCW,  
12 to order alternatives to secure confinement;

13 (d) The establishment of new options under Title 13 RCW to divert  
14 juveniles with developmental disabilities from the juvenile justice  
15 system while maintaining public safety;

16 (e) The feasibility of developing and adopting law enforcement  
17 training for responding to juveniles with developmental disabilities  
18 that is analogous to the crisis intervention training currently  
19 provided to law enforcement officers for responding to alleged criminal  
20 behavior by persons with mental illness;

21 (f) The feasibility of adopting standardized statewide screening  
22 and application practices and forms designed to facilitate the  
23 application of juveniles who are likely to be eligible for medical  
24 assistance services by the division of developmental disabilities;

25 (g) The need for and feasibility of developing a screening tool and  
26 training for juvenile justice system staff to be used to identify  
27 persons with developmental disabilities who are detained in places of  
28 detention and facing a criminal charge.

29 (4) By September 1, 2012, if recommended by the work group under  
30 subsection (3) of this section, the work group shall develop:

31 (a) A simple screening tool that may be used by juvenile detention  
32 and correction institutions and facilities as part of the facility's  
33 intake and/or classification process and which will assist in the  
34 identification of offenders with the most common types of developmental  
35 disabilities;

36 (b) A model policy for the use of the screening tool;

37 (c) A cost-effective means to provide concise training to juvenile

1 detention, juvenile correction, and juvenile probation and parole staff  
2 on the use of the tool;

3 (d) Information on best practices and training regarding  
4 appropriate accommodations for persons with developmental disabilities  
5 during their confinement; and

6 (e) A practical guide for families and juvenile justice staff,  
7 informed by the division of developmental disabilities, inclusive of  
8 comprehensive information about programs and services available to  
9 youth with developmental disabilities who are referred to the juvenile  
10 justice system.

11 NEW SECTION. **Sec. 3.** This act expires January 1, 2013.

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